

# **JUNE 25, 2007: PRESENTATION TO THE ORANGE COUNTY CHARTER COMMISSION COMMITTEE**

by Judy Bragg Pardo and Debra Fountain

We want to thank you for this opportunity to speak to you today on this important matter. In mid-1990's, the Citizen Review Board was added to the Orange County Charter. The CRB was voted on by the citizens at the request of the citizens.

Have any of you, Orange County Charter Commission members, ever attend a Citizen Review Board meeting? Debra and I have attended the CRB meetings for 3 years. We are here today to ask the Orange County Charter Commission to consider making an addition to the Orange County Charter, Section 801A, Citizen Review Board, particularly in the 3<sup>rd</sup> sentence.

**PLEASE SEE HANDOUT A...** We have highlighted the section of the CRB in the Orange County Charter.

Currently, it reads:

“The citizen review board shall be charged with reviewing citizen complaints and departmental investigations thereof regarding the use of force or abuse of power by any officer or employee of the office of sheriff.”

Debra and I would like “abuse of position” to be added, so it would read:

“The citizen review board shall be charged with reviewing citizen complaints and departmental investigations thereof regarding the use of force or abuse of power/abuse of position by any officer or employee of the office of sheriff.”

The term “use of force” can be defined by the Orange County Sheriff's Office matrix **AS SEEN IN HANDOUT B...**

But the term, abuse of power is not defined.

At the July 25, 2005 CRB meeting **PLEASE SEE HANDOUT C...** there was case 05-23 which was a Sheriff's internal investigation of abuse of position. After the meeting, I questioned Professional Standards Division of the Orange County Sheriff's Office, Captain Tina Gordon and Chief Ron Stucker, why the CRB was reviewing that case. It was not use of force or abuse of power. They both said abuse of power is the same as abuse of position in the Sheriff's Standard Operation Procedures 341.0 #27.

**PLEASE SEE HANDOUT D...** We have highlighted abuse of position in the Sheriff's Standard Operation Procedures. You may view the list of terms and note, abuse of power is NOT listed.

Abuse of Position is defined as:

Personnel shall not use their official position, authority, title or identification for personal or financial gain for themselves or their associates. Exceptions are agency pay and benefits and off-duty employment that is conducted consistent with General Order 360.0. Personnel shall not use their official position, authority, title, or identification to infringe upon a person's civil rights or to otherwise violate the law.

The Sheriff's Office said abuse of position and abuse of power means the same thing, but nowhere in the definition does it say abuse of power.

The term "abuse of power" is used in the Orange County Charter, Citizen Review Board Operational Procedures and the Sheriff's Standard Operational Procedures 230.0 AS **SEEN IN HANDOUT E....**

Yet, this term "abuse of power" has no written definition in these official documents that connects or refers it to the term and definition of "abuse of position."

In fall 2006, I asked Captain Gordon of PSD if the Sheriff's Office would add abuse of power to the term abuse of position in their Standard Operational Procedures so that it would read: abuse of position/abuse of power.

This way a citizen would have a link to the definition of abuse of power. She talked to Chief Stucker and they felt the words were interchangeable, everyone in the Sheriff's Office knows the terms are the same, and it was not needed to make a change in their procedures.

It is the Sheriff's choice to continue to keep that assumption in their procedures. The Sheriff's personnel may understand or assume it means the same thing, but Orange County citizens do not.

Again, I would like to stress that the Citizen Review Board in the Orange County Charter is in force at the citizens' request.

Why do we need a written connection of the term abuse of power/abuse of position?

Citizens have a right to the definition and understanding of what constitutes abuse of power.

The term has been questioned by citizens. Past CRB members have told me that citizens have complained and felt their complaints were abuse of power, but were told differently by the Sheriff's Office.

Why do we need a written connection of the term abuse of power/abuse of position?

The following is our personal account of how Debra and I felt OCSO abused their power. In 2004, Debra and I complained to Professional Standards Division of not being notified by the Sheriff's Office of our sons' deaths. PSD's written response to our complaints

claimed no wrong-doing and added, "If you have any questions to contact them." We reviewed Orange County Sheriffs Office Standard Operation Procedures and did not understand how their responses were of no wrong-doing. When I called and asked PSD for us to come in to discuss this, I was told by Captain Ron Stucker: "Not to come in, nothing to talk about. It (meaning our complaints) were CLOSED." Debra and I felt they "abused their power" by not allowing us to come in for understanding of our responses, after in writing, they said to contact them for questions. We later complained of this treatment and how we felt they abused their power.

Why do we need a written connection of the term abuse power/abuse of position?

**PLEASE REFER TO HANDOUT F....**

The definition of abuse of power was an ongoing discussion with the CRB. It was on the December 19, 2005 agenda as "Old Business" to be discussed, as well as January 23, 2006 agenda, "Old Business." The Citizen Review Board members asked Attorney Mr. Hargrove to research the definition.

We need a written connection of the term abuse of power/ abuse of position because...

At the June 11, 2007 CRB meeting, co-chair Richard Dellinger spoke of a recent meeting with the Dept. of Justice concerning the Sheriff's taser-use. He explained to them in accordance to the Orange County Ordinance, the CRB reviews complaints of abuse of power and use of force Richard Dellinger said and I quote, "although the board has not seen any abuse of power cases," and added, "abuse of power has never been officially defined."

These words Mr. Dellinger spoke are the very significant reasons why the term abuse of power/abuse of position must have a written connection. It was two years ago, on July 25, 2005, Mr. Dellinger was present at that Citizen Review Board meeting and reviewed complaint case 05-23, abuse of position. I want to remind you that according to Professional Standards Division, abuse of position is abuse of power. According to the Sheriff's understanding of abuse of power which is abuse of position, Mr. Dellinger did get a case of abuse of power...only he did not know it.

We ask you now...how can the members of the Citizen Review Board review cases of use of force and abuse of power if they do not have an official definition or reference of abuse of power?

Assumptions have no place in important documents like the Orange County Charter.

If abuse of position defined in the Sheriff's procedures is the same as abuse of power, then officially connect these two terms to read abuse of power/abuse of position in the Orange County Charter to give clarity to CITIZENS as well as the Citizen Review Board members.

I have included in **HANDOUT G**, the minutes of July 25, 2005 meeting showing Mr. Dellinger present.

Debra and I thank you very much for your time and consideration.