

Protecting Those Who Protect and Serve



TABLE OF CONTENTS

| | |
|--|----|
| SUMMARY | 1 |
| REASON FOR THE STUDY | 1 |
| METHOD OF STUDY | 2 |
| BACKGROUND AND FACTS | 3 |
| Peer Support Programs-Help is Here | 4 |
| Orange County Peer Support Programs | 5 |
| Peer Support Provided | 6 |
| Acceptance of Peer Support Programs | 6 |
| Awareness of Peer Support Programs | 7 |
| Selecting Peer Support Team Members | 7 |
| Training Peer Support Team Members | 8 |
| Protection of Confidential Communications | 8 |
| Peer Support Funding | 9 |
| FINDINGS | 11 |
| RECOMMENDATIONS | 11 |
| COMMENDATIONS | 12 |
| <i>Peer Support Programs</i> | 12 |
| <i>Community Outreach Programs</i> | 12 |
| RESPONSES | 12 |
| Responses Required | 14 |
| <i>Findings</i> | 14 |
| <i>Recommendations</i> | 14 |
| GLOSSARY | 15 |

FIGURES

| | |
|--|---|
| Figure 1. Law Enforcement Agencies in Orange County Investigated | 3 |
| Figure 2. Top Causes of Stress | 4 |

SUMMARY

The citizens of Orange County are protected by over 4,500 sworn law enforcement personnel from the Orange County Sheriff's Department (OCSD) and law enforcement agencies from the twenty-one cities that have their own police departments. Although every job has varying degrees of stress, law enforcement is one of the most stressful occupations in the country. During its investigation, the Grand Jury learned that public perception of law enforcement personnel is the leading cause of stress. In the aftermath of George Floyd's untimely death, public perception of law enforcement has markedly worsened and with it, the climate under which law enforcement personnel must protect and serve the citizens of Orange County.

Recognizing the impacts of stress on one's physical and mental health, both federal and state legislation was enacted in 2019 to address law enforcement mental health. In acknowledgement of the importance of peer support programs for Peace Officers, last year the California legislature unanimously passed (79-0) Assembly Bill-1117: Peace officers: peer support.¹ It was codified in California Government Code §§ 8669.1-8669.7, *Law Enforcement Peer Support and Crisis Referral Services Program* and became effective on January 1, 2020. Peer support services are available to listen, support, refer, and assist employees and family during difficult times in their personal and professional lives.

As there are many peer support groups for various occupations, the 2019-2020 Orange County Grand Jury sought to investigate the availability of those programs in the law enforcement agencies that serve the citizens of Orange County. Today, all but four law enforcement agencies in Orange County have established peer support programs with written policies.

The Orange County Grand Jury interviewed representatives of the OCSD and all city police agencies in Orange County. Although it was difficult to quantify the effectiveness of Peer Support Programs due to confidentiality concerns, the Grand Jury learned that law enforcement representatives are generally supportive of the program.

This report will focus on the importance of providing formal Peer Support Programs in all law enforcement agencies in Orange County to help manage stress inherent in law enforcement.

REASON FOR THE STUDY

It is common knowledge that law enforcement personnel (defined in statute and hereafter as Peace Officers)² have a stressful job. They are subjected to tragic situations and occurrences not normally experienced by the general public. These stress-inducing experiences can affect a

¹ https://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml?bill_id=201920200AB1117

² Cal. Penal Code § 830.1(a)

Peace Officer's performance on the job, as well as relationships off the job. For Peace Officers to be effective, focused and fully engaged, they must be provided with safety nets to support their own mental health and wellbeing. One consideration is a program to assist Peace Officers in coping with the stress of their profession. This study was undertaken to determine whether law enforcement agencies within Orange County, California, maintain programs to ensure the mental wellbeing of its Peace Officers. In addition, the Grand Jury undertook to review the variety of programs that are currently in place throughout the many agencies, and to recommend implementation of peer support and wellbeing programs to those agencies currently without them.

METHOD OF STUDY

In conducting its investigation, the 2019-2020 Orange County Grand Jury interviewed 41 Peace Officers, including representatives from each law enforcement agency, and selected representatives from each agency's Peace Officers association. The Grand Jury's investigations was limited to the law enforcement agencies identified in Figure 1 and did not include others such as the harbor patrols, universities, and other police agencies with specific assignments. Additionally, an extensive online review and document research in the area of stress of Peace Officers was conducted. The effectiveness of peer support programs to support these Peace Officers was also evaluated.

The Grand Jury also interviewed a leading expert on Peer Support Programs, who provided invaluable information for its investigation.

| CITIES OPERATING THEIR OWN POLICE DEPARTMENTS | | CITIES/AREAS CONTRACTED WITH ORANGE COUNTY SHERIFF'S DEPARTMENT |
|---|---------------|---|
| Anaheim | La Palma | Aliso Viejo |
| Brea | Laguna Beach | Dana Point |
| Buena Park | Los Alamitos | Laguna Hills |
| Costa Mesa | Newport Beach | Laguna Niguel |
| Cypress | Orange | Laguna Woods |
| Fountain Valley | Placentia | Lake Forest |
| Fullerton | Santa Ana | Mission Viejo |
| Garden Grove | Seal Beach | Rancho Santa Margarita |
| Huntington Beach | Tustin | San Clemente |
| Irvine | Westminster | San Juan Capistrano |
| La Habra | | Stanton |
| | | Villa Park |
| | | Yorba Linda |
| | | Unincorporated Areas: <u>Coto de Caza</u> , <u>Ladera Ranch</u> , <u>Las Flores</u> , <u>Rossmoor</u> , <u>Wagon Wheel Canyon</u> , <u>Trabuco Canyon</u> , <u>Rancho Mission Viejo</u> |

Figure 1. Law Enforcement Agencies in Orange County Investigated

BACKGROUND AND FACTS

There are approximately 4,500 men and women in Orange County who have taken an oath to protect and service the citizens of their respective municipalities, contracted cities, and unincorporated areas. There are 21 city-operated law enforcement agencies and one regional, the Orange County Sheriff's Department, which contracts with 13 cities and several unincorporated areas to provide law enforcement services.

In the discharge of their duties, these Peace Officers routinely place their lives and wellbeing in harm's way every time they go to work. When responding to a call, a Peace Officer seldom knows what to expect. Many decisions a Peace Officer makes must be made quickly, decisively, and instinctively based on their training. A Peace Officer may be responding to a call of domestic violence, or a deceased person. Even worse, they may be responding to a call of a crime committed against a child. There are Peace Officers in other equally stressful areas.

During multiple interviews, the Grand Jury learned that Peace Officers in Orange County experience stress from many sources, including some not directly involved with law enforcement activities. The most frequently cited cause of stress was a negative public perception of the profession (See Figure 2). Peace Officers are acutely aware of negative perceptions from the community, their neighbors, and the general public so much so that sometimes they feel compelled not to disclose they work in law enforcement. Although the death of George Floyd occurred long after the Grand Jury's interviews were complete, the mantras of "Defund the

Police” and “I can’t breathe” must resonate loudly in the ears of every Officer as he or she ventures out in the community every day to protect and serve. This issue will likely have a negative impact on future public perception of the police in general.



Figure 2. Top Causes of Stress

Peer Support Programs-Help is Here

In law enforcement agencies, support for personnel was recognized and provided through policies describing the procedures in a “Trauma Support Policy.” Some of these included aspects of what is now called peer support services. A California statute recognizes that “peer support services assist those affected by a critical incident in coping with critical incident stress and mitigating reactions to critical incident stress.”³ The California Peer Support Association defines peer support as follows:

Peer support is a process where a person discusses a personal issue with a non-professional, usually a friend or a co-worker. A person will select a peer support person primarily based upon trust. Most only share problems with someone considered credible, able to listen without judgments and capable of maintaining confidentiality. Peer support members have the responsibility to understand their role and its limitations. They are trained to employ active

³ Cal. Government Code § 8669.3(g)

listening skills, to avoid “solving” or taking on the person’s problems, and when appropriate, to refer the individual to professional resources.⁴

Orange County Peer Support Programs

Orange County law enforcement agencies offer various programs to support Peace Officers that span the continuum of support, ranging from informal conversations with colleagues to formal written policies.

- Orange County Association of Peer Supporters (OCAPS) provide support, training, advisement, response and resources in the aftermath of a critical incident or traumatic loss implicating law enforcement professional and families members in Orange County and surrounding areas. Peer Support Team members of participating departments have access to OCAPS resources.
- After an Officer Involved Shooting, Peace Officers must comply with their law enforcement agency’s policy. Most Officer Involved Shooting policies require three days paid-time off, psychological counseling and clearance before returning to active duty.
- After a Critical Incident (e.g. involving of a child), the agency chief may order a Peace Officer to take time off with pay and may order the Peace Officer to go through psychological counseling.
- Although an agency chief cannot order a Peace Officer to participate in a Peer Support Program, Peace Officers are encouraged to avail themselves of peer support services.
- When the Peer Support Team member considers it appropriate, Peace Officers may be referred to counseling by certified professionals through an Employee Assistance Program (EAP), which are available to all personnel without a referral.
- Some law enforcement agencies have faith-based programs that involve chaplains to support personnel in managing psychological and emotional reactions to traumatic events and stress. Chaplains are often used to support peer support teams in critical incident debriefings.
- Most law enforcement agencies report that informal peer support is always available to Peace Officers, at their discretion and sense of need, to discuss troublesome events with colleagues who know how these situations unfold and how to resolve them for the best; this could be over a cup of coffee.

⁴ <https://www.californiapeersupport.org/page-303232>

Peer Support Provided

It is important to emphasize the Peer Support Program also provides crisis stress debriefings to everyone involved in a critical incident. For example: in the case of an Officer Involved Shooting, not only is the Peace Officer provided immediate support, support is also extended to those involved with the 911 call. This includes the dispatcher taking the initial call and the crime scene investigators witnessing the aftermath of the incident. The goal of debriefing after the incident is to put everything into perspective by providing the big picture of the incident. Debriefing can be a cathartic relief of anxiety for those who participate.

Peer support team members have also been known to help other agencies within and outside of Orange County. The Grand Jury learned that in the case of the 2015 attack in San Bernardino and the 2017 North Park Elementary School shooting, the Peer Support Team provide mutual aid to their colleagues in the San Bernardino Sheriff's Department.

Some agencies have written policies in place for many years that address a peer support program that may need to be revised to provide participants with the protections of the new law. The bill AB 1117, defines a "peer support team" as a law enforcement agency response team composed of peer support team members. The bill defines a "peer support team member" as a law enforcement agency employee who has completed a peer support training course or courses pursuant to Section 8669.6. Agency selection criteria of peer support team members shall be incorporated into agency policies.

The Grand Jury learned that 18 Orange County law enforcement agencies operate with written policies. The remaining four have "ad hoc" peer support programs that are not documented in a written policy.

Acceptance of Peer Support Programs

Law enforcement agency chiefs, or their representatives, were all very supportive of having a Peer Support Program (PSP).⁵ Several said that many long-time Peace Officers would probably not use the Peer Support Program, as they were "old school," or were too "macho," subscribing to the "suck-it-up" mentality of career veterans on the force. In contrast, younger Peace Officers were more open to the program and embraced peer support efforts.

Positive Support for PSP

In a survey of two police departments and one sheriff's department in Colorado, 637 (77.9%) surveys were returned. Nearly 50% reported participation in peer support interactions, 90% of the users rated the program as "helpful or very helpful," 80% indicated they would use it again; and 90% would recommend it to others.

⁵ http://jackdigliani.com/uploads/3/4/5/1/34518973/peer_support_team_survey_report.pdf

The major reason for the popularity of the program is the inclusion of one's peers. Peace Officers feel that a fellow Peace Officer better understands them, whereas an outsider might be less understanding of the duties and stresses specific to their profession.

The Grand Jury learned police associations in Orange County were very supportive of the Peer Support Program, and encourage their members to utilize peer support when needed.

Peer Support Program is successful because it occupies a supporting niche that cannot be readily duplicated by either health plan counseling or an Employee Assistance Program. The power of the *peer* is the factor that is a constant in the support by peer support team members.

Some agencies, belong to the Orange County Association of Peer Supporters. This organization provides regional support, training, promotion, response and resources in the aftermath of a critical incident or traumatic loss impacting law enforcement personnel and family members in Orange County and surrounding areas.

Awareness of Peer Support Programs

A variety of techniques are used by city-operated law enforcement agencies and the Orange County Sheriff's Department to communicate the availability and to encourage the use of these support systems. Following are some examples:

- Information included in home mailings, including paychecks
- Brochures and posters prominently displayed in the briefing and break rooms
- Information posted on the internal websites (intranet)
- Information included in the training curriculum for new Peace Officers

Selecting Peer Support Team Members

Those who assist Peace Officers in coping with stressful incidents become part of the "Peer Support Team" and are commonly referred to as "Peer Support Team members" or "Peer Supporters." They are current sworn and non-sworn personnel who have been selected based on several criteria including but not limited to:

- Ability to maintain confidentiality
- Good communication and listening skills
- Genuinely care for the well-being of their peers
- Successful completion of required training

The new peer support statute states that agency selection of peer support members shall be incorporated into agency policy.⁶

⁶ Cal. Gov. Code, Section 8669.3(j)

During its investigation, the Grand Jury became aware of the compassionate nature of Peer Support Team members, and that they are in jeopardy themselves for burn out through the additional stress of coping with another person's problems. Team members may have a tendency to internalize the crisis they are assisting their peers to resolve. In order for team members to be effective Peer Supporters, some law enforcement agencies offered yearly counseling sessions to assist in de-stressing team members.

A provision of the newly effective peer support statute, may assist with recruiting Peer Support Team members. A provision in the law exempts peer support team members and their agencies from any liability for damages related to performing peer support services except in cases of gross negligence or intentional misconduct.⁷ These protections mean a Peer Supporter cannot be held liable if an officer responds to peer support with self-harm, property damage or other acts causing damage or injury.⁸

To avail themselves of the benefit of the newly effective peer support statute, law enforcement agencies must consult with an employee representative organization to develop and implement a program created under this the statute.⁹

Training Peer Support Team Members

Becoming a Peer Support Team member is voluntary and attracts those personalities of those who want to help others. Communication skills, especially listening and knowing when to engage, are essential traits in a good Peer Supporter. Building trust quickly, strong observation skills, sharing common experiences, and emphasizing the person's positive activities such as cooking.

In order to become a member of a Peer Support Team, formal training is required. Training generally consists of classes totalling 70-80 hours over a two-week period. The importance of confidentiality is emphasized, as this is essential to the success of the program. New members may be trained by fellow Peer Support Team members, but most go to seminars led by counselling professionals. There are many educational seminars available throughout California covering a wide variety of topics pertaining to peer support.

Protection of Confidential Communications

Peace Officers may be hesitant to use Peer Support Programs because they do not trust that what they say to a peer will be kept confidential. Confidentiality for these communications is essential

⁷ Cal. Government Code § 8669.5

⁸ State Coalition of Probation Organizations, *New California Law Supports Local Agency Peer Support Programs*, www.scopo.org, accessed 6/14/2020

⁹ Cal. Government Code § 8669.2(c)

to allow Peace Officers in crisis, whether from critical incidents or other trauma, to talk freely to Peer Supporters without fear of embarrassment, disclosure or reprisal.¹⁰

A Peer Support Program in which the team members have been trained in compliance with the newly effective peer support addresses that problem by making communications between a Peace Officer and Peer Support Team member confidential. A Peace Officer now has the right to refuse to disclose those communications, and to prevent a peer counselor from disclosing he, except in criminal proceedings, cases where the disclosure is necessary to prevent death or substantial bodily harm, for purposes of referring the Peace Office to crisis services, and in other limited circumstances. The confidentiality provisions also apply to disclosure of confidential communications to crisis hotline or crisis referral services in civil, administrative an arbitration proceedings.¹¹ These “authorized” Peer Support Programs address concerns that may make Peace Officers reluctant to speak with others about their experiences.

To qualify for confidentiality protection, a Peer Support Team member must complete a training course approved by the law enforcement agency including, but not limited to, the topics¹² below:

- Pre-crisis education
- Critical incident stress defusing.
- Critical incident stress debriefing
- On-scene support services.
- One-on-one support services.
- Consultation.
- Referral services
- Confidentiality
- Impact of toxic stress on health and well-being
- Grief support
- Substance abuse awareness and approaches
- Active listening skills
- Stress management
- Psychological first aid.

Conversations with Peer Support Team members who have not completed a peer support training course pursuant to the newly effective statute are not considered “confidential communications” and may be disclosed during a civil, administrative or arbitration proceeding.

Peer Support Funding

During its investigation, the Grand Jury learned that only four law enforcement agencies allocate a specific budget line item for Peer Support Program. A majority of all law enforcement

¹⁰ Cal. Government Code § 8669.2(c).

¹¹ Cal. Government Code § 8669.4.

¹² Cal. Government Code § 8669.6.

agencies rely on their general operating budget to absorb the cost of peer support. The Grand Jury learned that due to the lack of funding, some departments will send one team member to formal training in order to conduct in-house training for other members. This practice of “Train the Trainer” is how many team members receive training.

In light of the current rancor to “Defund the Police,” Peer Support Programs are likely to take a back seat to other funding priorities. By cruel coincidence, this is occurring at a time when the need for peer support has never been greater.

FINDINGS

In accordance with California Penal Code Sections §933 and §933.05, the 2019-2020 Grand Jury requires responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation entitled “Protecting Those Who Protect and Serve,” the 2019-2020 Orange County Grand Jury has arrived at six principal findings, as follows:

- F1. Peer Support Programs are effective in helping Peace Officers develop healthy coping techniques for themselves and their families.
- F2. A written policy documenting each agency’s Peer Support Program helps ensure the program’s continuation after changes in staff.
- F3. The benefits in the peer support statute, effective January 1, 2020, are important to Peace Officers and Peer Support Team members.
- F4. It is important that Peer Support Team members receive periodic training.
- F5. Allocating a specific budget line item for Peer Support Programs help ensure adequate training and continuation of the programs.
- F6. Continuous communication to Peace Officers about the Peer Support Programs is important to increase awareness and use of the Peer Support Programs.

RECOMMENDATIONS

In accordance with California Penal Code Sections §933 and §933.05, the 2019-2020 Grand Jury requires responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation described herein, the 2019-2020 Orange County Grand Jury makes the following recommendations following four recommendations:

- R1. The 2019-2020 Orange County Grand Jury recommends that that the four law enforcement agencies without a written policy on their Peer Support Program institute a policy. (F1, F2)
- R2. The 2019-2020 Orange County Grand Jury recommends that all Peer Support Programs be in compliance with the peer support statute. (F3)

- R3. The 2019-2020 Orange County Grand Jury recommends that Peer Support Team members receive periodic training and that completion of training is documented. (F4)
- R4. The 2019-2020 Orange County Grand Jury recommends that all law enforcement agencies allocate a specific budget line item for their Peer Support Program. (F5)

COMMENDATIONS

The Grand Jury commends the following law enforcement agencies for their robust programs of peer support and community outreach to counter the public's negative perception of Peace Officers, as well as its extraordinary efforts to ensure the mental health and wellbeing of its Peace Officers, as well as the Peer Support Team Members:

Peer Support Programs

- Anaheim Police Department
- Laguna Beach Police Department
- Dr. Heather Williams, formerly with the Orange County Sheriff's Department, for her invaluable contribution to peer support programs.

Community Outreach Programs

- Several city law enforcement agencies hold "Coffee with a Cop" at different locations in their city.
- Westminster Police Department holds "Corvettes with a Cop."
- La Palma Police Department has "Checkout with a Cop."
- Garden Grove Police Department holds "Run with a Cop".
- Laguna Beach Police Department has a number of programs, i.e. "Hip Hop with a Cop" at the high school and visits with the Boys and Girls Club.

RESPONSES

The following excerpts from the California Penal Code provide the requirements for public agencies to respond to the Findings and Recommendations of this Grand Jury report:

§933

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on

the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

933.05.

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

(Amended by Stats. 1997, Ch. 443, Sec. 5. Effective January 1, 1998.)

Responses Required

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933.05 are required from:

Findings

Orange County Sheriff-Coroner F1, F3, F4, F5, F6

City councils of the following cities: F2
Brea, Cypress, La Palma, Westminster

City councils of the following cities: F1, F3, F4, F5, F6
Anaheim, Brea, Buena Park, Costa Mesa, Cypress, Fountain Valley, Fullerton, Garden Grove, Huntington Beach, Irvine, La Habra, La Palma, Laguna Beach, Los Alamitos, Newport Beach, Orange, Placentia, Santa Ana, Seal Beach, Tustin, Westminster

Recommendations

Orange County Sheriff-Coroner R2, R3, R4

City councils of the following cities: R1
Brea, Cypress, La Palma, Westminster

City councils of the following cities: R2, R3, R4
Anaheim, Brea, Buena Park, Costa Mesa, Cypress, Fountain Valley, Fullerton, Garden Grove, Huntington Beach, Irvine, La Habra, La Palma, Laguna Beach, Los Alamitos, Newport Beach, Orange, Placentia, Santa Ana, Seal Beach, Tustin, Westminster

GLOSSARY

A list of definitions for uncommon terms and acronyms is included here.

| | |
|-------|--|
| AB | Assembly Bill |
| EAP | Employee Assistance Program |
| OCAPS | Orange County Association of Peer Supporters |
| OCSD | Orange County Sheriff's Department |
| PSP | Peer Support Program |