

Mission:
**Seek out the
causes of tension
and conflict,
discrimination and
intolerance, and
eliminate those
causes**



Orange County Police Community Reconciliation Program

FIRST YEAR REPORT ~ JULY 2009

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INTRODUCTION

The Police Community Reconciliation Program was created by the Orange County Board of Supervisors to assist community members in navigating and understanding the OC Sheriff's Department (OCSD) complaint process and provide an opportunity for police officials and community members to come together, with the guidance of a mediator, to resolve complaints. The reconciliation program expands the mediation/ombudsman role of the OC Human Relations Commission (OCHRC).

The PCRCP handles complaints that have been determined by the Office of Independent Review (OIR) or OCSD not to involve criminal misconduct, and are not so egregious as to warrant significant disciplinary action. Participation in the PCRCP mediation is completely voluntary for both OCSD personnel and community members.

The first year got off to a fast start based on:

- 1) a high profile launch** by the Board of Supervisors;
- 2) a broad network of positive relationships** maintained by the Commission;
- 3) energetic support** from the OC Sheriff's Department at all levels; and
- 4) the diplomatic skills** of James Armendaris, PCRCP Coordinator.

The result was that the projected outcome of 50 cases was substantially exceeded as 63 cases were received.

MILESTONES ACHIEVED

- **63 cases were received** in the first year of the program, (51 OCSD, 12 other police departments): 15 were mediated successfully, 8 conciliated successfully, 7 are in the conciliation process, 26 were assisted with navigation of their cases through the complaint process, 2 moved, 3 did not respond, 2 withdrew their complaints.
- **32 briefings and consultations were conducted** with OCSD officials on PCRCP.
- **31 pre-shift briefings were presented** to OCSD patrol staff, harbor patrol, and airport personnel.
- **120 new recruits received orientations** to PCRCP at four Sheriff's Training Academy classes.
- **18 outreach presentations** were made to diverse community groups.
- **10 police executive consultations were given** to city police officials on PCRCP.
- **Board of Supervisors members, staff and appointees were periodically briefed** on PCRCP progress.
- **Quarterly written reports were submitted** to the Board as well as monthly written status reports were distributed to the Board offices and public.
- **PCRCP staff participated** in five staff development trainings to improve program effectiveness.

CATEGORIES OF COMPLAINTS:

Harassment.....	20
Rudeness	12
Unfairness	8
Insensitivity.....	6
Profiling.....	3
Theft.....	1
Misconduct	5
Lack of Follow up.....	4
Mistrust	3
Mistreatment	1

REFERRALS BY MONTH

July 2008.....	22*
August 2008.....	1
September 2008	2
October 2008.....	7
November 2008.....	8
December 2008	3
January 2009	2
February 2009	3
March 2009	2
April 2009	5
May 2009	1
June 2009	7

**Includes referrals received after public announcement of PCRCP but prior to the official start date of July 1, 2008.*

CITY POLICE AGENCIES

OC Human Relations Commission applied the Police Community Reconciliation Program process to 12 complaints about city police department personnel including four mediations/conciliations with community members and police officials. Cases referred:

Santa Ana Police Department	3
Fullerton Police Department.....	2
Anaheim Police Department.....	1
Costa Mesa Police Department.....	1
Laguna Beach Police Department...	1
Los Alamitos Police Department	1
Newport Beach Police Department	1
Tustin Police Department.....	1
Westminster Police Department.....	1

FIRST MEDIATION

“Why would he treat me that way?”

In July 2008 an elderly woman was pulled over by a deputy and what resulted was terrifying to her. She thought the deputy was yelling at her, he thought she was never going to pull over. When she found a spot that she felt was “safe to pull over” she was in a state of panic over the loud voice of the deputy. She proceeded to file a complaint about the deputy’s inappropriate treatment. After bringing both the deputy and the elderly woman to the table to talk with our mediator, a new understanding was achieved.

The woman learned that the deputy wasn’t yelling at her, he was actually just using the loudspeaker on his car to try and get her attention when she failed to pull over. The deputy apologized for scaring her, as he had no intention of doing so, and explained what his concerns were when she failed to pull over. This quick face to face, facilitated meeting resolved a concern that may have simmered for months or years creating bad feelings and never coming to a mutual understanding.

DIFFICULT MEDIATION

“I was a victim of profiling based on my nationality.”

Not all complaints were so easily resolved, some mediations included discussions that were difficult and often tense. Reaching a better understanding can be a difficult journey but necessary for some to find closure.

In one case we had man file a complaint because he strongly felt he was profiled because of his national origin. After a very careful assessment the commission felt both sides would benefit from this process. The complainant, his wife, and the acting Chief of Police Services agreed to meet. We began with the complainant telling his story of their encounter and why he felt he was stopped because of the way he looks.

The Chief spoke about how a deputy determines weather or not to stop someone. He also said sometimes a deputy approaches people because he/she is responding to a call from another resident. In this case the deputy was responding to a call from a near by retail store. When the deputy approached the complainant he asked if he could speak with him. The complainant agreed so it became a “consensual” conversation and not a detention. The deputy determined that there were no concerns and wished the complainant a nice day and left.

The complainant told of other times when he felt profiled by people because of his appearance. We kept the conversation focused on the event that day but we also held in perspective why he felt the way he did because this was about understanding each other better. At the end of the meeting we recapped what happened and what we had learned.

There were still questions but we agreed it was time to stop. A week later we were still facilitating questions back and forth through e-mail.

Observation:

This process can be difficult and sometimes a little “messy” but ultimately we understand things better, which makes this opportunity more satisfying for both sides rather than an administrative process for these types of complaints.

PARTICIPANT FEEDBACK

“I would like to take this opportunity to compliment you on the Police Community Reconciliation Program. I believe this program is a success on several levels.

First, it gives the citizens, our customers, an opportunity to play a very real role in the development of our community relations. This program allows the Department an opportunity to meet with the residents and discuss issues in an in depth manner, much more so than is available through the routine community feedback forms.

Second, this program allows us to address issues or complaints at a much lower level. Many of these complaints might have had to been handled at the Internal Affairs level when they should not have risen to that level.

Third, I appreciate the opportunity to present to the public what we do right. It has been my experience that the citizens who participate in this program walk away with a new appreciation of what we do and what we face.

I would also like to commend you on your efforts in making this a success. This program is revolutionary and could have faced some pushback without your calm guidance. The relationships you have forged with Department Personnel will ensure that the program remains a success.”

—Lt. Bill Griffin,
Southeast/Southwest
Operations Divisions

BRIEFINGS AND CONSULTATIONS

OC Human Relations Commission staff oriented OCSD personnel at pre-shift briefings at North and South County Operations; Airport Operations; Newport, Dana Point, and Sunset Beach Harbor Patrol Operations; and Internal Affairs Investigators meeting. Staff met with all 23 Chiefs of Police Services, including newly appointed Chiefs to brief them on the program and to consult on cases. The positive working relationships with OCSD are illustrated by a steady stream of referrals from OCSD personnel to address complaints or concerns with local residents. Recruits from four Sheriff's Basic Training Academy classes in Tustin were also briefed on PCRCP as part of the Cultural Diversity and Discrimination module.

Staff also provided briefings for 10 city police department executives.

Observation:

These relationship building efforts assisted in the trust building process that is essential to the voluntary participation aspect of this program. The Commission's reputation of fairness and professionalism provided the foundation for the successful implementation of this innovative program.

COMMUNITY OUTREACH

The Board of Supervisors investment in the OC Human Relations Commission facilitated the years of relationship building by the Commission creating the foundation of trust enjoyed in the diverse communities of Orange County.

Building on that reputation, regular outreach presentations to community organizations such as: Los Amigos of Orange County, NAACP of OC, OC Asian Pacific Islander Alliance, Laguna Niguel Rotary Club, San Clemente Chamber of Commerce, the Oden Commission and the Stanton Family Resource Center have increased awareness about PCRCP to diverse community members.

Chair of the OC Board of Supervisors, Pat Bates Assistant and Assistant Sheriff Jack Anderson joined the Commission to highlight the work of this innovative police community reconciliation effort at a press conference calling attention to the first six months of success of the PCRCP.

CUSTOMER SATISFACTION SURVEY

Customer satisfaction surveys are distributed to all parties at the conclusion of each mediation and participants in other elements of the program are surveyed by phone or by mail.

- **95 participants were surveyed.**
- **43 responded.**
- **42 reported** that they were satisfied with the service they received.
- **1 did not answer** but submitted comments.

PARTICIPANT FEEDBACK

"I believe that mediation is an effective tool for the public to gain understanding of the role law enforcement in the day to day lives of citizens"

—Simona K., Participant

"I feel the process was effective and I would use it again."

—Lt. Paul D'Auria,
San Clemente Police Services

"First of all, we thank you for taking time to meet us and listen to our side of the story with compassion and support."

—S. Youn, Participant

"The opportunities available through this process will stimulate constructive dialogue regarding concerns of the community."

—Lt. Mike Mullen,
John Wayne Airport Operations

"Even though the complaint against me was dropped, I would be willing to sit with any resident to discuss their concerns with my service. As a public servant I feel it's my job to communicate with the community. I will be happy to participate if asked."

—Deputy R. Franco

"This is a good program which provides citizens like me a voice and forum to express concerns and objections with the Sheriff's department. I found the face to face meeting very useful."

—Resident O. Qadri

"I enjoyed the mediation experience."

—Sgt. R. Ulmer

COST SAVINGS

The Commission believes that the Police Community Reconciliation Program is a cost-effective way to resolve police complaints. The Internal Affairs (IA) operation of the OC Sheriff's Professional Standards Division follows a detailed and thorough investigation process that must stand up to the highest level of review. This high level of casework means that all cases handled by IA take significant time and professional resources.

OCSD leadership estimated that about 20% of the cases that they handle with these top level resources, over these extended timelines might be more efficiently handled through the Commission's lower level and quicker reconciliation process.

During the first year the Commission's reconciliation process handled 63 cases, a majority of these cases did not proceed to Internal Affairs, thereby saving county resources.

Additional value came from increased complainant and city satisfaction with an efficient reconciliation process. As the preceding testimonials point out, the benefits credited to law enforcement personnel who chose to participate in the reconciliation sessions have increased their understanding of the perspectives of the communities they serve.

CASE HIGHLIGHTS

From Confrontation to Collaboration

OCSD staff read about an incident between a deputy and resident in a negative article published in a local college newspaper. This prompted OCSD to ask Jim Armendaris, OC Human Relations PCRP Coordinator, for follow up with the writer about his experience. The student wrote that he was driving in his neighborhood when he was pulled over by a deputy. He felt the deputy's attitude and demeanor were very disrespectful and that he had been stopped just because he is African American.

Sheriff's staff felt that the sergeant who first made contact with the complainant

would be the best person to meet with the resident. So Jim scheduled the mediation at the local city hall.

There were some very challenging exchanges in the beginning of the process but soon the conversation moved towards what lessons were learned from this incident. The complainant's concerns focused on younger deputies who he felt were not adequately trained to interact with diverse communities. The sergeant, who is also African American, said he was personally mentoring several young deputies about positive community relations with diverse residents. The sergeant

reported that he had discussions with the deputy and sincerely felt the deputy learned from this case. The resident said he has had two interactions with deputies since this incident, and both were very respectful.

At the end of the mediation they were collaborating on ideas of possible training opportunities for OCSD personnel on interaction with diverse communities. Both the resident and the sergeant agreed to set aside the confidentiality of the process so they can share this experience with others.

Miscommunication and confusion explained and acknowledged:

Parents at an elementary school were picking up their children one afternoon when they noticed a deputy writing citations for not following the posted no parking signs. One of the parents went from car to car warning them that they might be cited if they stop. He then approached the deputy to ask why he was citing people. The deputy extended his hand and told the parent to step back. Some

parents felt the deputy's instructions were confusing and he was needlessly raising his voice and setting a bad example for the children that were observing.

Two of the parents filed separate complaints and were both referred to

PCRP. After assessing both cases Jim determined that the complaints could be combined. He reached out to the Chief of Police Services who said that he and his administrative sergeant would like to meet with the parents, so the mediation was scheduled.

Both parents took turns explaining their concerns with the deputy's actions that day. They both felt that his attitude and demeanor were not appropriate. They also expressed their support for OCSD in general, but felt the deputy could have handled it differently.

The Sergeant and the Chief explained that they reviewed a recording of the incident and concluded the deputy's actions were within policy. They

acknowledged that there were things that could have been handled differently and reported that it had been discussed with the deputy. They also shared with the parents that this situation was difficult for the deputy also. He was trying to manage the traffic safely and when the parents approached he felt he needed to maintain a safe distance, which is a basic rule that all deputies are trained to do.

At the end of the mediation all parties acknowledged that there was miscommunication on both sides and they had come to understand better the perspective of the other party.

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“But this is my daughter!” A parents concern:

At 10:00am a mother heard a loud banging at her front door. When she looked out she saw a man returning to his car and leaving. A few days later the same man returned, but this time her 19 year old daughter answered the door and stepped out to speak with him.

The mother became concerned and went to find out what was going on. She learned that the man was an investigator with the OCSO and asked if she could be with her daughter during the interview and he replied, “NO, Go back in the house!” She went back in and listened through the door and thought to herself “But this is my daughter.”

She felt the investigators questions were very hostile and he didn’t let her

answer in her own words, but rather he answered with his own conclusions. She went back out to the porch and asked for his ID. He produced a badge and said “this is my ID.” She felt that the investigator was rude and disrespectful to her.

The mother filed a complaint and the case was referred to PCRCP. Jim offered mediation and she agreed to meet with the investigator’s supervisor. On the day of the mediation she brought her husband with her and shared her experience. She said her biggest concern was that he refused to identify himself and his attitude was very demeaning.

The Lieutenant apologized that she felt disrespected, indicating that this was

not the intention of the investigator. He went on to explain that the investigator was interviewing her daughter as a witness to a crime and it was not appropriate for her to be present. He also said as a 19 year old she is considered an adult and able to answer on her own. He acknowledged that it’s possible that things could have been done differently and he agreed to take this back to his investigators to talk about what could be learned from this.

Both the mother and father expressed their support for the OCSO and their agreement that their daughter be held accountable for her actions. Everyone was thankful for the opportunity to meet and better understand what happened that day.

Chief Of Police Seeks PCRCP Support

After a briefing on PCRCP, a chief produced a letter that was brought to his attention by a city council member who asked him to look into the complaint. The complainant’s aunt wrote a letter to her city council about her concerns with how her niece was treated during a recent traffic stop.

The complaint focused on the deputy’s demeanor and his questions during the stop. She also felt the deputy was unsympathetic about her asthmatic condition and didn’t recognize that she was in distress.

We agreed to meet at the Chief’s

conference room. The complainant invited her mother and aunt to attend with her. The deputy, his sergeant, and the Chief of Police Services were also present. Both the complainant and the deputy shared their recollections of events. Although there were differences in details, the discussion allowed the deputy to explain his procedures during a traffic stop.

For example: Do you have drugs or weapons in the car? Have you had anything to drink today? He said these are the same questions he asks everyone. He went on to say that he did recognize that she needed her inhaler, that’s

why he placed her purse next to her.

The deputy apologized to the complainant that he made her feel uncomfortable and that was not his intention. She pointed out that an officer’s badge and uniform are very intimidating to someone who does not interact with the police often.

At the conclusion of the mediation both the complainant and the deputy said they learned something from this experience and expressed their appreciation for the opportunity to sit together and talk. This was a very positive experience for everyone.

CONCLUSION

Orange County’s Police Community Reconciliation Program was very successful in the first year handling 63 complaints. Collaborative efforts by the OC Sheriff’s Department across all levels combined with the positive relationships that the Commission maintains with diverse communities, the Association of Orange County Deputy Sheriffs, OC Employees Association contributed to the success of this program.

Early on cases came to the Commission primarily from the Internal Affairs

staff, but due to consultations with Chief’s of Police Services and other OCSO personnel more cases are now being diverted prior to reaching Internal Affairs. This shows a growing understanding from law enforcement of how mediation can be a positive alternative for resolving complaints. This contributes to the effectiveness and cost savings of the Police Community Reconciliation Program.

PCRCP also promotes the process of dialogue, supports community-policing efforts and offers an opportunity for

residents to resolve complaints quickly which builds positive community/police relations. PCRCP has also proven to be a valuable resource for OCSO as a referral source for community disputes.

The Commission is applying the lessons learned in the development of the reconciliation program to police/community relations countywide and believes that this program may be a model for other communities across the state and country to copy.