



**Independent Office of Law Enforcement Review and Outreach (IOLERO)  
Community Advisory Council (CAC)  
Public Meeting Agenda  
August 1, 2022 6:00 p.m.**

**In accordance with Executive Orders N-25-2 and N-29-20 the August 1, 2022 Community Advisory Council meeting will be held virtually.**

**MEMBERS OF THE PUBLIC MAY NOT ATTEND THIS MEETING IN PERSON.**

The August 1, 2022 Community Advisory Council meeting will be facilitated virtually through Zoom.

**Join the Zoom meeting application on your computer, tablet or smartphone:**

**Go to:**

<https://sonomacounty.zoom.us/j/99552988857?pwd=bW9xSTBkbDhYWWEvSDRSVEgxbTUrQT09>

Call-in and listen to the meeting:

By telephone: Dial 1-669-900-9128

Webinar ID: 995 5298 8857

Passcode: (IOLERO) 465376

1. Spanish interpretation will be provided as an accommodation if requested in advance. Please contact the CAC Community Engagement Analyst at (707) 565-1534 or by email [cac@sonoma-county.org](mailto:cac@sonoma-county.org) by Noon on Friday, July 29, 2022. We will make every effort to provide for an accommodation. Spanish interpretation will be provided within the zoom application, you must use version 4.5.0 or later.
2. **Interpretación al español se proveerá si usted lo pide antes de la junta.** Por favor llame a la secretaria al 707-565-1534 o notifícanos por correo electrónico [cac@sonoma-county.org](mailto:cac@sonoma-county.org) antes de las 5:00 p.m., viernes, 29 de julio del 2022. Haremos todo lo posible para complacerlo. Para traducción en español, se tiene que usar la versión de Zoom 4.5.0 o una versión más adelantada.
3. If you have a disability which requires an accommodation or an alternative format to assist you in observing and commenting on this meeting, please contact the CAC Secretary at (707) 565-1534 or by email [cac@sonoma-county.org](mailto:cac@sonoma-county.org) by Noon on Friday, July 29, 2022. We will make every effort to provide for an accommodation.

**Public Comment at Community Advisory Council Meetings**

Members of the public are free to address the CAC. Public comments:

- Should fall under the subject matter jurisdiction of the CAC (as noted in the founding documents).

- Are time-limited. Time limitations are at the discretion of the Director and Chair and may be adjusted to accommodate all speakers.

In addition to oral public comment at the meetings, the community is also invited to communicate with IOLERO staff and CAC members through email. Members of the public who would like to make statements that may exceed the time limits for public comment, suggest topics to be placed on future agendas, or suggest questions to be raised and discussed by CAC members or staff, may send an email addressing these matters to [CAC@sonoma-county.org](mailto:CAC@sonoma-county.org)

CAC members may not deliberate or take action on items not on the agenda, and may only listen and respond briefly in limited circumstances. Should CAC members wish to deliberate on an issue raised during public comment, that issue may be placed on a future agenda of the CAC for discussion and possible action. Materials related to an item on this Agenda submitted to the CAC after distribution of the agenda packet are available for public inspection in the IOLERO office at the above address during normal business hours or via email.

## **Agenda**

### **1. Welcome and Roll Call**

Facilitated by Chair and Vice Chair

- Agenda Review
- Public Comment
- Approval of Minutes of July 11, 2022 meeting

### **2. Correspondence Items**

- Panel Discussion
- Public Comment

### **3. Interim Director's Report**

- Panel Discussion
- Public Comment

### **4. Further Explanation of MOU Negotiations Related to Measure P (Richard Bolanos, Attorney at Law, guest speaker)**

- Panel Discussion
- Public Comment
- Possible Action Item by CAC

### **5. Approval of Letter to Board of Supervisors Regarding MOU's**

- Panel Discussion
- Public Comment
- Possible Action Item by CAC

### **6. Community Advisory Council Ad Hoc Reports**

- Community Engagement
- Extremism in Policing
- Policy Recommendation Review and Update
- Public Comment

## **7. Requests for Future Agenda Items**

- Panel Discussion
- Public Comment

**8. Public Comment** for items not appearing on the agenda but within the subject matter jurisdiction of the CAC. Please state your name and who you represent, if applicable. Comments will be limited at the discretion of the chairs based on number of comments and other factors.

**9. Adjournment** The next meeting of the Community Advisory Council will be held on September 12, 2022 at 6:00pm.

## **Commitment to Civil Engagement**

All are encouraged to engage in respectful communication that supports freedom of speech and values diversity of opinion. CAC Members, staff, and the public are encouraged to:

- Create an atmosphere of respect and civility where CAC members, county staff, and the public are free to express their ideas within the time and content parameters established by the Brown Act and the CAC's standard parliamentary procedures;
- Adhere to time limits for each individual speaker, in order to allow as many people as possible the opportunity to be heard on as many agenda items as possible;
- Establish and maintain a cordial and respectful atmosphere during discussions;
- Foster meaningful communication free of attacks of a personal nature and/or attacks based on age, (dis)ability, class, education level, gender, gender identity, occupation, race and/or ethnicity, sexual orientation;
- Listen with an open mind to all information, including dissenting points of view, regarding issues presented to the CAC;
- Recognize it is sometimes difficult to speak at meetings, and out of respect for each person's perspective, allow speakers to have their say without comment or body gestures, including booing, whistling or clapping.

## **Designed Team Alliance**

All are encouraged to engage in respectful, non-disruptive communication that supports freedom of speech and values diversity of opinion. Our Designed Team Alliance is a list of norms, which describe the way CAC wants to show-up and be in community while modeling collaborative behavior. We request that CAC members, staff, and the public follow the CAC's agreed upon Designed Team Alliance.

### **Our Designed Team Alliance is:**

- Be tough on topic not on people
- Respect others
- Respect other's perspective
- Respect time

- Practice active listening
- Be open minded
- Speak to others as you would Like to be spoken to
- Honor freedom of speech
- Call each other “in”



**Community Advisory Council Meeting Minutes - DRAFT**  
Independent Office of Law Enforcement Review and Outreach  
**July 11, 2022**

**In accordance with Executive Orders N-25-20 and N-29-20 the July 11, 2022 Community Advisory Council meeting was held virtually.**

**PRESENT**

Council Members: Lorez Bailey, Lorena Barrera, Dora Estrada, Marcy Flores, Max Pearl, Nancy Pemberton, Tom Rose, Nathan Solomon, Evan Zelig

IOLERO Staff: Garrick Byers, Interim Director; Melanie Griffin, Programs Manager;

SCSO: Lt. Brandon Cutting

Members of the Public: 30 members of the public attended via ZOOM.

**Call to Order**

The meeting was called to order at 6:00pm

**Agenda**

**1. Welcome and Roll Call**

Facilitated by CAC Chair Evan Zelig and Vice Chair Lorena Barrera

- Chair Zelig announced that Councilmember Nzinga Woods has submitted her resignation. He thanked her for her service to the CAC and encouraged interested members of the public from District 3, Supervisor Coursey's district, to contact Melanie Griffin at IOLERO or the Board of Supervisors staff for information on how to apply for appointment to the CAC.
- Agenda Review: No changes were suggested to the agenda.
- Public Comment: No members of the public addressed the council.
- Approval of Minutes – June 6, 2022 meeting  
Motion to approve: Councilmember Pemberton  
2<sup>nd</sup>: Councilmember Rose  
Vote:  
Ayes: Barrera, Estrada, Flores, Pearl, Pemberton, Rose, Solomon, Zelig.  
Abstain: Bailey.

**2. Correspondence Items**

- Chair Zelig reported that the CAC members have received several emails from the public about the Letters of Agreement between Sonoma County and the Deputy Sheriffs' Association (DSA) and Sonoma County Law Enforcement Association (SCLEA). These emails were all received just prior to tonight's meeting and not

included in the agenda packet, but can be made available at IOLERO upon request. They will also be forwarded to the Board of Supervisors. Councilmember Rose said that he and another councilmember will be meeting with Supervisor Rabbitt regarding this matter.

- Public Comment: No members of the public addressed the Council.

### **3. Interim Director's Report**

- Interim Director Byers reported that the Community Engagement Analyst is still in background and that a new analyst position was approved for IOLERO by the Board of Supervisors during the recent budget hearings to approve the Fiscal Year 2022-2023 budget. This new position will be focused in part on establishing office policies and procedures for the office. Mr. Byers also expressed that the hiring process for IOLERO staff is lengthy and frustrating and he hopes to address this with the permanent director when he or she comes onboard. Mr. Byers also said that he does not have updates on the hiring of the new director except to say that the timeline for late August to early September seems to still be accurate. In answer to a question from Councilmember Pemberton, IOLERO's budget is approximately \$1,900,000.00.
- Public Comment: No members of the public addressed the Council.

### **4. Discussion of Measure P Decision**

- Interim Director Byers offered a PowerPoint presentation of his analysis of the County's agreements with the DSA and the SCLEA. He answered questions as to how the meet and confer process started between the two unions and the County. There was robust discussion as to ambiguities as to how these agreements will impact IOLERO's operations going forward and how Measure P will or will not be hampered by these labor union agreements. Lt. Cutting reported on investigation timelines and the panel brought up concerns as to how whistleblower complaints would be handled. The Council discussed an action they could take to address their own concerns, as well as those expressed by the public through public comment and emails. Chair Zelig suggested that councilmembers may contact their appointing Supervisors as an action they could take until a more formal action can be taken, and requested that this be added to the August CAC meeting agenda. Councilmember Pemberton will draft a letter for that meeting.
- Public Comment: 10 members of the public addressed the Council.

### **5. Discussion of Sheriff Uniform Policies**

- The panel discussed their interpretations of the Sheriff's Office uniform policies with regard to political campaigns. Councilmember Pearl offered up the question of whether or not Sheriff Essick approved the use of the uniform in the recent campaign for Sheriff. Councilmember Rose asked what discipline would be administered as a result of violation of these policies. The idea of the uniform representing authority discussed; however, Councilmember Bailey offered a different perspective, stating that members of the public may view the uniform as intimidating, based on their experience with law enforcement.
- Public Comment: Four members of the public addressed the Council.
- With regard to a possible action item to form a new ad hoc To address concerns about these policies, the Council agreed that the existing Policy Review and recommendation ad hoc would review these uniform policies and draft

recommendations. Councilmember Flores joined this ad hoc to fill the vacancy left by former Councilmember Woods' resignation.

## **6. Community Advisory Council Ad Hoc Reports**

- **Community Engagement:** Councilmember Flores reported that they have been unable to meet, though they are actively looking for outreach engagement opportunities in which to participate, including one at the end of July. Melanie Griffin reported that IOLERO has purchased a vehicle for outreach and also lots of giveaway items.
- **Extremism in Policing:** Councilmember Pemberton reported that they met with Lt. Cutting to review Sonoma County Sheriffs Office policies 319 and 320, which related to investigation of hate crimes and internal prohibitions on engaging in particular activities. Lt. Cutting stated that he is requesting information from another organization regarding these topics and then they will meet for further discussions of this material. Members of the ad hoc will be participating in simulator training. Chair Zelig encouraged all CAC members to participate in this training to understand what a deputy may experience in any given situation.
- **Policy Recommendation Review and Update:** Council Vice Chair Barrera reported that the jail is publishing twenty-two policies through Lexipol. The ad hoc will be reviewing all of them once they are published. They have been discussing other ideas to address. She also expressed the importance and impact of the simulator training.
- **Public Comment:** No members of the public addressed the Council.

## **7. Public Comment for items not appearing on the agenda**

One member of the public addressed the Council.

## **8. Closing – Adjournment**

The meeting was adjourned at 8:49pm.

The next meeting of the CAC is scheduled for Monday, August 1, 2022, at 6:00pm via ZOOM.

# DRAFT LETTER TO BOARD OF SUPERVISORS RE LETTERS OF AGREEMENT WITH SHERIFF'S DEPUTIES' ASSOCIATIONS:

Dear Chairperson Gore and Supervisors:

We, the members of the IOLERO Community Advisory Council (CAC), are writing to convey our deep concerns about the Letters of Agreement (hereinafter "Letters") between the various Sheriff's deputies' associations and the County. We think the County has undermined the intent of Measure P and the will of the voters by the concessions it made in the Letters.

Indeed, it appears that the County has done exactly what community members most feared would happen. When the CAC and IOLERO held a community meeting prior to the Board placing Measure P on the ballot, "[b]y far, the factor that seemed to concern the community the most was this: if amendments are made to IOLERO's ordinance through the Board of Supervisors, those amendments could be watered down or reversed in the future by the Board of Supervisors." (IOLERO Annual Report 2019-2020 at 7 (discussing the community meeting hosted by IOLERO and CAC on August 3, 2020).)

Following are our major concerns:

First, the Letters state that the provisions in the Letters will take precedence over the ordinance where there is conflict to the extent allowable by applicable law (Letters, Sec. III (A)). This is an extremely unusual clause that is likely to lead to litigation down the road. (Generally, it is the law that prevails over an agreement; not the reverse.) Article II, Section 11 of the California Constitution and California Election Code Section 9125 provide that where an ordinance has been passed by the voters, it can only be amended by approval of the voters. The Community Advisory Council was told by Interim Director Garrick Byers that this clause was "benign" because the ordinance would take precedence if the MOUs "substantially" amended the ordinance. Yet, in the likely event that the deputies' associations and the County disagree whether particular provisions constitute a "substantial" amendment or not, only litigation will resolve the issue.

Second, the Letters do, in our opinion and the opinion of many attending the July 7, 2022 CAC meeting, substantially and detrimentally amend Measure P in three major areas.

- A. The first area is the issue of how whistleblower complaints will be investigated. Ordinance No. 6333 gives IOLERO authority to receive **and investigate** whistleblower complaints (Ord. 6333, Sec. 2-394 (b)(3)). The Letters seemingly strip IOLERO of the power to actually investigate whistleblower complaints. Rather, the Letters state that IOLERO must, after an initial intake interview and request of the complainant for documents and witness names, refer whistleblower complaints to "the appropriate enforcement agency" (Letters, Sec. V). That is in direct contrast to Measure P's provision that "... any whistleblower complaints received or investigated by IOLERO shall not need to be reported by IOLERO to the sheriff-coroner, including the Internal Affairs Division." (Ord. 6333,



Sec. 2-394 (b)(3).) The provision in the Letters will make it extremely – if not completely – unlikely that IOLERO will receive whistleblower complaints. Why would someone complain to IOLERO if they knew their complaint would be immediately forwarded to the Sheriff’s Department? The Whistleblower provisions in the Letters completely undermine the purpose of the Whistleblower provisions in Measure P and are substantial amendments that cannot be allowed to stand.

- B. The second provision that substantially amends Measure P is the provision that IOLERO cannot investigate incidents resulting in death until the Sheriff’s Department has completed its investigation and sent the incident to IOLERO (Letters, Sec. IV(D)(ii)). Measure P did not limit the timing of IOLERO’s independent investigation nor did it require a referral from the Sheriff. If IOLERO must wait until after the Sheriff’s investigation is complete, that means that witnesses memories will have faded and documents and other physical evidence is likely to be lost, essentially rendering any investigation by IOLERO virtually meaningless. Again, this limitation on IOLERO’s power substantially amends Measure P and must be changed.
- C. Third, the Letters “allow” the Director to “request” access to the Sheriff’s investigative files during its investigation but do not require the Sheriff to comply (which is current practice). That contrasts with Measure P’s directive that the Sheriff must cooperate with IOLERO. (Cf. Letters, Sec. IV. (A) (ii); Ord. 6333, Sec. 2-394 (e).) The Letters undermine Measure P in this respect, as well, and its provisions are substantial amendments.

Moreover, this provision regarding communications between the Sheriff and IOLERO seems to be well outside the scope of the deputies’ associations’ interests so the matter should not have been addressed in the Letters.

Finally, the Letters have no sunset provision. This unusual lack of an effective time frame means that unless a new ordinance is passed by the voters, the deputies’ associations will have no incentive to re-negotiate these terms if IOLERO or the County find that the Letters render provisions of Measure P ineffective or impair IOLERO’s functioning.

The County has done a grave disservice to the voters, to the communities most impacted by the Sheriff’s Department, and to IOLERO. There was no need to concede any of these points given the Court of Appeal’s decision in the PERB complaint. We urge you to seek changes to the Letters of Agreement in order to minimize the risk of further litigation and voter disapproval.

Sincerely,

Evan Zelig, Chairperson  
Lorena Barrera, Vice-Chairperson  
On behalf of IOLERO Community Advisory Council