



**Independent Office of Law Enforcement Review and Outreach (IOLERO)
Community Advisory Council (CAC)
Public Meeting Agenda
September 12, 2022 6:00 p.m.**

In accordance with Executive Orders N-25-2 and N-29-20 the September 12, 2022 Community Advisory Council meeting will be held virtually.

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

The September 12, 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/93715523469?pwd=OURoVGZjY0FBMzArUHZRdy9XK0xHQT09>

Call-in and listen to the meeting:

By telephone: Dial 1-669-900-9128

Webinar ID: 937 1552 3469

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 by Noon on Friday, September 9, 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 antes de las 5:00 p.m., viernes, 9 de septiembre 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 by Noon on Friday September 9, 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

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 August 1, 2022 meeting

2. Correspondence Items

- Panel Discussion
- Public Comment

3. New Director Introduction and Report

- Panel Discussion
- Public Comment

4. Discussion of Operational Agreement between IOLERO and Sheriff's Office

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

5. Request for AG Investigation into SCSO Shooting of David Palaez Chavez

- 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 October 3, 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
August 1, 2022

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

PRESENT

Council Members: Lorena Barrera, 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: 33 members of the public attended via ZOOM.

Absent: Councilmembers Bailey, Estrada, and Flores

Call to Order

The meeting was called to order at 6:00 p.m.

Agenda

1. Welcome and Roll Call

Facilitated by CAC Chair Evan Zelig and Vice Chair Lorena Barrera

- Agenda Review
- Public Comment: No members of the public addressed the council.
- Approval of Minutes – July 11, 2022 meeting
Motion to approve: Councilmember Pearl
2nd: Councilmember Pemberton
Vote:
Ayes: Barrera, Pearl, Pemberton, Rose, Solomon, Zelig.
Absent: Bailey, Estrada, Flores.

2. Correspondence Items

- The Council discussed an email received this afternoon from Jim Duffy in which Mr. Duffy requested that the Council call a special meeting to discuss the July 29th shooting death of a civilian by a Sonoma County Sheriff's deputy near Geyserville. The Council discussed Mr. Duffy's suggestion and his suggestion that the Chair draft a letter on behalf of the Council to the California Attorney General to request that they open an investigation into this shooting, pursuant to AB 1506, which mandates that the Attorney General investigate any incident of an officer-involved shooting resulting in the death of an unarmed civilian. Lt. Cutting clarified the Chief's Protocol, which allows another agency to conduct the investigation of an officer-involved

- shooting or in-custody death. This other agency reports to the Department of Justice, who has the ultimate authority as to whether they will conduct further investigation. The Council weighed in about their views on calling a special meeting, waiting for more information, and adding an action item to the September meeting agenda. Chair Zelig declined to call the special meeting at this time.
- Public Comment: 9 members of the public addressed the Council.

3. Interim Director's Report

- Interim Director Byers reported that the hiring of a permanent director is still on track for an appointment by the Board of Supervisors later in August or early September. He also reported that the Community Engagement analyst is still in the hiring process, with the background investigation expected to be complete next week. The Operational Agreement between IOLERO and the Sheriff's Office has been signed and will be posted to the IOLERO webpage soon.
- Public Comment: 3 members of the public addressed the Council.

4. Further Explanation of MOU Negotiations Related to Measure P (Richard Bolanos, Attorney at Law, Guest Speaker)

- Mr. Bolanos explained the negotiation process behind the Letters of Agreement Between Sonoma County and the labor unions. He explained that all provisions invalidated by the Public Employment Relations Board (PERB) have been put back into effect and IOLERO is fully powered to implement all provisions of Measure P. He addressed concerns expressed by the public about IOLERO's authority to receive and investigate whistleblower complaints, conduct independent investigations, and access Sheriff's Office personnel files. Mr. Bolanos answered questions from the panel, including about the current status of the court case surrounding the PERB decision. The unions have not agreed to withdraw their complaint and the PERB has taken the complaint to the California Supreme Court. If it is denied at the Supreme Court, the labor groups intend to appeal.
- Public Comment: 14 members of the public addressed the Council.

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

- The Council reviewed and discussed a letter drafted by Councilmember Pemberton on behalf of the Council, to express concerns about the Letters of Agreement between the County of Sonoma and various labor unions and their impact on Measure P.
- Public Comment: 5 members of the public addressed the Council.
- Motion to approve: Councilmember Rose
2nd: Councilmember Pemberton
Vote:
Ayes: Barrera, Pearl, Pemberton, Rose, Solomon, Zelig.
Absent: Bailey, Estrada, Flores.

6. Community Advisory Council Ad Hoc Reports

- Community Engagement: Councilmember Rose reported that he and Councilmember Flores worked an event this past Saturday in Healdsburg and were able to give out literature and many giveaway items.

- Extremism in Policing: Councilmember Solomon reported on his participation in the Sheriff's Office simulator training and said that other members are arranging their own participation in this training.
- Policy Recommendation Review and Update: Councilmember Rose got a lot of new material from Lt. Cutting and is drafting a memo regarding jail policies. He also reported that the ad hoc is moving forward on reviewing the uniform policy.
- Public Comment: 1 member of the public addressed the Council.

7. Requests for Future Agenda Items

- Items suggested as future agenda items included:
 - An update on the officer-involved shooting in Geyserville.
 - Any feedback from Board of Supervisors on the letter regarding the Letters of Agreement with the labor unions.
 - A discussion of language used in press releases and incident reports.
- Public Comment: 6 members of the public addressed the Council.

8. Public Comment for items not appearing on the agenda

1 member of the public addressed the Council.

9. Closing – Adjournment

The meeting was adjourned at 8:55pm.

The next meeting of the CAC is scheduled for Monday, September 12, 2022, at 6:00pm via ZOOM.

Operational Agreement Between IOLERO and the Sonoma County Sheriff's Office

A. Intent & Purpose

The purpose of this document is to memorialize the operational agreement between the Independent Office of Law Enforcement Review and Outreach (IOLERO) and the Sonoma County Sheriff's Office (the "parties") in regards to the audit of complaints and investigations. Both parties recognize changes or adjustments to this agreement may be made. However, this document will serve as the most current agreement, until amended, pursuant to Sonoma County Code Chapter 2, Art. XXVII, Sec. 2-394(d) (IOLERO Ordinance No. 6333). The provisions of the Ordinance are incorporated in this agreement by reference as if fully set forth herein, and it is understood and agreed between the parties that in all instances, the parties shall abide by all applicable laws in regards to implementing Measure P and in performing the duties specified hereunder.

IOLERO is intended to promote the common interest of the community, the Board of Supervisors and the Sheriff in effective and lawful policing and corrections, and in complete, unbiased administrative investigations, and to facilitate the Board of Supervisors' supervisory responsibility without interfering with the performance of the constitutionally and statutorily designated powers and duties of the Sheriff-Coroner. As such, the parties understand that IOLERO does not have the power or authority to interfere with the Sheriff Office's investigative functions, decide policies, direct activities, or impose discipline on the Sheriff's Office, its officers and/or employees.

B. Cooperation Between Parties

Sheriff's Office and IOLERO each agree that they will act in good faith and cooperatively to allow IOLERO to perform all actions and undertake all investigations as authorized by the terms of County Code Chapter 2, Art. XXVII, as it is in effect pursuant to its terms and, as may be modified by amendments thereto, limitations or expansions thereto by operation of generally applicable law, or the judgment of any court of competent jurisdiction ("Operative Provisions"). Neither party will interfere with the performance of the powers and duties the other party under currently applicable law and County Ordinance in any manner prohibited by law or inconsistent with the terms hereof, nor shall either party take any actions related to the matters set forth in this Agreement inconsistent with applicable law.

C. Legal Mandates & Compliance

Meaningful independent law enforcement review can further common goals to increase government accountability and transparency, enhance public safety, and build community trust in law enforcement. The parties understand, however, that such review can intersect with existing laws requiring confidentiality that may limit the access to, and

disclosure of, certain information. Therefore, notwithstanding other provisions of this agreement, the parties understand and agree that the parties will:

1. Comply with all Operative Provisions of Sonoma County Code Chapter 2, Art. XXVII, Sec. 2-394(d) (IOLERO Ordinance No. 6333).
2. Comply with California Government Code sections 3300 through 3313 (the Public Safety Officers Procedural Bill of Rights Act)
3. Comply with Penal Code sections 832.5 et. seq., including but not limited to those pertaining to peace officer investigations and interrogations, and ensure the confidentiality of personnel matters as required by law; IOLERO is an office specifically designated to receive and review complaints under Penal Code section 832.5 and, as such, has access to confidential peace officer records; and
4. Comply with all applicable state and federal laws and regulations pertaining to confidentiality and privilege, including but not limited to, official information, CLETS/CORI information, criminal offender and/or victim information, and
5. Will not disclose any confidential and/or privileged information to anyone not authorized by law to receive it.

In addition, the parties understand and agree that both parties will take all reasonable precautions to protect the confidential material of the other party, and shall not have authority to waive any privileges against disclosure of such materials held by each other, or by the County of Sonoma generally, without proper consent. Each party agrees to comply with all applicable state and federal laws and regulations pertaining to material protected by the attorney work product, attorney confidentiality, and attorney-client privilege doctrines, including but not limited to Evidence Code sections 950 through 962, California Code of Civil Procedure section 2018.030, and Business and Professions Code section 6068, as well as litigation and mediation privileges.

D. Procedures

1. Complaints received by IOLERO:
 - a. IOLERO will process the complaint and forward it to the Sheriff's Office for investigation.
 - b. The Sheriff's Office will assign a case number, and determine, in consultation with the IOLERO Director, the allegations to be investigated. The complaint will be placed into the investigative file.
 - c. If the complaint stems from the jail, the Sheriff's Office will determine whether the complaint will go through the complaint or grievance process in accordance with applicable law. The Sheriff's Office will provide IOLERO with notice of which investigative course the complaint will take.
 - d. The Sheriff's Office will send an email to IOLERO providing the case number and the allegations to be investigated.

- e. The Sheriff's Office will assign the case for investigation.
 - f. During the investigative process, the IOLERO Director may contact the Sheriff's Office for periodic updates or access Sheriff's Office records to monitor the investigation's progress.
 - g. Once the investigation has concluded, the Professional Standards Lieutenant will review it to ensure it is complete and forward it up the chain of command for approval.
 - h. Once the case receives final disposition, the Sheriff's Office will advise IOLERO the case is complete and ready for audit and will provide a digital copy of the investigation, which shall include reference to all evidence that was considered in the investigation. In auditing the Sheriff's Office's investigation of the complaint, the IOLERO Director and IOLERO staff shall have access to information as set forth in the Operative Provisions of County Code Chapter 2, Art. XXVII as modified or restricted by applicable law or judgment of a court of competent jurisdiction.
 - i. At the conclusion of each case audit, IOLERO may provide any advice and/or recommendations to the Sheriff's Office in an individual case-specific audit report. Individual case specific audit reports are confidential to the extent provided by law. The IOLERO Director may further advise if an investigation appears to be incomplete, biased, or otherwise deficient, and recommend further review, and/or propose independent recommendations or determinations regarding investigations. Such recommendations may be made public on a summary level in the annual report, but such summaries shall not include personally identifying information.
 - j. All audits submitted to the Sheriff's Office by IOLERO are preliminary drafts. The Sheriff's Office may respond in writing to IOLERO within three weeks if the Sheriff's Office feels that the audit includes information that is erroneous or incomplete. If the Sheriff's Office does not respond within three weeks, the audit will become final. If the Sheriff's Office responds in writing, IOLERO will consider the Sheriff's Office's comments and either submit a modified final audit, or reaffirm the preliminary draft at which time it will become final. After IOLERO's audit becomes final, the Sheriff's Office may submit a written response to the final audit within three weeks.
2. Complaints received by the Sheriff's Office.
- a. Complaints received by the Sheriff's Office, or investigations conducted by the Sheriff's Office, are subject to automatic review by IOLERO in mutual coordination and cooperation with the Sheriff's Office as stated in the Operative Provisions.

- b. Investigations shall be forwarded to IOLERO after the Sheriff's Office has completed and approved its administrative investigation. The case will then follow the workflow as described above in 1.c through j.

3. Access to Information.

- a. The IOLERO Director and IOLERO Staff who have successfully completed the POST certified background check will be granted access to the information of the Sheriff's Office, to the extent permitted by law. The IOLERO Staff will have the ability to search all completed citizen complaint investigations and all completed administrative investigations, and shall have the investigatory powers outlined herein to the extent they are consistent with the Operative Provisions of Ordinance No. 6333 and applicable law. IOLERO staff does not include members of the Community Advisory Council ("CAC"), which acts as an independent body.
- b. The Sheriff-Coroner shall cooperate fully with IOLERO by providing direct, unfettered access to information of the Sheriff's Office as set forth in the Operative Provisions of County Code Chapter 2, Art. XXVII, in order to facilitate IOLERO's receipt, review and audit of complaints and investigations, IOLERO's independent investigation of incidents, as well as IOLERO's review of policies, practices, and training; except to the extent such information is created for the purposes of the defense of a claim or lawsuit, or as prohibited by law.
- c. Any information used in the course of the investigation, that is maintained in a database system in a manner that the IOLERO Director or staff cannot gain direct access will be attached to or referenced in the investigative file in AIM. Access to information to which IOLERO is entitled access by the operative terms of County Code Chapter 2, Art. XXVII that is retained in database systems to which IOLERO cannot gain direct access shall be provided to IOLERO by the Sheriff's Office, subject to the limitation that any information to which IOLERO is prohibited by law from obtaining shall not be provided by the Sheriff's Office. Further, the Sheriff's Office shall not be required to take any action that would constitute a violation of the terms of its valid and enforceable agreements with third parties with respect to providing IOLERO access to information retained by third parties, such as by granting IOLERO direct access to restricted third-party databases.

4. Custodian / Records Maintenance

- a. The IOLERO Director is not the custodian of records for peace officer personnel files; such authority rests solely with the Sonoma County Sheriff's Office. The IOLERO Director shall maintain records in accordance with Penal Code Section 832.5, 832.7, and 832.8. Any records maintained by IOLERO do not constitute a part of a peace

- officer's personnel file, and shall not be deemed as such.
- b. IOLERO and the Sheriff's Office understand that the disclosure of investigative personnel records and/or BWC records may have a significant impact on current or former unit members and their families. In order to give affected current and former employees and their families adequate time to prepare for such releases, prior to disclosing any records or information within their respective control, IOLERO and the Sheriff's Office shall give each other reasonable notice in advance of disclosure, where lawful, including the intended date by which the disclosure will be made. IOLERO shall notify the Sheriff's Office at least five business days prior to the disclosure unless such advance notice conflicts or interferes with the timelines for disclosure established by law or court order. Upon receiving such notification from IOLERO, the Sheriff's Office will follow its existing policy regarding employee notification of release of records. Unless otherwise required by applicable law or court order, IOLERO will not disclose records or information prior to receiving confirmation from the Sheriff's Office that all applicable unit member notification and threat assessment procedures have been satisfied.
- c. The parties recognize that Sheriff and IOLERO must comply with all existing laws and court orders, including Government Code section 6253.3.

Dated:

JULY 22, 2022

IOLERO


IOLERO Director (INTERIM)

Dated:

7/20/22

Sonoma County Sheriff's Office


Sheriff-Coroner

Assembly Bill No. 1506

CHAPTER 326

An act to add Section 12525.3 to the Government Code, relating to the Department of Justice.

[Approved by Governor September 30, 2020. Filed with
Secretary of State September 30, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1506, McCarty. Police use of force.

Existing law requires law enforcement agencies to maintain a policy on the use of force, as specified. Existing law requires the Commission on Peace Officer Standards and Training to implement courses of instruction for the regular and periodic training of law enforcement officers in the use of force.

Existing law requires law enforcement agencies to report to the Department of Justice, as specified, any incident in which a peace officer is involved in a shooting or use of force that results in death or serious bodily injury.

This bill would create a division within the Department of Justice to, upon the request of a law enforcement agency, review the use-of-force policy of the agency and make recommendations, as specified.

This bill would require a state prosecutor to investigate incidents of an officer-involved shooting resulting in the death of an unarmed civilian, as defined. The bill would make the Attorney General the state prosecutor unless otherwise specified or named. The bill would authorize the state prosecutor to prepare a written report, and would require the state prosecutor to post any reports made on a public internet website.

The bill would require, commencing July 1, 2023, the Attorney General to operate a Police Practices Division within the department to review, upon the request of a local law enforcement agency, the use of deadly force policies of that law enforcement agency and make recommendations, as specified.

The bill would require the department to implement these provisions subject to an appropriation for this purpose.

The people of the State of California do enact as follows:

SECTION 1. Section 12525.3 is added to the Government Code, to read:
12525.3. (a) For purposes of this subdivision, the following definitions apply:

(1) “Deadly weapon” includes, but it not limited to, any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, plastic knuckles, or metal knuckles.

(2) “Unarmed civilian” includes anyone who is not in possession of a deadly weapon.

(b) (1) A state prosecutor shall investigate incidents of an officer-involved shooting resulting in the death of an unarmed civilian. The Attorney General is the state prosecutor unless otherwise specified or named.

(2) The state prosecutor is authorized to do all of the following:

(A) Investigate and gather facts in an incident involving a shooting by a peace officer that results in the death of an unarmed civilian.

(B) For all investigations conducted, prepare and submit a written report. The written report shall include, at a minimum, the following information:

(i) A statement of the facts.

(ii) A detailed analysis and conclusion for each investigatory issue.

(iii) Recommendations to modify the policies and practices of the law enforcement agency, as applicable.

(C) If criminal charges against the involved officer are found to be warranted, initiate and prosecute a criminal action against the officer.

(3) The state prosecutor shall post and maintain on a public internet website each written report prepared by the state prosecutor pursuant to this subdivision, appropriately redacting any information in the report that is required by law to be kept confidential.

(c) (1) Commencing on July 1, 2023, the Attorney General shall operate a Police Practices Division within the Department of Justice to, upon request of a local law enforcement agency, review the use of deadly force policies of that law enforcement agency.

(2) The program described in paragraph (1) shall make specific and customized recommendations to any law enforcement agency that requests a review pursuant to paragraph (1), based on those policies identified as recommended best practices.

(d) This section does not limit the Attorney General’s authority under the California Constitution or any applicable state law.

(e) Subject to an appropriation for this purpose by the Legislature, the department shall implement this section.

DRAFT LETTER TO ATTORNEY GENERAL ROB BONTA FROM CAC

[DATE]

The Honorable Rob Bonta
Office of the Attorney General
P.O. Box 944255
Sacramento, CA 94244-2550

RE: Investigation into use of deadly force on David Pelaez Chavez by Sonoma County
Deputy Sheriff

Dear Mr. Bonta:

The Community Advisory Council (CAC) to Sonoma County's Independent Office of Law Enforcement Review and Outreach (IOLERO) was established to increase visibility for the public into the delivery by the sheriff-coroner of policing and corrections services, to provide community participation in the review and establishment of sheriff-coroner policies, procedures, practices, training, and initiatives, and to engage the public to better understand the role of IOLERO and of the sheriff-coroner.¹ We volunteer our time to the CAC because we support transparency, accountability, and oversight of law enforcement.

We urge you to exercise your responsibility under AB 1506² to conduct an independent investigation into the killing of David Pelaez Chavez by Sonoma County Deputy Sheriff Michael Dietrick on July 29, 2022.

We understand from media reports that your office declined to conduct an investigation almost immediately after the incident was reported to your office because "David Pelaez-Chavez did not appear unarmed."³ Although your staff will not acknowledge whether your office reviewed the raw footage from body-worn cameras before making its determination,⁴ the Santa Rosa Police Department (SRPD) has reported you made your decision before SRPD had the video footage.⁵

According to the SRPD and the body camera video footage released by the Sheriff's Department (SCSO), David Pelaez Chavez held a rock in one hand and a hammer and a gardening tool in the other hand.⁶ He "was killed after being pursued by deputies for 45 minutes across rough terrain."⁷ The audio files make clear that the deputies "did not believe he had a gun."⁸

¹ Sonoma County Code 2-297(a).

² Calif Gov't Code § 12525.3.

³ "California Department of Justice will not confirm whether they reviewed body-camera footage of Pelaez-Chavez shooting," (Santa Rosa Press Democrat, August 17, 2022.)

⁴ *Id.*

⁵ *Id.* In this county, the Sheriff refers investigations into its employees' deadly uses of force to SRPD.

⁶ *Id.*

⁷ *Id.*

⁸ "Videos offer fuller look at shooting," (Santa Rosa Press Democrat September 4, 2022.)

It is clear from the video footage that Mr. Pelaez Chavez was running across rough terrain barefoot, and that he was pursued by two deputies on the ground as well as the Sheriff's helicopter overhead. Mr. Pelaez Chavez is heard yelling at the deputies and the helicopter, "You are going to kill me!" Mr. Pelaez Chavez spoke little English and the single Spanish words the officers yelled at him could well have been incomprehensible to him.⁹

Although law enforcement reports suggested that one deputy tried tasing Mr. Pelaez Chavez prior to the second deputy shooting him three times, it appears from the video footage that the taser shot and fatal shots were virtually simultaneous. "From Thursday's footage, it does not appear that Dietrick waited on the Taser deployment before firing his pistol, and his recorded comments at the scene offer no clarity."¹⁰

This is not the first fatal shooting Deputy Michael Dietrick has committed in his nine years in law enforcement. While working in for the Clearlake Police Department in 2017, he killed a burglary suspect, a killing the Lake County District Attorney deemed justified.¹¹

Mr. Pelaez Chavez's killing and what we know from the public release of information by local law enforcement agencies have created an atmosphere of intense anxiety and anger among Sonoma County residents.

Our community has suffered too many deaths and other excessive uses of force at the hands of law enforcement over the years, leading to a troubling lack of trust in our law enforcement agencies by those who are most affected by the actions of law enforcement officers. In 2013, a Sonoma County Sheriff's Deputy killed a 13-year-old boy, Andy Lopez, because the officer mistakenly believed the boy was armed. In 2020, a Sonoma County Sheriff's Deputy killed a mentally ill man, David Ward, because the officer mistakenly believed the man was a carjacker, resulting in a \$3.8 million settlement.¹² That same year, the Sheriff's Department (SCSO) saw its liability insurance premiums increase over 45% because of the extraordinary payouts it has had to make for its employees' excessive use of force.¹³ These are remarkably poor statistics for a county of our size.

We need and deserve assurance that a truly unbiased, independent, and transparent investigation of the incident will occur.

Under AB 1506, your office "shall investigate incidents of an officer-involved shooting resulting in the death of an unarmed civilian," which includes incidents "if there is a reasonable dispute as to whether the civilian was armed."¹⁴

⁹ " 'You are going to kill me': Family, experts, criticize Sonoma County Sheriff's Office handling of fatal shooting," (Santa Rosa Press Democrat, August 15, 2022.)

¹⁰ "Videos offer fuller look at shooting," (Santa Rosa Press Democrat, September 4, 2022.)

¹¹ "Sonoma County sheriff's deputy who fatally shot man near Healdsburg killed a suspect as a Clearlake officer," (Santa Rosa Press Democrat, August 3, 2022.)

¹² "Sonoma County to pay record \$3.8 million settlement over fatal arrest of David Ward," (Santa Rosa Press Democrat, April 22, 2021.)

¹³ "Sheriff's office sees costly insurance increase tied to multi-million dollar settlements," (Santa Rosa Press Democrat, September 8, 2020.)

¹⁴ Calif Gov't Code §12525.3 (b)(1) and (2)(A) (emphasis added).

AB 1506 was introduced in the wake of the murder of George Floyd by Minneapolis police officer Derek Chauvin. When it was introduced in 2020, Assemblymember Kevin McCarty issued a fact sheet explaining the bill and the rationale for its introduction. “In California alone, there have been almost 800 fatal shootings by police since 2015, yet less than five independent investigations have been conducted.”¹⁵

Assemblymember McCarty noted that “the current process of local district attorneys investigating local police is fraught with bias and conflicts of interest. Since prosecutors and police officers are essentially colleagues, it raises questions about the impartiality of “findings”. In 2016 a Stanford Law School study, “At Arm’s Length: Improving Criminal Investigations of Police Shootings,” determined that police departments and district attorneys lack the independence and incentive to investigate one of their own.”¹⁶

In this case, the question of whether Mr. Peleaz Chavez was armed with a “deadly weapon” is at least “in dispute.”¹⁷ One could conclude from the available information that he was not, in fact, armed with a “deadly weapon.”¹⁸ Thus, his killing falls clearly within the parameters of AB 1506 as well as its rationale for passage by the State Legislature. We urge you to order an immediate and independent investigation of this fatal incident.

Thank you for your consideration.

Sincerely,

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

cc: State Senator Mike McGuire
State Senator Bill Dodd
State Assembly Member Jim Wood
State Assembly Member Marc Levine
Sonoma County Board of Supervisors
Sonoma County Sheriff Mark Essick
Santa Rosa Police Chief John Cregan

¹⁵ Deadly Force Accountability Act (AB 1506) Fact Sheet 2020 Fact Sheet, available at <https://a07.asmdc.org/deadly-force-accountability-act-ab-1506-fact-sheet-2020>, (emphasis in original).

¹⁶ *Id.* The SCSO and the SRPD share the type of collegial relationships that are “fraught with bias and conflicts of interest,” leading to questions about the impartiality of the current investigation by SRPD.

¹⁷ See Calif Gov’t Code §12525.3(b)(2)(A).

¹⁸ *Id.*