



SUMMARY REPORT

Agenda Date: 1/25/2022

To: Board of Supervisors

Department or Agency Name(s): Independent Office of Law Enforcement Review and Outreach

Staff Name and Phone Number: Garrick Byers 707-565-2135

Vote Requirement: Informational Only

Supervisory District(s): Countywide

Title:

The Independent Office of Law Enforcement Review and Outreach (IOLERO) State of the Office Report

Recommended Action:

Receive the IOLERO 2020-21 Annual Report.

Executive Summary:

The Independent Office of Law Enforcement Review and Outreach (IOLERO) was established by county ordinance in 2016. The operational mission of IOLERO is to strengthen the relationship between the Sonoma County Sheriff's Office (SCSO or Sheriff's Office) and the community it serves through outreach and the promotion of greater transparency of law enforcement operations.

To accomplish this goal, IOLERO audits complaints against the SCSO and makes policy and training recommendations based on those complaints. IOLERO also works with a Community Advisory Council (CAC) and conducts comprehensive community engagement to promote community-driven policy recommendations, systemic reform and community partnership in law enforcement operations.

Today the Board is requested to receive the Fiscal Year 2020-21 IOLERO Annual Report which details IOLERO's four operational branches, the complaints process, and audit summaries and recommendations, among other topics.

Discussion:

The past 18 months IOLERO has continued to accomplish successes in law enforcement reform. IOLERO worked with the Community Advisory Council (CAC) to recommend a new firearms policy that was accepted and implemented by the SCSO in the summer of 2021. The policy requires that any time a deputy points his or her firearm at a person to gain compliance - even if the gun is not fired - it must be documented as a use of force, reported to a supervisor then reviewed by IOLERO. Previously, the SCSO policy did not consider pointing a firearm at a person a use of force and these incidents were not documented or reviewed by anyone. Studies show that law enforcement agencies that require officers to document when they point their guns at civilians, regardless of whether they fire the gun, have significantly lower rates of gun deaths involving police officers. This was the first time the SCSO accepted and implemented a community-driven policy recommendation related to the use of force. This unprecedented policy change makes our community safer.

Last year, the IOLERO director recommended that the SCSO should implement an overarching de-escalation

policy that applies to all of their operations. SCSO accepted this recommendation and the CAC was tasked with drafting a recommended policy. This year, the SCSO implemented a new overarching de-escalation policy. Another positive development occurred as IOLERO submitted audits to the SCSO over the course of this past year. IOLERO opined in a number of cases that the SCSO's investigations were incomplete. The SCSO acknowledged that incomplete audits are a legitimate concern and through discussions with IOLERO, they have expressed a commitment to conducting more thorough and complete investigations.

Sections I-III of this annual report discuss IOLERO's legal authority to do the work of law enforcement oversight, IOLERO's budget and staffing, and IOLERO's work in the community. In November 2020 Sonoma County's Measure P was passed by nearly 65% of the vote showing the community's desire for increased law enforcement oversight. However, certain Measure P provisions took a hit from the Public Employment Relations Board's (PERB) ruling in response to labor complaints filed by two of Sonoma County's four law enforcement unions. On June 23, 2021 PERB issued its decision restricting application of particular provisions to the two unions. The restricted provisions deal with the authority to issue subpoenas, conduct independent investigations, recommend discipline and receive whistleblower complaints. However, PERB'S decision is being reviewed by the court of appeal and, at the state level, the legislature and Governor Gavin Newsom continued to overhaul police practices in California by enacting a series of law enforcement reform policies. A matrix comparing the prior IOLERO Ordinance and Measure P provisions and effects of the PERB Ruling is included as Attachment 2.

The majority of this annual report is dedicated to section IV which is a discussion of the complaints against the SCSO, and reviews of significant cases involving the use of force and in-custody deaths. The SCSO investigates these issues and IOLERO reviews those investigations through an auditing process. The audit summaries included in section IV present the cases, IOLERO's audits of those cases, and IOLERO's recommendations for institutional improvement.

IOLERO was born out of the death of 13-year old Andy Lopez in 2013, a law enforcement force-related tragedy all too familiar in cities across our nation. There have been many challenges on the path to developing IOLERO in order to make it a fully functioning, sustainable and effective law enforcement oversight agency. As IOLERO continues to grow into its full capabilities, it is important to remember the past and learn from it, but also to look toward the future. It is possible for us to live in the world as it is recognizing its inequities, challenges and heartbreak while also working to make the world what it should be. To create change, respectful, thoughtful dialogue almost always goes further than diatribe, even if it comes from grief and frustration. In the end, building relationships will demonstrate that we have more in common than we have in differences and any positive change that we accomplish will last longer if we do it together.

Strategic Plan:

N/A

Prior Board Actions:

N/A

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

There are no budget impacts associated with this item.

Narrative Explanation of Staffing Impacts (If Required):

There are no staffing impacts associated with this item

Attachments:

Attachment I - IOLERO Annual Report 2020-2021

Attachment II - Comparison of Prior IOLERO Ordinance, Measure P, and Effect of PERB Ruling

Attachment III - Presentation

Related Items “On File” with the Clerk of the Board:

None