



Orange County Human Relations Commission

Commissioners

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November 5, 2015

Todd Spitzer, Chair
Orange County Board of Supervisors
10 Civic Center Plaza
Santa Ana, CA 92705

Dear Supervisor Spitzer:

The OC Human Relations Commission was created in 1971 by the OC Board of Supervisors in coordination with the OC League of Cities to build mutual understanding among Orange County residents and eliminate prejudice, intolerance and discrimination.

Background of Commission Experience in Police-Community Relations

A principle element of this mission is promoting police/community relations which the Commission has maintained as a core responsibility over the last 45 years. This Commission work includes:

1. Handling police complaints from diverse communities.
2. Conducting training of police officers in diversity related issues.
3. Organizing police-community dialogues.
4. Hate Crime Response and Education.
5. Mediation and Conflict Resolution.
6. Community Crisis Intervention.

Current Status of Civilian Oversight of Law Enforcement in the County of Orange

In 2008 the Board of Supervisors sought to increase the civilian oversight of the OC Sheriff's Department by creating two programs:

1. **Office of Independent Review** – An attorney led effort within the cloak of Attorney/Client relations with the Board of Supervisors and OC Sheriff. The OIR, sought to identify internal policies and practices that needed improvement, review handling of use of force and other serious policing issues, and give confidential feedback to the Board and Sheriff to improve the overall consistency and efficacy of policing policies and practices.
2. **Police/Community Reconciliation Program** in the OC Human Relations Commission – A reconciliation approach for handling low level police complaints where deputies and complainants are

brought together when a complaint is filed and a Commission mediator facilitates their review of what happened and how it was perceived. For both sides the reconciliation sessions were voluntary.

OC Board of Supervisors

Commission Support for Civilian Oversight of Law Enforcement

PAGE 2

Board Ordered Review of Potential Expanded Civilian Oversight

In 2015 the Board of Supervisors hired Michael Gennaco of the OIR Group to review the OC OIR and make recommendations on improvements such as:

- How to ensure that the Board receives timely information about emerging critical situations?
- Should the OIR be expanded to oversee the other county agencies?

The three principle structures of civilian oversight that Michael Gennaco describes are:

1. **Citizens' Review Board** – Where citizens serve on a board to review police complaints and practices.
2. **Investigative Model** – Where civilians conduct independent investigations parallel to Internal Affairs.
3. **Auditor Model** – Where paid professionals perform oversight functions.

The Office of Independent Review and the Police Community Reconciliation Program come together to form one of the many hybrid models of civilian oversight of police practices. The OIR is essentially the Auditor Model with an attorney as the lead professional staff and plays an internal County Advisory role. The Commission handles police complaints with professional staff trained in outreach, community relations, and mediation serving in an external role with the public, but does not have investigatory capacity like the Investigative Model, nor adjudicatory power such as a Citizen Review Board.

Challenges of Civilian Oversight Models

1. The OIR model works best when enlightened department heads embrace the concept and facilitate access as is the case with the OC Sheriff Sandra Hutchens. Without that support the OIR responsibility will be more difficult.
2. Civilian oversight can be undermined if it is perceived as biased in support of police, community, or politics. This is a difficult balance to maintain and calls for some thoughtful separation and independence.
3. The Commission's handling of police complaints begins with quick and empathetic listening to complainants, assistance in navigation of the complaint process, and facilitation of reconciliation sessions when appropriate. This leaves some serious complainants unsatisfied because the Commission does not have investigatory capacity nor adjudicatory power.

OC Human Relations Commission Recommendations

On November 4, 2015 the Commission met in a duly noticed special meeting with a quorum present to discuss civilian oversight of law enforcement, the Office of Independent Review, and the Commission's role in handling police complaints and adopted the following recommendations:

1. The Office of Independent Review remain an internally focused auditor type organization functioning within the Attorney/Client privilege with the Board of Supervisors, and keeping them informed of cases, procedures, protocols and practices that they review. Regular internal reports should be prepared for the Board and Department Heads, as well as updates on potentially controversial issues. The OIR responsibility will not be external, and they will not be responsible for handling civilian complaints.

Their primary external role should be filing an annual review of general topics and policy recommendations at a regular meeting of the Board of Supervisors.

2. The OIR be expanded to provide independent review of other departments with law enforcement type powers such as the OC District Attorney and OC Probation Department initially. And after some

OC Board of Supervisors

Commission Support for Civilian Oversight of Law Enforcement

PAGE 3

experience, evaluate the cost and effectiveness with those departments and consider adding other departments such as Public Defender, Social Services Agency and Health Care Agency.

3. The OC Human Relations Commission expand its police complaint and reconciliation process with links on the OC Sheriff's Webpage, OIR webpage, and County of Orange webpages in appropriate locations. The OCSD, Internal Affairs (Office of Professional Standards) add to their letters of disposition to complainants, that if they are not satisfied with the findings, they can contact OC Human Relations Commission for assistance. The Commission currently handles such complaints from all police departments in the county as well as all county agencies, but due to limited capacity there is little promotion of this alternative for the public.
4. The Commission stands ready to work with the Board of Supervisors, County departments, law enforcement, and interested community members to develop and implement additional models to increase civilian oversight of law enforcement.

For the Commission, I am,



Ken Inouye, Chair

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