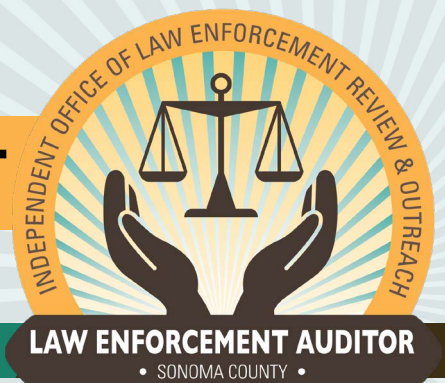




# IOLERO

## ANNUAL REPORT 2021-2022





# Table of Contents

<b>Executive Summary</b>	<b>4</b>
--------------------------	----------

<b>Message from CAC Chair and Vice-Chair</b>	<b>8</b>
--	----------

---

<b>I Sonoma County's Measure P</b>	<b>7</b>
------------------------------------	----------

---

<b>II IOLERO's Budget and Staffing</b>	<b>9</b>
--	----------

---

<b>III IOLERO's Four Operational Branches</b>	<b>10</b>
---	-----------

1. Community Advisory Council (CAC)	10
-------------------------------------	----

2. Community Outreach	11
-----------------------	----

3. Proactive Work	12
-------------------	----

4. Audit Summaries by Fiscal Year	12
-----------------------------------	----

---

<b>IV The Complaints and Audits</b>	<b>13</b>
-------------------------------------	-----------

What Is an Audit?	13
-------------------	----

What Can IOLERO Share About Each Audit?	14
---	----

Cases Audited by IOLERO	15
-------------------------	----

Sustained Cases	15
-----------------	----

Exonerated Cases	19
------------------	----

Unfounded Cases	44
-----------------	----

Audit Trends	51
--------------	----

---

<b>V Conclusion</b>	<b>64</b>
---------------------	-----------

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• <b>Appendix: CAC Members</b>	<b>66</b>
--------------------------------	-----------

## EXECUTIVE

# Summary

This annual report generally covers the fiscal year of July 2021 through June 2022, a period of transition for the Independent Office of Law Enforcement Review and Outreach (IOLERO).

I arrived as the new Director of IOLERO in September, 2022, after the events described in this report but before the publication of this report. For that reason, the great work detailed in this report is without question not my own. Nonetheless, I am honored to report to you the accomplishments of those who came before me, most notably Director (now Judge) Karlene Navarro and Interim Director Garrick Byers. I am thankful for the hard work they did, and especially for laying a foundation for the future success of IOLERO. I aspire to moving this important work forward during my time here, especially the continued implementation of Measure P.

I am also grateful to the staff of IOLERO who worked hard to move the office forward while it was between leaders. Having no permanent director for ten months is hard on staff. And having only 50% of IOLERO's positions filled during this time made the transition even harder. Nonetheless, IOLERO staff made sure to keep the hiring processes moving forward, clear out a backlog of cases, take complaints from the public, manage meetings of the Community Advisory Council, and cover all the other day-to-day work of the office. They made remarkable progress despite the twin challenges of understaffing and not having a permanent leader.

With all that in mind, let's focus first on the events of the last fiscal year. Moving forward, it is our goal at IOLERO to have our annual reporting periods mirror the County of Sonoma's fiscal years. This report therefore primarily covers audits and work from the end of the last report's audits (roughly November 2021) to the end of the 2021-2022 fiscal year on June 30, 2022, period of about nine months. We intend for our next report to cover the period of July 1, 2022, to June 30, 2023.

Last year, IOLERO continued to work toward its mission of strengthening the relationship between the Sonoma County Sheriff's Office (SCSO) and the community it serves through outreach and the promotion of greater transparency of law enforcement operations. Over the past year, IOLERO has been hard at work clearing a backlog of audits from prior years, filling vacancies in staffing, and striving towards authorization to fully implement all of Measure P, which passed in November 2020.

Since the last annual report, IOLERO has continued to accomplish successes in law enforcement reform. First, IOLERO completed audits in nearly all of the backlogged cases described in the prior report. By June 30, 2022, only two cases remained in the backlog. This accomplishment





# Summary

was due to the hard work of IOLERO staff, especially Director (now Judge) Karlene Navarro, Law Enforcement Auditor Jon Berger, and Interim Director Garrick Byers. The lion's share of this report details the specific audits they cleared.

During the 2021-2022 fiscal year, IOLERO also had significant changes in staffing. Director Navarro was elevated to the Sonoma County Superior Court in late 2021. The prior annual report covered the events of the fall of 2021, which were her final months at IOLERO. Garrick Byers was appointed as the Interim Director in January, 2022, and served through the remainder of the fiscal year. By early 2022, the County had begun soliciting input from the public about hiring a new Director. Interviews were conducted in the spring and early summer with participation from the Community Advisory Council (CAC), Sheriff's Office, other County Departments, and a host of community groups. I was officially hired by the Board of Supervisors as the next Director just after the end of the fiscal year in August, 2022, after the period covered in this report.

Law Enforcement Auditor Jon Berger also left IOLERO during this fiscal year. His diligent work to reduce the audit backlog was deeply appreciated by all at IOLERO. Because Garrick Byers moved from the role of Law Enforcement Auditor to Interim Director during this period, Jon Berger was the sole Auditor for most of the period of this report. Matt Chavez, an attorney with deep auditing experience in other fields, joined IOLERO in May, 2022, as a new Law Enforcement Auditor.

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. Key in this last year was an order from California's Public Employee Relations Board (PERB) blocking many aspects of Measure P, which Sonoma County voters passed overwhelmingly in November, 2020. As discussed in our prior report, that order prevented IOLERO from implementing most of its newfound investigative and review powers under Measure P, but left intact new rules for the structure of the Community Advisory Council and IOLERO funding.

In the final week of the fiscal year, a favorable ruling from California's appellate courts and a negotiated agreement with a series of unions opened the door for IOLERO to begin implementation of all the provisions of Measure P. Moving forward, we at IOLERO are excited to fully implement Measure P. In the upcoming year, we plan to fill our staff vacancies, implement the Whistleblower program, begin the work of auditing civil cases alleging excessive force, recommend discipline, and independently investigate Sheriff-involved fatalities. I hope our next report details our accomplishments in that regard.

With all these achievements behind us, I look forward to this next year at IOLERO. I believe that transparency, accountability, and communication are essential for law enforcement to meet community expectations. I was inspired to come here to Sonoma County because Measure P showed strong community commitment to these core principles of transparency, accountability, and communication. I am thrilled that over this next year we can build out the vision of Measure P together.

Thank you, Sonoma County, for your continued commitment to oversight and to IOLERO.

*- John Alden, IOLERO Director*



## MESSAGE FROM THE

# CAC Chair and Vice-Chair

Since the last annual report, the Community Advisory Council (CAC) has continued to work on increasing the visibility for the public into the delivery by the sheriff-coroner of policing and corrections services and to provide community participation in the review and establishment of sheriff-coroner policies, procedures, practices, training, and initiatives.

The CAC held several meetings where Sheriff Department policies and Sonoma County policies were analyzed and discussed. Community input was taken in all meetings and the CAC took action in each instance. For example, a review of policies related to social media posts and campaign activity conducted by the sheriff's office. The CAC also took initiative to organize a sheriff's forum in order to help the community learn about the candidates who were running for sheriff in the June 2022 election.

While the Independent Office of Law Enforcement Review and Outreach (IOLERO) was staying on its feet without a Director, the CAC initiated discussions on the procedures for recruitment and for the selection of a permanent Director including the adoption of a resolution regarding the selection procedures and a resolution declaring the concerns regarding the role of the Sheriff and Deputy Association in the selection procedures. In addition to that, several CAC members volunteered to assist the County Human Resources Department with determining the information that would be published for the recruitment of the Director. All of these efforts led to the hiring of IOLERO's current Director.

With the passing of Measure P, the CAC created an ad hoc to review and update the CAC by-laws. This was an important update related to the operations of the CAC and was an action necessary so that the by-laws could be in-line with the language of Measure P.

Through the ongoing negotiations between the Sheriff's Office unions and IOLERO regarding the implementation of Measure P, the CAC has also been very outspoken on the matters related to Measure P and the letters of agreement. Over several meetings and through different points of discussion in the early part of fiscal year 2022-2023, the CAC reviewed the issues and used the comments provided by the community to reach out to the Board of Supervisors and request a new review so that the intent on Measure P is applied as the voters desired.

The CAC continues to engage the public and continues to do its part in representing and speaking on behalf of the community and will continue to work towards accomplishing successes in law enforcement reform.

*Evan Zelig, Chair, and Lorena Barrera, Vice Chair.*



# I. Sonoma County's Measure P

## *Sonoma County's Measure P*

The original ordinance that governed how IOLERO operates was approved by the Board of Supervisors in September of 2016. That ordinance specified that IOLERO is 100% “subject to the Sheriff’s collaboration.” (Ordinance No. 6174, 2-394(e)). The only powers given to IOLERO were the authority to objectively audit the Sheriff’s internal affairs investigations and make recommendations that the Sheriff was free to adopt or not adopt. Under state law, IOLERO did not have the legal authority to release the audits to the public except in limited circumstances. IOLERO’s work under this former model was described in great detail in our prior annual reports.

In November 2020, the Board of Supervisors placed a measure on the ballot to allow voters to decide whether to greatly expand IOLERO’s powers and duties. Sonoma County voters showed their overwhelming desire for enhanced law enforcement oversight by passing the measure with nearly 65% of the vote on November 3, 2020.

Our last report detailed Measure P even further. In short, Measure P granted IOLERO increased authority to do the work of law enforcement oversight including: subpoena power (which was solidified with the passage of AB 1185 in September 2020), direct access to the Sheriff’s records including body-worn camera (BWC) videos, posting of BWC videos to IOLERO’s website, the power to conduct independent investigations in specific kinds of cases, the power to make discipline recommendations, and the authority to act as a receiving and investigating agency for whistleblower complaints. Measure P also set IOLERO’s budget at a sum equivalent to 1% of the Sheriff’s budget. After Measure P passed, the Sonoma County Law

Enforcement Association (SCLEA) and the Deputy Sheriff’s Association (DSA) filed labor complaints asserting that Measure P was placed on the ballot in violation of labor laws that required a “meet and confer” process with them about aspects of the ordinance that might affect their work conditions.

On June 23, 2021, shortly before the period of this report, the Public Employment Relations Board (PERB) issued its decision in response to those labor complaints. PERB’s ruling declared provisions related to IOLERO’s investigatory power, subpoena power, ability to post body-worn camera video and authority to make discipline recommendations “void and unenforceable” and ordered IOLERO to “cease and desist” from engaging in any investigations or other conduct related to the provisions. This order remained in effect throughout the period of this report. Thus, these blocked provisions of Measure P were not implemented this past fiscal year.

PERB’s decision to void these provisions was not based on the constitutional or legal merits of Measure P’s provisions. Rather, PERB’s decision voided the provisions based exclusively on the lack of a meet and confer process. In other words, PERB simply concluded that a meet and confer process would have to occur before some of the powers listed in Measure P could be used.

On July 13, 2021, the Sonoma County Board of Supervisors voted to appeal the PERB ruling while also moving ahead with the meet and confer process with the bargaining units that filed the complaints. At that time, successful completion of either process would lead to the implementation of Measure P. That said, throughout the



year reported here, Sonoma County was unable to move forward on much of Measure P while these two processes moved forward on separate tracks.

Throughout the next few months, an outside law firm, Liebert Cassidy Whitmore, litigated the appeal of the PERB ruling on behalf of the County. Simultaneously, the County met and conferred with the applicable unions for many months. In March 2022, Interim Director Garrick Byers was brought into that meet and confer process. On several different dates in June of 2022, resolutions were reached with each of the four unions involved. Attorneys on both sides worked to reduce those agreements to writing, called “Letters of Agreement,” and the County began preparing to announce these agreements to the public. Meanwhile, Interim Director Byers and the Sheriff’s Office started creating a separate set of protocols between the two agencies to implement Measure P in a manner consistent with the Letters of Agreement.

On June 23, 2022, California’s First Appellate District issued an opinion on the County’s appeal from PERB (see *County of Sonoma v. Public Employment Relations Board (Sonoma County Deputy Sheriff’s Association, et al., Real Parties in Interest)* (2022) 80 Cal.App.5th 167). In that opinion, the Appellate Court concluded that PERB had applied the wrong analysis to parts of the case, and exceeded its powers when it struck down parts of Measure P. However, that decision did not end the litigation, it merely sent the matter back to PERB with instructions to PERB to analyze the case over again. In this regard, the appellate decision gave guidance on how to resolve the dispute between the

County and PERB, but did not resolve the dispute directly. As of the writing of this report, that matter remains before PERB.

On that same date, coincidentally, the County was able to announce that it had resolved the meet and confer process that had progressed over the prior year with the unions who had brought the PERB case, publicly release those agreements between the county and the unions, and also publicly release the agreements between IOLERO and SCSO about how to implement those agreements. All of these agreements are more in-depth discussion of their effects and can be found here:

<https://sonomacounty.ca.gov/administrative-support-and-fiscal-services/independent-office-of-law-enforcement-review-and-outreach/who-we-are/measure-p-information>

In short, the County and the applicable unions agreed to implement all of the provisions of Measure P. Thus, in the upcoming fiscal year, 2022-2023, IOLERO can begin implementing all of Measure P. IOLERO and the CAC are working together to ensure those letters of agreement work effectively to accomplish the transparency and accountability envisioned by Measure P.

Our next report will be able to detail our progress in that regard. We’re thankful to the Board of Supervisors for their leadership on, and to the people of the County of Sonoma for embracing, Measure P.





## II. IOLERO'S BUDGET AND STAFFING

While portions of Measure P were blocked by PERB during the year, IOLERO's funding mandate of 1% of the Sheriff's Office budget remained in effect. That funding has allowed IOLERO to grow from a 2019 budget allocating just a Director and a support staffer to a 2021-2022 budget that allocated a Director, two auditor attorneys, an office manager, an outreach manager, and a support staffer. But by the end of the fiscal year covered here, half of those budgeted positions were vacant. Hiring to fill those positions is a major goal for IOLERO in the upcoming year. In addition,

that increased staffing will allow IOLERO to begin to build out the new processes and powers set forth in Measure P.

At the end of this reporting period, the County budget book described the budget for the upcoming fiscal year 2022-2023 as \$1,973,870. Once the County finalized the budget by ensuring IOLERO had a budget equivalent to 1% of the Sheriff's Office budget, that sum was increased to a total of \$2,020,415. All the positions noted above were continued into the upcoming year.



# III. IOLERO'S FOUR OPERATIONAL BRANCHES

There are four operational branches that continue to be essential to IOLERO's success. Those branches and their significance are described in the chart below.

## 1. COMMUNITY ADVISORY COUNCIL (CAC)

*The CAC makes community-driven policy recommendations, promotes large-scale, systemic reform and community partnership in law enforcement operations.*

## 2. COMMUNITY OUTREACH

*For IOLERO to be effective, the whole community has to be aware of the department and its services.*

## 3. PROACTIVE WORK

*To truly create a change in culture, increase transparency and improve the relationship between the Sheriff's Office and the community, IOLERO must proactively "relationship-build" with both the community and the Sheriff's Office.*

## 4. AUDIT SUMMARIES BY FISCAL YEAR

**NOVEMBER 19, 2021 – JUNE 30, 2022**

*IOLERO audits the SCSO's investigations of complaints, incidents where force is used and in-custody deaths to ensure the SCSO is following its policies and to make recommendations for institutional improvement.*

## 1. Community Advisory Council (CAC)

The CAC is a group of appointed volunteers who represent the community's interests and serve as a bridge between the community and the SCSO. The CAC members also serve as community representatives to support some of IOLERO's operations. For example, members of the CAC have participated as community panelists during the interview process for IOLERO staff, and have attended outreach events with IOLERO staff.

The CAC's primary focus is their monthly public meetings where they explore issues related to police reform and community concerns about law enforcement. A representative from the SCSO attends the meetings and is available to answer questions and provide information. The CAC works in ad hoc committees to research law enforcement policies and practices and make community-driven recommendations to the SCSO. Examples of some of the public meeting topics explored by the CAC in 2021-2022 include: the process of recruiting a new Director given Director Navarro's elevation to the bench, a candidates' forum for candidates running for Sheriff in the June 2022 election,

and militarized equipment policies for the Sheriff's Office. CAC meeting reminders are sent out in IOLERO's monthly newsletter and via social media. The topics, agendas, minutes and video links to the CAC meetings can be found in the "Calendar" section of IOLERO's website. During the pandemic, meetings have been held by videoconferencing. The link to join meetings is also included in IOLERO's newsletter.

During this reporting period, the CAC revised their bylaws to comply with Measure P, provided input and direction on the hiring of a new Director, held a public candidates forum for the office of Sheriff in advance of the June 2022 election, and addressed militarized equipment policies. You may read the CAC recommendations in their entirety by visiting IOLERO's website at:

[https://sonomacounty.ca.gov/administrative-support-and-fiscal-services/independent-office-of-law-enforcement-review-and-outreach/who-we-are/community-advisory-council-\(cac\)/cac-recommendations](https://sonomacounty.ca.gov/administrative-support-and-fiscal-services/independent-office-of-law-enforcement-review-and-outreach/who-we-are/community-advisory-council-(cac)/cac-recommendations)



## 2. Community Outreach

In order to make sure that the entire community is aware of how to access IOLERO's services, IOLERO is constantly conducting outreach in different ways. IOLERO is present at large and small gatherings, CAC meetings, and one-on-one meetings with community members. During the pandemic, outreach opportunities were limited which made IOLERO's outreach mission challenging. CAC meetings were held virtually in a Zoom webinar format recommended by the County of Sonoma. However, despite the limitations posed by the pandemic, IOLERO continued to be present in the community as much as possible.

Another complicating factor during this reporting period was the limited staffing at IOLERO. During this period, IOLERO had an unfilled vacancy for its Outreach Manager, leaving little staff time for outreach efforts. Moreover, IOLERO was without a permanent agency Director during this period to do outreach on behalf of the organization. Nonetheless, some examples of IOLERO's outreach work in 2021-22 included:

- Continuing to staff the CAC despite having no dedicated staff for that purpose during this period,
- Continued publication of the IOLERO e-newsletter,
- A presentation to Sonoma State University students about IOLERO and civilian oversight of law enforcement in general.

As informational outreach, IOLERO has continued to publish its bilingual e-newsletter which provides updates on the work on the office, cases of significant interest to the community, legal updates from the courts and legislative developments on criminal justice and police reform.



### 3. Proactive Work

In this past cycle, short staffing did not provide IOLERO with much opportunity for proactive work. For almost all of this reporting period, IOLERO had only 50% of positions filled. Work to fill these positions was therefore the main proactive work completed by IOLERO. In that regard, IOLERO was successful in hiring a new Law Enforcement Auditor, Matthew Chavez, near the end of this reporting period. IOLERO also worked with the Community Advisory Committee, Human Resources, and the Board of Supervisors to help select a permanent Director and also an Outreach Manager during this period.

In our next fiscal year, reaching full staffing and building the systems described in Measure P will be key to our proactive work. Those tasks will include on boarding a new Outreach Manager, hiring another Law Enforcement Auditor, and hiring an Administrative Aide.

During this next fiscal year, we will also build the key systems and powers described in Measure P, including:

- Auditing civil claims alleging excessive use of force, in addition to the audits of complaints of misconduct that IOLERO already conducts;
- Creating a Whistleblower program so that county employees can confidentially report to IOLERO for investigation any allegations of misconduct within the operations of the Sheriff-Coroner;
- Independently investigating certain complaints, especially those involving incidents in which the actions of Sheriff's Office staff cause a death, such as fatal officer-involved shootings;
- Providing disciplinary recommendations to the Sheriff in the cases that IOLERO investigates.

These new systems will require not just the new staff noted above, but specialized training for IOLERO staff, new policies and procedures at IOLERO, an improved IOLERO database, and new working relationships with other County agencies to ensure these programs function effectively. This will be a significant change in job duties and scope of work for IOLERO staff, but also an exciting opportunity for our staff to learn and grow. Once these systems are up and running, they will also be powerful engines for our proactive work of identifying policy improvements for the Sheriff-Coroner.

### 4. Audit Summaries by Fiscal Year / November 19, 2021 – June 30, 2022

Moving forward, it is our goal at IOLERO to have our annual reporting periods mirror the County of Sonoma's fiscal years. This report therefore covers cases from the end of the last report's cases to the end of the 2021-2022 fiscal year on June 30, 2022. We intend for our next report to cover the period of July 1, 2022, to June 30, 2023. During this period, IOLERO completed 36 audits, more than in any other prior reporting period.

As forecasted in the prior report, in 2022 IOLERO resolved the backlog of cases that it had carried for some time.

IOLERO is now able to audit cases promptly upon receipt, rather than auditing cases that are several years old. Because clearing the backlog was the primary goal of IOLERO's audit staff during this reporting period, many of the cases listed in this report relate to events occurring from 2017 to 2020. In future reports, we anticipate that most of the cases reported will relate to events from the year or two prior, instead of event from as long as five years prior. For this same reason, some of the trends and policy issues noted in these cases have since been resolved by the SCSO.





## IV. THE COMPLAINTS AND AUDITS

### *What Is an Audit?*

IOLERO is authorized to receive complaints against the SCSO. Those complaints are forwarded to the SCSO Internal Affairs Division (IAD) for an administrative investigation. Once the investigation is complete, IAD forwards it back to IOLERO for review known as an “audit.” IOLERO also audits the administrative reviews that the SCSO conducts automatically when potentially deadly force is used, or a person dies in custody.

In our audits, IOLERO issues an independent opinion as to whether the administrative investigation was complete, whether IOLERO agrees with the conclusions reached, and any recommendations for institutional improvement such as policy changes. In the next fiscal year, 2022-2023, IOLERO will begin to also issue recommendations on the discipline imposed as the result of any sustained findings of misconduct in those cases.

Both IAD and IOLERO assess complaints to determine whether the deputy/employee violated an SCSO policy or procedure. If the investigation determines that a deputy violated a policy or procedure, the Sheriff may discipline the deputy involved. If the conduct was consistent with policy and procedure, then no discipline is imposed. That said, policies and procedures of law enforcement agencies are generally not well known to the public. Sometimes deputies behave in ways that are exactly consistent with the policies and procedures taught to them in their training, but that are nonetheless upsetting to members of the public. Where possible, IOLERO flags this disconnect between existing law enforcement practices and public expectation so that the Sheriff’s Office can consider altering policy, procedures, and training to meet community expectation.

These administrative investigations are separate from investigations of criminal charges where a deputy is suspected of violating the law. Potential violations of law or criminal investigations are reviewed by the District Attorney’s Office, not IOLERO.

When an administrative investigation of a complaint is completed by the SCSO, there are four general findings that are made about each allegation:

1. “Sustained,” meaning the SCSO found a violation of its policies;
2. “Exonerated,” meaning the SCSO found that the employee did not violate policy;
3. “Not sustained/Inconclusive,” meaning there was not enough evidence to either prove or disprove the complaint; or
4. “Unfounded,” meaning the evidence does not support the complaint, i.e., the events in question were proven to be different than the complainant thought they were.

In response to these SCSO findings, IOLERO issued the following conclusions about the above findings when auditing these cases in this reporting period:

1. “Agree,” meaning IOLERO agrees that the finding reached by the SCSO was justified given the material gathered in the investigation;
2. “Disagree,” meaning IOLERO believes a different finding would have been more appropriate given the material gathered in the investigation, usually accompanied by a statement of which finding IOLERO thought should have been reached;
3. “Incomplete,” meaning IOLERO believed that the investigation was not thorough enough to justify reaching a conclusion yet, such as cases in which additional evidence could and should have been gathered, or better articulation of the rationale for the finding should have been memorialized.

In addition, as noted above, IOLERO may recommend changes to policy as a result of the cases.



## What Can IOLERO Share About Each Audit?

There are rules governing what information IOLERO can reveal about the complaints, investigations, and audits. These rules come from a complex body of multiple overlapping laws, including the California Constitution, statutory and case law. The rules will be discussed briefly to frame the discussion of the details of the audits. Keep in mind that these laws are set at the state and federal level, and affect all law enforcement agencies and all law enforcement oversight agencies like IOLERO. These are not rules that anyone in Sonoma County can modify.

First, generally speaking, “[t]he people have the right of access to information concerning the conduct of the people’s business [such as the business of the Sheriff’s Office] and, therefore...the writings of public... agencies shall be open to public scrutiny.” (Pasadena Police Officers Assn. v. Superior Court (2015) 240 Cal. App. 4th 268, 282-283 citing Cal. Const., art. I §3 subd. (b)(1).) However, the right to inspect public records is not absolute. (Pasadena Police, 284, citations omitted.) The public’s interest in disclosure varies on a case by case basis. For example, “[i]n a situation involving an officer’s use of lethal force against an unarmed suspect, the public’s interest in disclosure is ‘particularly great.’” Id. at 291. “Nevertheless, in enacting [confidentiality statutes], the legislature made a policy determination that the desirability for confidentiality in police personnel matters outweighs the public’s interest in openness.” (Pasadena Police at 291 citing Copley Press, Inc. v. Superior Court (2006) 39 Cal.4th 1272, 1282.) Some confidentiality restrictions on police officer records have been recently modified by SB 1421 (2019) and SB 16 (2021) as discussed in the IOLERO’s Legal Authority and Conclusion sections of this report.

California law provides protections for two categories of confidential peace officer records: (1) personnel records, and (2) records of citizen complaints about individual officers, and reports or findings relating to investigation of such complaints or incidents. (Pasadena Police at 285; see also Cal. Pen. Code § 832.7) “Personnel records

are records that relate to “advancement, appraisal, or discipline” of a particular officer. Id. at 292. “Appraisal” does not encompass review of an agency’s practices and procedures. Id. at 298.

The audits included in this Annual Report derive from citizen complaints and department-initiated administrative investigations by the SCSO. Accordingly, information resulting from the SCSO investigations must and will remain confidential as required by law. Generally speaking, the law allows for this section of the annual report to focus on non-confidential information such as critiques and evaluation of the administrative investigation, the manner in which the SCSO procedures and practices may have contributed to the basis of the complaint or incident, and IOLERO’s recommendations for institutional improvement. (Pasadena Police at 289-290) Further information will be shared when the case is one of media interest where factual information has already been shared publicly, or when another exception applies (discussed below). Unless an individual’s name has already been made public in relation to one of these incidents, or another exception applies, names and identifying information must be kept confidential.

In 2019, SB 1421 expanded the information that may be shared with the public by creating four exceptions to confidentiality restrictions. Those exceptions include cases involving the discharge of a firearm, the use of force causing “great bodily injury,” and cases involving sustained findings of sexual assault or dishonesty. These exceptions were further expanded in late 2021 with the passage of SB 16, which allows sustained cases of excessive force to be made public. It is important to note that most of the cases that fall under these exceptions are only sustained cases, which leaves the public in the dark as to why cases reach exonerated or unfounded dispositions.



# Cases Audited by IOLERO

## Abbreviations:

SCSO: Sonoma County Sheriff's Office

IA: (SCSO) Internal Affairs

BWC: Body Worn Camera

MADE: Main Adult Detention Facility

## Sustained Cases

In the following cases SCSO found that the employee violated SCSO policy.

Case Number 19-C-0013		Sustained Complaint No. 1
Origin of Complaint	SCSO	
Race/Ethnicity of Complainant	White	
Allegations in the Complaint	A confidential informant complained that the deputy she had been working with had sexually harassed her and attempted to initiate a sexual relationship.	
SCSO Conclusion	Sustained in part, exonerated in part	
IOLERO's Conclusion	<b>Agreed</b> As to the sustained, disagreed as to the exonerated. IOLERO agreed that the deputy violated the policies prohibiting bringing discredit to the department and personal relationships with confidential informants. Unlike the investigator, IOLERO also felt that the deputy violated the policy against soliciting a personal or sexual relationship through their official capacity.	
IOLERO's Recommendations	IOLERO recommended that the deputy be disciplined substantially more harshly, potentially including firing, if he engages in similar conduct in the future.	



Case Number  
19-IA-0001

## Sustained Complaint No. 2

### Origin of Complaint

SCSO Internal Investigation

### Race/Ethnicity of Complainant

Unknown/Not reported

### Allegations in the Complaint

The investigation was internally initiated following reports of a correctional deputy using excessive force against an inmate.

### SCSO Conclusion

Sustained

### IOLERO's Conclusion

#### **Agreed/Incomplete**

The investigation correctly found that the correctional deputy used excessive force, failed to properly report the use of force, violated the policy requiring a "safe custodial environment," and disobeyed the admonishment to answer the IA investigator's questions truthfully. The investigation was incomplete in that it failed to inquire into whether another deputy who witnessed the use of force violated the policy requiring that deputies to report excessive force by other deputies to their supervisors.

### IOLERO's Recommendations

IOLERO recommended that the documentation of investigations of incidents involving in-custody injuries should include medical records.





**Origin of Complaint**

SCSO Internal Investigation

**Race/Ethnicity of Complainant**

Unknown/Not reported

**Allegations in the Complaint**

This case was initiated by the Sheriff's Office in order to review a use of force. The Sheriff's Office specifically examined an incident in which two males were reported to be having an argument, and both were found by Sheriff's personnel stabbed but alive. One deputy detained a man near the scene of the altercation who did not match the description of the suspects, and who said directly when contacted that he was the person who had called the deputies to the scene. The deputy nonetheless threatened to shoot him, threatened to tase him, and threatened to punch him, despite his continued cooperation with law enforcement at the scene. The deputy appeared to be frustrated by this person responding to the deputy's commands in broken English, and not complying with the deputy's first command in English, despite him saying directly to the deputy that he did not speak English. In the end, this man was detained for 18 minutes without being identified, and was then released.

**SCSO Conclusion**

Sustained. The SCSO concluded this Deputy violated policy in the following ways:

- The deputy used more force than was necessary under the circumstances;
- The deputy was holding a taser in one hand, a firearm in the other, and a flashlight under his armpit simultaneously. Deputies are supposed to hold only the taser OR the firearm at one time.
- The deputy's language was discourteous and inappropriate.
- The deputy failed to adequately identify the person detained in his report.

**IOLERO's Conclusion**

**Agreed**

In part, Disagreed in part. IOLERO agreed with the SCSO conclusions noted above. That said, there was another person at the scene whom this same deputy told to lay on the ground at nearly the same time he yelled at others that he would shoot them if they did not comply. The deputy left the scene without ever telling this person they could get up or were free to leave, leaving them in the uncomfortable position of waiting until the deputy was gone to conclude it was safe to move again. Because the treatment of this individual was not addressed in the SCSO investigation, IOLERO concluded this one issue was left incomplete. IOLERO agreed that the deputy should be disciplined, but believed the deputy should have been fired, not just disciplined.

**IOLERO's Recommendations**

IOLERO recommends that the SCSO train Spanish-speaking deputies to give commands in Spanish when subjects do not comply with commands in English.

Case Number  
20-AR-0007

## Sustained Complaint No. 4

### Origin of Complaint

IOLERO 2019-2020 Annual Report

### Race/Ethnicity of Complainant

Unknown/Not reported

### Allegations in the Complaint

The investigation was undertaken in response to comments in IOLERO's 2019-2020 Annual Report regarding the importance of dispatchers transmitting accurate information to deputies in the field.

### SCSO Conclusion

Sustained (one case), exonerated (the other)

### IOLERO's Conclusion

#### Agreed

As to sustained, disagreed as to exonerated. IOLERO agreed that the dispatcher in the first case violated policy. In the other case, IOLERO disagreed with the investigator because IOLERO found a policy violation on the part of the dispatcher who created a CAD entry implying that a husband involved in a domestic violence incident was violent, when there was no factual basis for that CAD entry.

### IOLERO's Recommendations

None



In the following cases SCSO found that the employee did not violate policy.

**Case Number**  
**16-AR-0003**

## **Exonerated Complaint No. 1**

### **Origin of Complaint**

SCSO

### **Race/Ethnicity of Complainant**

Unknown/Not reported

### **Allegations in the Complaint**

This was an SCSO-initiated review of a deputy-involved shooting. No complaint was filed about the matter.

### **SCSO Conclusion**

No violations noted. In short, in this matter a suicidal person threatened to shoot law enforcement officers, one of whom then fired upon that person. The person survived. The SCSO proactively compared the shooting and the events surrounding it as against the following policies:

1. Press Release Policy
2. Radio Policy
3. Critical Incident Debriefing/Defusing
4. Major Incident Notifications
5. Use of Force
6. Taser Use
7. Authorized Firearms
8. Vehicle Pursuits
9. Patrol Functions

SCSO determined that these policies were complied with.

### **IOLERO's Conclusion**

#### **Agreed**

While tragic, the events in this case were consistent with policy and training, given that the shooting deputy legitimately thought the person was pointing a firearm and threatening to shoot.

### **IOLERO's Recommendations**

1. Require Internal Affairs reports to make factual findings, including weighing conflicting evidence, and describe an analysis of those facts that supports the conclusions reached.
2. Do not have Sheriff's personnel conduct criminal investigations in deputy-involved shootings. In order to avoid conflicts of interest (real or perceived) and to minimize bias, IOLERO recommends having other law enforcement agencies conduct the criminal investigation.



**Origin of Complaint**

IOLERO

**Race/Ethnicity of Complainant**

Unknown/Not reported

**Allegations in the Complaint**

An MADF inmate complained that correctional deputies used excessive force while transporting another inmate from his cell.

**SCSO Conclusion**

Exonerated

**IOLERO's Conclusion**

**Mixed/Incomplete**

IOLERO agreed that the force used by the deputies was appropriate and within policy. Specifically, the deputies took the complainant to the floor inside the MADF to prevent him from spitting on a deputy, and used approved control holds while he was on the floor to gain control of him. Multiple witnesses reported that the force used was much less than the complainant described. The investigation found a policy violation regarding the tardy submission of a use-of-force report, with which IOLERO agreed. However, IOLERO disagreed with the finding that the entire department was responsible for a deputy's failure to comply with the inmate-counseling policy because the deputy was not properly trained. IOLERO noted that deputies are required to familiarize themselves with departmental policies, and that ignorance of policy is no more an excuse than ignorance of the law is. IOLERO also found that the investigation was incomplete because it did not address whether a deputy violated the Strategic Inmate Management policy.

**IOLERO's Recommendations**

The investigator noted that witnesses described several people making video recordings of relevant incidents, but that the videos were not available. IOLERO recommended that video retention procedures be revisited and improved. IOLERO also recommended that the policy on timely reporting of use-of-force incidents be updated to include a procedure for reporting such incidents when the involved deputy's direct supervisor is unavailable.



**Origin of Complaint**

SCSO (Tort claim)

**Race/Ethnicity of Complainant**

Unknown/Not reported

**Allegations in the Complaint**

An MADF inmate complained that correctional deputies used excessive force when transporting him for re-classification after a rule violation.

**SCSO Conclusion**

Exonerated.

**IOLERO's Conclusion**

**Agreed**

The force used by the deputies was appropriate and within policy. Specifically, the deputies attempted to handcuff the complainant while transporting him to a different part of the jail. While he was being handcuffed, the complainant twisted away from a deputy as if to avoid being handcuffed, to which the deputy responded by bending him over a desk to gain better control over his hand. There was no merit to the complainant's allegation that the deputies threatened him; rather, it was clear that they were accurately describing the potential consequences of not telling the truth.

**IOLERO's Recommendations**

IOLERO found the lack of medical notes regarding the complainant's injuries disturbing. Accurate and complete records of the complainant's injuries, if any, would have been helpful to the investigation. IOLERO recognizes that the problem lies with the jail's medical provider, Wellpath, over whom SCSO has limited jurisdiction, but recommended that some provision be made for investigating whether Wellpath has done its job properly. IOLERO also recommended that IA investigators avoid the use of leading questions when interviewing deputies.

**Origin of Complaint**

SCSO (Tort claim)

**Race/Ethnicity of Complainant**

Unknown/Not reported

**Allegations in the Complaint**

Deputies used excessive force, causing complainant severe injury, when escorting him out of a business establishment.

**SCSO Conclusion**

Exonerated

**IOLERO's Conclusion**

**Incomplete**

Initially, the deputy was escorting the complainant out of a business from which he had been ejected. The deputy then held the complainant by one wrist because he suspected that the complainant was in possession of contraband, which would justify a detention and therefore some use of force. The complainant then quickly went to the ground, suffering an injury later determined to be a broken arm. The investigation was incomplete because it is unclear from either the interview with the deputy or the BWC video why the deputy suspected that the complainant had contraband; the investigation merely made the conclusory assertion that the deputy had probable cause to forcibly detain the complainant. Nor was it clear whether the deputy intended for the complainant to go to the ground.

**IOLERO's Recommendations**

None

**Origin of Complaint**

SCSO/IOLERO

**Race/Ethnicity of Complainant**

Unknown/Not reported

**Allegations in the Complaint**

Deputies refused to investigate, or even file reports, when complainant called for service multiple times regarding harassment and trespassing by a neighbor.

**SCSO Conclusion**

Exonerated

**IOLERO's Conclusion**

**Agreed/Incomplete**

IOLERO agreed that the deputies who interviewed the complainant acted in a professional and respectful manner at all times; indeed, IOLERO praised them for doing an exemplary job. However, IOLERO found the investigation incomplete because it did not address the allegation that the deputies had inaccurately described certain laws to the complainant.

**IOLERO's Recommendations**

A number of telephone calls between the deputies and the complainant were not recorded on the deputies' BWCs. IOLERO recommended that telephone calls be added to the list of encounters with the public required by policy to be recorded on BWCs. IOLERO was subsequently informed that the policy has already been changed in that manner.

**Origin of Complaint**

SCSO

**Race/Ethnicity of Complainant**

White

**Allegations in the Complaint**

1. Deputies used excessive force in arresting complainant on one occasion.
2. Deputies who arrested complainant on two occasions stole complainant's property, or otherwise mishandled the property resulting in some property being lost.

**SCSO Conclusion**

Exonerated

**IOLERO's Conclusion**

**Agreed/Disagreed/Incomplete**

The deputies' use of force in making the arrest by tackling the complainant to the ground, after he failed to obey repeated directives from the deputies, was reasonable under the circumstances. The deputies' use of pain techniques to overcome resistance by complainant to being handcuffed, consisting of knee strikes to the upper back and pressure on the arm, were limited in duration and were terminated as soon as the complainant was handcuffed, and were reasonable under the circumstances. However, the deputies' handling of property belonging to complainant (who was homeless) was not adequately reviewed by the investigator. In one instance the complainant's property was left at a park, and in another the property was left at a homeless shelter, resulting in some property being lost. Further review was required by the investigator to determine whether the deputies' actions were reasonable steps to secure the property under then-existing policies.

**IOLERO's Recommendations**

SCSO subsequently adopted policies providing for de-escalation in appropriate circumstances to lessen the need for use of force in order to effectuate an arrest. De-escalation may have precluded the use of force in this case, and we recommended that the department remind deputies of the availability of de-escalation alternatives.

SCSO subsequently adopted policies regarding the handling of homeless persons' property which may have prevented the issues in this matter had they been in place in 2018. IOLERO recommended that the department remind deputies of the principles outlined in the homeless person policy.



**Origin of Complaint**

IOLERO

**Race/Ethnicity of Complainant**

White

**Allegations in the Complaint**

1. Deputies who investigated a child-abuse complaint entered the complainant's house illegally, and did not adequately investigate her alibi.
2. The complainant was subjected to inhumane treatment and excessive force after being booked into MADF.
3. Deputies used excessive force when arresting the complainant on a warrant.
4. Deputies planted contraband in the complainant's house in order to justify arresting her boyfriend.

**SCSO Conclusion**

Exonerated

**IOLERO's Conclusion**

**Agreed/Incomplete**

The deputies' entry into the complainant's house was justified under Fourth Amendment law as it existed at the time, because they had good reason to be concerned for the safety of a child inside. While warrantless entries into a home are generally unlawful, there is an exception for "community caretaking," meaning intervening in the case of an emergency. The deputies in this case properly applied that exception here. There was no evidence that deputies planted contraband in the complainant's house, and no merit to the allegation that the complainant was mistreated by jail staff. However, there were aspects of the allegations of excessive force in connection with the complainant's arrest that were not resolved by the BWC video, and the investigator should have inquired more closely into them.

**IOLERO's Recommendations**

IOLERO recommended that the department make sure that deputies stay up to date with changes in Fourth Amendment law, while acknowledging that IOLERO has no reason to believe that is not happening from this case. IOLERO noted that several alibi claims the complainant made to deputies could have been investigated very easily, although as a technical matter the deputies had no duty to do so.

**Origin of Complaint**

IOLERO

**Race/Ethnicity of Complainant**

Unknown/Not reported

**Allegations in the Complaint**

A deputy improperly prevented the complainant from video-recording an interaction between another deputy and a member of the public.

**SCSO Conclusion**

Exonerated

**IOLERO's Conclusion**

**Agreed**

IOLERO agreed that the deputy's restriction on the complainant's video recording of another deputy's conduct was preventing interference with law enforcement activity, and hence permissible. The investigation was ambiguous as to whether the deputy's failure to engage his BWC was a policy violation; the notification to the deputy said that it was, but the investigative report said that it was not. IOLERO felt that it was, so IOLERO agreed with the notification and disagreed with the IA report. IOLERO recognized that the deputy's threat to confiscate the complainant's camera was permissible under the policy at the time, though it would not be under current policy.

**IOLERO's Recommendations**

None.

**Origin of Complaint**

SCSO

**Race/Ethnicity of Complainant**

Black

**Allegations in the Complaint**

A deputy sheriff overreacted, acted irresponsibly, dangerously and perhaps discriminatorily, by pointing his firearm at complainant, a Black man.

**SCSO Conclusion**

**Exonerated**

The complainant was hunting with a firearm on private property with the permission of the property owner when a sheriff's deputy appeared, pointed a firearm at the complainant, and told him to put his hands up. The complainant complied, and explained the situation. The deputy lowered his firearm once he confirmed with the complainant and the complainant's hunting companion that they were just hunting. The complainant expressed a concern that the deputy's decision to point a firearm at the complainant might have been because the complainant was Black.

Unbeknownst to the complainant, someone else in the area had reported shots fired to 911, which caused the deputy to respond. Once the deputy confirmed that the complainant was lawfully hunting, the deputy left the scene. This response was appropriate given the nature of the call and the fact that the complainant was armed at the moment the deputy arrived. For these reasons, the SCSO found the allegation was "exonerated."

**IOLERO's Conclusion**

**Agreed/Incomplete**

IOLERO agreed that the appropriate finding given the facts gathered in this case was "exonerated" because the deputy's response was consistent with policy and training. However, IA never interviewed the deputy about whether race played a role in his reaction. Nor was the complainant's hunting companion interviewed. Instead, IA simply reviewed the Body Worn Camera footage of the event and inferred the deputy's motivations from the footage.

**IOLERO's Recommendations**

IA should, in the future, either interview the deputy who is the subject of the allegation and obvious witnesses or memorialize why they were not interviewed. In addition, memorializing the policies reviewed and the date they were issued would be helpful to creating a better audit trail.

**Origin of Complaint**

IOLERO

**Race/Ethnicity of Complainant**

Unknown/Not reported

**Allegations in the Complaint**

1. Threatening a witness;
2. Filing false charges.

**SCSO Conclusion**

**Unfounded/Exonerated**

The complainant was arrested and later charged with domestic violence. Complainant alleges that the responding deputy threatened the complainant's romantic partner with arrest if the partner failed to sign a request for an emergency protective order. Body Worn Camera footage showed that the romantic partner requested the emergency protective order and willingly signed an application for it at the scene. IA therefore found the first allegation was unfounded. The complainant also alleged that the arresting deputy falsely charged him with a crime, but the same footage showed the deputy accurately memorialized the facts discovered at the scene. The District Attorney later decided to file even more serious charges. Therefore, IA found the second allegation exonerated.

**IOLERO's Conclusion**

**Agreed**

**IOLERO's Recommendations**

1. This IA report listed the involved persons at the outset. IOLERO commends this as an effective practice.
2. The IA investigator in this case took a broad reading of the allegations made, which laid a strong foundation for a thorough investigation. Reading the allegations of complaints broadly is a commendable practice that should be continued.

**Origin of Complaint**

IOLERO

**Race/Ethnicity of Complainant**

White

**Allegations in the Complaint**

The complainant, who was involved in a protracted custody dispute with her ex-husband, alleged that SCSO deputies were biased against her and in favor of her ex in their responses to a long series of calls for service regarding the dispute.

**SCSO Conclusion**

**Exonerated**

**IOLERO's Conclusion**

**Agreed/Incomplete**

IOLERO agreed that there was no evidence supporting the bulk of the allegations about the deputies. However, IOLERO observed that while the investigation identified certain conduct by SCSO, writ large, as an error, it made no effort to identify the specific individual or individuals who made the error. The investigation also failed to adequately investigate several of the complainant's many allegations.

**IOLERO's Recommendations**

This IA report listed the involved persons at the outset. IOLERO commends this as an effective practice.

The IA investigator in this case took a broad reading of the allegations made, which laid a strong foundation for a thorough investigation. Reading the allegations of complaints broadly is a commendable practice that should be continued.

**Origin of Complaint**

SCSO

**Race/Ethnicity of Complainant**

Unknown/Not reported

**Allegations in the Complaint**

Complainant was subjected to force while being booked into MADF, resulting in his arm being broken.

**SCSO Conclusion**

**Exonerated**

**IOLERO's Conclusion**

**Agreed**

The force used by the deputy was appropriate and within policy. The complainant was medically cleared by Sutter Hospital after the incident. It appears that the hospital failed to diagnose his injury correctly, as a result of which the complainant did not realize that his arm was broken until he returned to the hospital on his own after being released, but that was out of the control of SCSO.

**IOLERO's Recommendations**

Several documents that the investigator showed to the complainant were missing from AIM. IOLERO recommended that investigators be reminded that other people will be reading their reports, and that evidence that supports their conclusions should be stored in AIM.



**Origin of Complaint**

IOLERO

**Race/Ethnicity of Complainant**

White

**Allegations in the Complaint**

A long series of unconnected allegations about conditions in MADF.

**SCSO Conclusion**

**Exonerated**

**IOLERO's Conclusion**

**Agreed**

IOLERO agreed with the "exonerated" findings with respect to the allegations addressed by the investigation. IOLERO did not take issue with the investigation's failure to address every allegation in the complaint, because so many of them were either clearly frivolous or utterly lacking in credibility that it would be unreasonable to investigate them.

IOLERO did, however, note that the investigator's response to one of the clearly frivolous allegations was to note that the alleged conduct is prohibited by a policy. Apparently, the investigator concluded that the conduct clearly could not have occurred merely because it would have been contrary to policy if it had. This is not an adequate investigation. IA investigators should be reminded to gather facts and then reach conclusions, not reach a conclusion and thus fail to gather facts.

**IOLERO's Recommendations**

None

**Origin of Complaint**

SCSO

**Race/Ethnicity of Complainant**

White

**Allegations in the Complaint**

Deputy improperly disregarded a call for service on the basis of an incorrect determination that the reported conduct was not criminal.

**SCSO Conclusion**

**Exonerated**

**IOLERO's Conclusion**

**Agreed**

The complainant reported that a person who had been house-sitting for him stole a number of items from him. The responding deputy properly concluded that that matter did not rise to a criminal offense and needed to be resolved in civil court. IOLERO noted that the deputy made a somewhat tactless remark to the complainant, but IOLERO did not feel that it went beyond what is permitted by policy.

**IOLERO's Recommendations**

None

**Origin of Complaint**

IOLERO

**Race/Ethnicity of Complainant**

Unknown/Not reported

**Allegations in the Complaint**

1. Correctional deputies attempted to dissuade the complainant from filing grievances against MADF staff by threatening to assist the prosecution in a pending case.
2. Deputies did not comply with *Miranda v. Arizona* and *Massiah v. United States* when interviewing the complainant.
3. Deputies were biased against the complainant due to his gang affiliation.

**SCSO Conclusion**

**Exonerated**

**IOLERO's Conclusion**

**Agreed/Incomplete**

The deputies did not attempt to dissuade the complainant from filing further grievances with jail staff, and the deputy charged with investigating the grievances did so properly. There was no evidence of racial animus toward the complainant on the part of any deputy. However, the investigation did not adequately address the allegation that a supervisor had failed to investigate a complaint about jail staff.

**IOLERO's Recommendations**

The allegation regarding the reading of *Miranda* rights might or might not have been meritorious depending on factors set forth in *Cervantes v. Walker* (1978) 589 F.2d 424, but no factual information on those factors is available. Any error was harmless because there is no suggestion that any of the complainant's responses to the deputies' questions were used in evidence against him. However, IOLERO recommended that deputies be trained on the requirements imposed by *Miranda* and *Massiah* regarding questioning of suspects in custody.

IOLERO also recommended that IA investigators be encouraged to avoid leading questions when interviewing deputies under investigation.

**Origin of Complaint**

SCSO

**Race/Ethnicity of Complainant**

White

**Allegations in the Complaint**

1. Deputies arrested complainant for DUI without probable cause, and without identifying themselves as law enforcement officers.
2. Deputies used excessive force when arresting complainant.
3. Deputies used a slur related to complainant's gender presentation.
4. Complainant was subjected to unacceptable conditions at MADF.
5. SCSO did not adequately investigate complainant's report of the burglary of his house and the sabotage of his car.

**SCSO Conclusion**

**Exonerated**

**IOLERO's Conclusion**

**Agreed/Incomplete**

The deputies had probable cause to arrest the complainant for DUI. The force they employed in securing him in the patrol car was reasonable in light of his active and violent resistance. The deputies were unaware of the nature of the complainant's mental-health-related disability, and would have been unable to reasonably accommodate it even if they had been. No evidence supports the allegation that a deputy used a homophobic slur in reference to the complainant. There was no merit to the allegations about SCSO's failure to investigate the complainant's reports of his house being burglarized. However, the investigation was incomplete because it failed to address the complainant's allegations of mistreatment in MADF.

**IOLERO's Recommendations**

None

**Origin of Complaint**

IOLERO

**Race/Ethnicity of Complainant**

White

**Allegations in the Complaint**

The complainant, who had an ongoing dispute with a neighbor, alleged that SCSO deputies exhibited bias in favor of the neighbor in their responses to a long series of calls for service regarding the dispute.

**SCSO Conclusion**

**Exonerated**

**IOLERO's Conclusion**

**Agreed in part, Disagreed in part**

The complaint springs from a years-long dispute between two neighbors, primarily in connection with their dogs, which involved literally hundreds of calls for service to the Town of Sonoma Police Department. The complaint includes multiple allegations of misconduct by city officials who are not part of SCSO.

Many of the allegations involve the inadequacy of the department's responses to the complainant's calls for service, in contrast with the undue attention given by the department to the complainant's neighbor's calls. IOLERO agreed that there was no merit to the majority of the latter set of allegations, although we disagreed with the "exonerated" finding regarding the then-chief of the Sonoma Police Department referring to the complainant in insulting terms during a conversation with the neighbor.

**IOLERO's Recommendations**

Several reports that were quoted in the investigative report do not appear in AIM. IOLERO recommended that IA investigators be reminded to store all supporting documentation in AIM for the benefit of anyone, including IOLERO, who might read their reports. IOLERO also recommended that if investigators decide to ignore allegations on the basis that they are too clearly frivolous to warrant consideration, that they explicitly say so in their reports.

**Origin of Complaint**

SCSO

**Race/Ethnicity of Complainant**

White

**Allegations in the Complaint**

1. Excessive force during the booking process;
2. Inappropriate use of the carotid hold;
3. Failure to report Use of Force and to accept a complaint.

**SCSO Conclusion**

**Exonerated**

IA concluded that force was used in the booking process, but only because the complainant resisted the booking process. The force used was consistent with training, including the carotid hold. The deputies' reports about this incident matched the evidence the investigator was able to gather. Finally, IA concluded the complainant made his complaint immediately, and then again past the one-year statute of limitation for imposing discipline. Thus, it was acceptable to treat the complaint as time-barred.

**IOLERO's Conclusion**

**Agreed**

IOLERO agreed that the evidence gathered as to the use of force, including the carotid hold, was consistent with policy and training. Thus, the finding of Exonerated was appropriate. That said, IOLERO noted that the IA report on this case should have detailed more specific findings of fact explaining why the SCSO reached this conclusion. In addition, the investigation failed to adequately question the deputy applying the carotid hold as to monitoring the breathing of the complainant.

As to the failure to take a complaint, IOLERO noted that the personnel taking this complaint and the IA investigators gave incorrect advice to the complainant and misconstrued the impact of the one-year deadline for imposing discipline.

**IOLERO's Recommendations**

1. Retrain SCSO staff on complaint taking procedures and policies;
2. Require IA investigators to memorialize their findings of fact in their reports;
3. Train use of force investigators in IA to consult with use of force experts and/or trainers when reaching conclusions in use of force cases, or explain in their reports what expertise they themselves have in reaching their conclusions.



**Origin of Complaint**

IOLERO

**Race/Ethnicity of Complainant**

Unknown/Not reported

**Allegations in the Complaint**

Deputy who had complainant's truck impounded for expired registration was motivated by complainant's prior interaction with a relative of the deputy.

**SCSO Conclusion**

**Exonerated**

**IOLERO's Conclusion**

**Agreed**

The deputy was clearly authorized by statute to have the complainant's vehicle towed and impounded.

**IOLERO's Recommendations**

Deputies should be encouraged to inform people whose vehicles are towed of the procedures for getting them released, or, at a minimum, of the fact that they will be receiving written instructions by mail.

**Origin of Complaint**

IOLERO

**Race/Ethnicity of Complainant**

Unknown/Not reported

**Allegations in the Complaint**

1. Deputies identified the wrong person as the hit-and-run driver involved in a fatal accident.
2. One of the people targeted by the investigation of the accident was arrested without cause and mistreated at MADF.

**SCSO Conclusion**

**Exonerated**

**IOLERO's Conclusion**

**Incomplete**

While it is certainly undesirable for law enforcement officers to arrest innocent people, in this case the complainant was simply mistaken as to the facts. The deputies had evidence of a confession from the person they arrested, and thus were acting in good faith when making the arrest. There is no evidence that anyone mistreated the person identified in the second allegation. Rather, the complainant noticed this person was upset after being questioned by deputies, and inferred that the person must therefore have been mistreated. Instead, the person was really upset because they realized they had been caught committing a crime. That said, while the "exonerated" findings for the deputies in this case are highly credible, the investigation was incomplete because it failed to inquire into a questionable timing inconsistency related to the second person's arrest.

**IOLERO's Recommendations**

None

**Origin of Complaint**

SCSO

**Race/Ethnicity of Complainant**

Unknown/Not reported

**Allegations in the Complaint**

A correctional deputy alleged that another deputy had used excessive force when transporting an inmate.

**SCSO Conclusion**

**Exonerated**

**IOLERO's Conclusion**

**Agreed**

Specifically, the force used was a control hold applied to the wrist, a hold the SCSO trains deputies to use, so long as they use the hold in reasonable proportion to the resistance they encounter. In this case, the inmate was interviewed and felt the control hold to their wrist was appropriate. Eight deputies who witnessed the incident stated that the force used was appropriate. IOLERO agreed that the available evidence supported the "exonerated" finding.

**IOLERO's Recommendations**

In light of the well-documented "blue shield" or "code of silence" phenomenon, IOLERO recommended that IA investigators should endeavor whenever possible to find sources of information about deputies' conduct other than statements by other deputies. IOLERO specifically recommended the examination of deputies' personnel records for instances of conduct similar to what the deputy is alleged to have done in the case under investigation.

**Origin of Complaint**

SCSO

**Race/Ethnicity of Complainant**

Black

**Allegations in the Complaint**

Correctional deputies used extreme and unnecessary force during four separate interactions with the complainant when he was incarcerated at MADF. After on such incident, complainant was denied adequate medical care.

**SCSO Conclusion**

**Exonerated**

**IOLERO's Conclusion**

**Agreed/Incomplete**

The force used by the correctional deputies was reasonable and within policy in light of the complainant's resistance. However, the investigation was incomplete because it did not inquire into why a video recording of the deputies' interaction with the complainant was destroyed, into why deputies failed to activate their BWCs during one of their encounters with the complainant, or into a witness's credible allegation of racial bias on the part of correctional deputies.

**IOLERO's Recommendations**

The investigation did not address the complainant's allegation that he received inadequate medical care. It could not address it because medical care is provided by an independent contractor over whom SCSO has no jurisdiction. IOLERO recommended that some system be put in place to determine whether the medical provider is doing its job properly. IOLERO also recommended that the department arrange to have sufficient data storage to permit it to save all video recordings of interactions between jail inmates and correctional deputies for at least a year, and preferably much longer.

**Origin of Complaint**

IOLERO

**Race/Ethnicity of Complainant**

Latino

**Allegations in the Complaint**

Deputies removed complainant's brother from a barricaded position following a long stand-off during which the brother threatened to commit suicide, effectively holding himself hostage. Complainant alleged that he was not permitted to speak to his brother during this incident, and that the force used to remove the brother was excessive.

**SCSO Conclusion**

Exonerated

**IOLERO's Conclusion**

**Agreed/Incomplete**

Before removing the brother from his position, the deputies spent hours trying to persuade him to come out using multiple languages, and had the assistance of a hostage negotiation team and a mental health professional in that effort. The deputies used force only after the mental health professional opined that there was no way to talk the brother into surrendering. The force used to remove the complainant's brother from his barricaded position included less-lethal beanbag rounds and gas, which was consistent with policy under the circumstances. The deputies' refusal to allow the complainant to speak to his brother was in keeping with generally accepted best practice. However, the investigation was incomplete because it failed to address the question of whether a deputy violated the policy prohibiting head shots with "less-lethal" ammunition, or whether any such impacts to the head were accidental.

**IOLERO's Recommendations**

None

**Origin of Complaint**

IOLERO

**Race/Ethnicity of Complainant**

Mixed race

**Allegations in the Complaint**

Complainant alleged they were arrested for DUI without probable cause, and were subjected to excessive force in the process. Complainant also alleged that the conditions in the MADF sobering cell where they were housed after their arrest were unsafe and unsanitary.

**SCSO Conclusion**

**Exonerated**

**IOLERO's Conclusion**

**Agreed/Incomplete**

The bulk of the complainant's allegations were definitively contradicted by the BWC video, and one of them was directed at the CHP officer who administered the PAS breath test, not at SCSO deputies. The force employed to place the complainant into the patrol car after being arrested for DUI was reasonable and within policy. However, the investigation failed to address the allegations about unsafe and unsanitary conditions in the MADF sobering cell.

**IOLERO's Recommendations**

None



**Origin of Complaint**

Unknown/Not reported

**Race/Ethnicity of Complainant**

White

**Allegations in the Complaint**

Correctional deputies employed excessive force while transferring complainant between units in MADF.

**SCSO Conclusion**

**Exonerated**

**IOLERO's Conclusion**

**Agreed**

The force used by the correctional deputies was reasonable in light of the complainant's active resistance. Specifically, deputies took the complainant to the floor when he refused to go back into his cell, which is an approved technique in those circumstances.

**IOLERO's Recommendations**

The medical records included with the documentation of the investigation are extremely vague and are insufficient to support a determination about whether the complainant received proper medical care for the injury he sustained. IOLERO acknowledged that medical care in the jail is provided by an independent contractor, but recommended that the contractor be urged to provide SCSO with records adequate to permit a determination of whether they have done their jobs correctly.

The use-of-force incident occurred in an area covered by a jail surveillance camera, but no recording was made because the camera had not been activated. IOLERO recommended that all surveillance cameras be activated at all times, and the video preserved for at least enough time to make it available for review by IOLERO.

In the following cases SCSO found that the evidence did not support the complaint.

Case Number 18-C-0011		Unfounded Complaint No. 1
Origin of Complaint	IOLERO	
Race/Ethnicity of Complainant	Unknown/Not reported	
Allegations in the Complaint	<ol style="list-style-type: none"><li>1. Improper procedure when dealing with a victim of a crime, specifically, failure to take a statement from a victim;</li><li>2. Improper investigation of a criminal case;</li><li>3. Failure to provide victim information.</li></ol>	
SCSO's Conclusion	<p><b>Unfounded</b></p> <p>The complainant said they were the victim of an assault, but after making an initial report were told that they might, in fact, be charged with a crime. SCSO IA first noted that the complainant alleged no one took their statement about the alleged assault, but noted that the incident report written by the responding deputy did, in fact, describe the statement of the complainant. IA then noted that the complainant did not, from their perspective, appear to want to make a complaint against any specific deputies when interviewed by IA. Rather, the IA investigator concluded that the complainant simply wanted their case presented to the District Attorney for charging. ID therefore closed the case as unfounded.</p>	
IOLERO's Conclusion	<p><b>Incomplete</b></p> <p>First, the IA investigator never reviewed the Body Worn Camera footage of the responding deputy to see what exactly the complainant said when reporting the crime. Given that the deputy and the complainant had very different accounts of this interaction, this investigation could not be considered complete without at least checking this footage. Second, the investigation report does not show any evidence was gathered as to the third allegation, failure to provide victim information. The fact that there is no evidence that the usual victim information was provided according to policy is more corroborative of the complainant's claim that there were not provided with this information than that they were. Again, checking at least the Body Worn Camera footage and interviewing the responding deputy on this point would have been appropriate.</p>	
IOLERO's Recommendations	<ol style="list-style-type: none"><li>1. The SCSO face sheets for tracking the work completed in cases should be improved to better note whether Body Worn Camera footage was or was not reviewed.</li><li>2. IA reports should document when Body Worn Camera footage is not reviewed.</li><li>3. Incident Reports should be required to document whether victims are given victims' rights information.</li><li>4. SCSO policies should include the dates they are published, and the dates of any amendments.</li><li>5. IA memoranda should state who the IA investigator on the case is.</li></ol>	



**Origin of Complaint**

SCSO

**Race/Ethnicity of Complainant**

Unknown/Not reported

**Allegations in the Complaint**

The complainant said he was beaten by deputies while being booked into custody at the MADF. He also complained that upon release from the MADF, deputies transported him to a medical facility for treatment, but was beaten by deputies again at that location.

**SCSO's Conclusion**

**Withdrawn**

The SCSO found no evidence of the two assaults described by the complainant. Body Worn Camera showed no such assault, and an uninvolved MADF employee confirmed that they witnessed the booking process, and saw no such assault. An SCSO IA Sergeant talked to the complainant, and offered to talk to the deputies involved. But IA did not interview the deputies involved, or request medical records relating to the booking or the treatment provided at the medical facility. The IA Sergeant then recorded the complaint as withdrawn based on his offer to the complainant to talk to the deputies involved.

**IOLERO's Conclusion**

**Incomplete**

As a general rule, IA should not attempt to persuade complainants to withdraw complaints, or treat them as withdrawn without affirmatively confirming with a complainant that they wish to withdraw the complaint. In addition, where excessive force is alleged and medical treatment was provided, requesting medical records and interviewing the involved deputies should be the minimum due diligence.

**IOLERO's Recommendations**

None

**Origin of Complaint**

IOLERO

**Race/Ethnicity of Complainant**

White

**Allegations in the Complaint**

1. A sheriff's Deputy improperly denied visitation at the MADF to the complainant, who was a detainee;
2. That same Deputy filed false reports regarding alleged rule violations by the complainant;
3. That same Deputy belittled the complainant's spouse on a day they arrived the MADF for a visit with the complainant.

**SCSO's Conclusion**

**Unfounded**

This Deputy correctly denied visitation to the complainant for a rule violation, but failed to properly explain to the detainee the rules for denial of visitation. This communication failure confused the complainant such that they understandably believed that their visitation was being unfairly denied. And in this case, the complainant's spouse was also inconvenienced as a result of the incorrect explanation of the rule. The SCSO concluded that the Deputy's failure to correctly understand and explain the rules for denying visitation must have been due to a lack of training, but did not investigate or document what training the Deputy had received. As to the alleged rule violations, no independent evidence existed as to whether they did or did not occur in the manner reported by the Deputy. Lacking any evidence to support or refute either the Deputy or the complainant other than their statements, the SCSO concluded that the burden of proof of a preponderance of the evidence could not be met. Therefore, the SCSO reached a finding of unfounded.

Finally, as to the claim that the Deputy belittled the spouse, the SCSO gathered evidence showing that the Deputy and the spouse never met while they were at the MADF. Because it was not possible that the two talked that day, the SCSO reached a finding of unfounded.

**IOLERO's Conclusion**

**Agreed in part, Disagreed in part**

IOLERO disagreed with the SCSO's conclusion of a lack of training being the cause of the Deputy's failure to correctly understand and explain how loss of visitation worked at MADF. While the SCSO investigation proved that the Deputy did not understand this rule, and thus explained it incorrectly, no evidence was gathered to demonstrate whether that failure was due to a lack of training or a failure to absorb the training. Moreover, SCSO policy required Deputies to understand the policies and procedures of the jail when working at MADF. Thus, this Deputy should have been sure to understand the loss of visitation policy before using it to impose a loss of visitation. In this regard, the investigation was incomplete.

IOLERO agreed with the unfounded findings on the second and third allegations.

**IOLERO's Recommendations**

When a violation of policy might be due to lack of training, IOLERO recommends investigating and also documenting whether the specific training given to the member in question was or was not adequate.

IOLERO also recommends that when a detainee is given an incorrect explanation of a rule, that the SCSO make amends by correctly explaining the rule and apologizing for the error. This is especially important where the detainee relies on that rule to the detriment of a family member or themselves.



**Origin of Complaint**

SCSO

**Race/Ethnicity of Complainant**

Unknown/Not reported

**Allegations in the Complaint**

1. Excessive force when arresting complainant for a drug offense, including a forcible strip search at the jail.
2. Unsanitary conditions in the jail.
3. Mismanagement of complainant's personal property after his arrest and release.

**SCSO's Conclusion**

**Unfounded**

**IOLERO's Conclusion**

**Agreed/Incomplete**

The force used to take the complainant into custody was reasonable in light of the fact that he was attempting to escape at the time. The forcible strip search conducted at the jail was within policy. The complainant withdrew his allegation regarding personal property that was not returned to him.

However, the investigation was incomplete because its only basis for concluding that the allegation of unsanitary jail conditions was unfounded was BWC video that did not include images of all of the locations in the jail where the complainant was held.

**IOLERO's Recommendations**

The IA investigator personally took the initiative to return the complainant's personal property to him. While his obviously sincere desire to reunite the complainant with his property was commendable, IOLERO felt that there was a conflict of interest in light of the fact that mishandling of the personal property was one of the allegations in the complaints.

Case Number  
20-C-0004

## Unfounded Complaint No. 5

### Origin of Complaint

IOLERO

### Race/Ethnicity of Complainant

Mixed race

### Allegations in the Complaint

Complainant, who had called 911 for medical assistance with a family member, alleged that both the SCSO dispatcher and one of the deputies who accompanied the medical personnel attempted to intimidate her by, among other things, referring to another family member's criminal record.

### SCSO's Conclusion

**Unfounded**

### IOLERO's Conclusion

**Agreed**

The deputy's interaction with the complainant was uniformly courteous and respectful. The BWC video definitively contradicted all of the complainant's allegations.

### IOLERO's Recommendations

None





**Origin of Complaint**

IOLERO

**Race/Ethnicity of Complainant**

Latino

**Allegations in the Complaint**

1. Deputies were discourteous and biased when they assisted an Animal Control officer in seizing the complainant's dog pursuant to a court order.
2. During the incident, deputies parked in a manner that blocked complainant's driveway, preventing his housemate from leaving for a medical appointment.

**SCSO's Conclusion**

Unfounded

**IOLERO's Conclusion**

**Agreed/Incomplete**

The complainant was understandably upset about the seizure (and ultimate euthanasia) of his dog. However, the seizure was effected by Animal Control; the deputies involved were there only in a backup capacity. All of the deputies were scrupulously honest, respectful, and sympathetic in their dealings with the complainant, and IOLERO agreed that any allegations to the contrary were unfounded. However, the investigation was incomplete because it did not address the allegation that the deputies violated policy by blocking complainant's driveway during the incident.

**IOLERO's Recommendations**

None

**Origin of Complaint**

IOLERO

**Race/Ethnicity of Complainant**

White

**Allegations in the Complaint**

1. A Windsor Police Department Community Service Officer (CSO) trespassed on the complainant's property when ticketing an unlawfully parked vehicle.
2. The same CSO damaged complainant's vehicle several months later by affixing a notice to it with adhesive.
3. The CSO taunted the complainant by waving at his security camera.

**SCSO's Conclusion**

Unfounded

**IOLERO's Conclusion**

**Agreed**

The community service officer violated no law or policy by walking up the complainant's ungated front path to his front door or by waving at the complainant's security camera. Any damage caused to the complainant's trailer by the adhesive used to affix a warning tag to it was minimal and easily remedied, and did not violate any policy. There is no evidence that any action taken by any SCSO member was in retaliation for the complainant's previous complaint.

**IOLERO's Recommendations**

None

## Audit Trends

Most of the cases cleared in this reporting period were part of the backlog of cases from the 2016-2020 period. To be fair, these cases may or may not be indicative of current trends at the Sonoma County Sheriff's Office. Indeed, in many cases, the applicable policies have since changed. For example, one 2018 audit (18-C-0016) highlighted the need for an improved policy regarding the handling of homeless persons' property. Another highlighted the need for improved policies about bystanders recording the actions of deputies. (18-C-0018) Those policies have since been revised and improved.

For this same reason, the main trends identified in these cases mirror those described in prior annual reports, likely because these cases are from the same periods already described in our prior annual reports. Those include incomplete investigations (such as failure to interview witnesses, review video, or memorialize analyses), and issues with medical and mental health treatment at the jail. For example, in this report we flagged incomplete investigations on numerous occasions in the audits of cases from 2018 and 2019. IOLERO raised this same issue in our 2019-2020 annual report with regards to three 2019 cases. And we raised this same issue in our 2020-2021 report with respect to nine cases in the 2019-2020 period. For this

reason, it would not be fair to say the audits in this report show a continuing problem today; rather, they reconfirm a challenge we had already flagged, and on which the Sheriff's Office is working now.

On the other side of the coin, it is also fair to say that the problem of incomplete investigations appeared in our annual reports of 2016-2017 and 2017-2018. So the backlogged audits from 2018-2020 also show that the problem of incomplete investigations flagged back in 2016 through 2018 persisted, at least in some cases, into 2020.

In our 2020-2021 report, we noted that in the fall of 2021 the Sheriff's Office had committed to improving investigation methods to address these incomplete investigations. We applaud that commitment. In the future, review of the cases from 2022 and forward will help us understand whether the Sheriff's Office has shown improvement in this regard.

In the 2022-2023 fiscal year, IOLERO will be discussing these issues directly with the Sheriff's Office. We're looking forward to collaborating on solutions, and giving credit to the Sheriff's Office as they are able to show success in this regard.



## IV. CONCLUSION

This last fiscal year was a period of great change at IOLERO. The director changed several times. Some staff left and others started, but staffing remained below the levels set by Measure P and the Board of Supervisors. Nonetheless, the work continued.

Those who served at IOLERO during this time deserve credit for taking on tough challenges with limited resources. They cleared a significant backlog of cases, closing more cases in the 8-month period reported here than were reported out in any prior report. They helped ensure Measure P could be fully implemented now, in fiscal year 2022-2023. They kept the hiring process running so that new staff could be brought on. And they continued to support the Community Advisory Committee.

As we write this report, the Sheriff's Office is also going through its own transition. It, too, will have to create new processes under Measure P. Like many law enforcement agencies, it has seen a significant number of retirements since 2020, which are complicated by a challenging job market for law enforcement employers such that filling vacancies is challenging. And its leadership is in the midst of change following the election of Eddie Engram as the new Sheriff-Coroner in June 2022, and his swearing in set for January 2023. We look forward to taking him up on his offer to work with IOLERO in the upcoming year.

I believe all of these transitions set the stage for an exciting, collaborative, and productive 2023. I'm looking forward to working with the Board of Supervisors, our IOLERO staff (old and new!), our Community Advisory Committee, the community generally, and of course with the Sheriff's Office to ensure law enforcement in Sonoma County is transparent and accountable, just as the people of Sonoma County envisioned in Measure P.

Thank you, Sonoma County, for your support of our mission here at IOLERO. We're looking forward to serving you in the next year.

*- John Alden, IOLERO Director*



# APPENDIX

# CAC MEMBERS

NOVEMBER 2021–JUNE 2022



*Nathan Solomon*

*First District*

Mr. Solomon holds a Bachelor of Arts in Psychology and a Master of Science in Computer Information Systems. In college he was first introduced to the psychology of policing when taking coursework from Craig Haney who conducted the Stanford Prison experiments. He currently works as a Senior Information Security Analyst for Jackson Family Wines. Mr. Solomon has over 25 years of experience in IT working various roles including founding his own software company.

Mr. Solomon is a native of Sonoma county and has lived in Santa Rosa for the past 14 years. He has a 17 year old son and wife of twenty one years who was raised in Santa Rosa. Mr. Solomon's interest in serving on the Community Advisory Council for IOLERO stems from the Andy Lopez homicide primarily and the recognition that we as a community have to do better.

Mr. Solomon lives in Sonoma County's First District represented by Supervisor Susan Gorin.



## *Dora Estrada*

*First District*

Ms. Estrada holds a Bachelor of Science in Business Administration-Marketing, with a minor in Sociology from University of the Pacific-Stockton. She is currently the administrative aide for the County of Sonoma Office of Equity. Before joining the Office of Equity Dora worked as a Program Specialist for the General Services Department in their Energy and Sustainability Division, as an Administrative Assistant at Sonoma Clean Power, and as a Public Relations Intern for University of the Pacific's SUCCESS TRiO program, a federally funded program serving first generation low-income students. Ms. Estrada is a member of Hispanic Chamber of Commerce of Sonoma County Young Professionals Board and the Sonoma Valley Community Health Center Board.

Ms. Estrada was born and raised in Sonoma Valley. She grew up in the Springs area and now lives in Agua Caliente. Growing up in the Springs, her experiences with Law Enforcement were mostly negative. As an adult, she has built positive relationships with Law Enforcement that have allowed her to recognize both the negative and positive. She is the daughter of immigrants and a former foster youth. At a young age, she learned the importance of community engagement and activism. Ms. Estrada is excited about continuing to contribute to the CAC as a young Latina professional native to the area. She is fluent in English and Spanish.

Ms. Estrada lives in Sonoma County's First District represented by Supervisor Susan Gorin.



## Lorez Bailey

*Second District*

Lorez Bailey is the publisher of the North Bay Business Journal. Prior to the business journal she served as the Executive Director of Chop's Teen Club. Ms. Bailey worked at Social Advocates for Youth (SAY) as the Director of College and Career Readiness where she spearheaded the creation and revision of Sonoma County high school college and career centers. In recognition of Women's History Month, in March 2019 she was awarded U.S. Congressman Mike Thompson's Sonoma County "Woman of the Year." She has also worked a large part of her career in media including The Community Voice, Press Democrat, Fremont Argus, ANG Newspaper Group, Youth News and Channel 50. Ms. Bailey earned her Bachelor of Arts in Communication Studies and Telecommunications from Sacramento State University and Master's Degree in Education Technology from Sonoma State University.

Ms. Bailey is a graduate of the Santa Rosa Metro Chamber's Leadership Santa Rosa Program (LSR Class 32). She is also a graduate chapter member of Alpha Kappa Alpha Sorority, Inc., Alpha Nu Omega Chapter. She is a board member of the Pepperwood Reserve Foundation, Charles M. Schulz Museum Program Advisory Board and 10,000 Degrees Sonoma County Advisory Board.

Ms. Bailey and her husband are longtime Sonoma County residents and have three daughters. Ms. Bailey lives in Sonoma County's Second District represented by Supervisor David Rabbitt. Ms. Bailey was appointed by Supervisor Rabbitt.





## Tom Rose

*Second District*

Tom Rose grew up in Southern California and received a Bachelor of Arts degree from California State University Fullerton. He moved to San Francisco to attend Golden Gate University School of Law, where he earned a Juris Doctorate degree and subsequently became a member of the State Bar of California.

Mr. Rose's professional career was primarily with a bank affiliated entity in San Francisco. As a Senior Officer, he was the primary interface with internal, Federal Reserve, and National Bank examiners. Mr. Rose recognizes the importance of having reviews by outside oversight entities, such as IOLERO, and the necessity for openness and cooperation between the entity being reviewed and the investigating team. While living in San Francisco, Mr. Rose was serving as chair of the Glide Finance Committee when two major achievements were completed: the opening of a Family, Youth & Childcare Center on Ellis St. which provides neighborhood child care, after-school activities, and parental training classes; and the construction of a six story Community House on Taylor St.

Mr. Rose moved to Petaluma in 1999 and is pleased to be appointed to the CAC by Supervisor Rabbitt.





## *Lorena Barrera / Vice-Chair*

*Third District*

Ms. Barrera attended the University of California, Merced where she received a Bachelor's Degree in Political Science. Following her graduation, she moved to Sonoma County to attend Sonoma State University as a graduate student in the field of Public Administration. In 2016, she received her Master's Degree.

While in school, Ms. Barrera served as a volunteer in various internships in all levels of government. During this time she became aware of the disconnect between people and their representatives and how this disconnect contributes to a lack of understanding in what government does or should be doing for people. Around this time, Ms. Barrera began working as a staffer for a member of Congress where she was exposed to policy analysis and became more aware of the loopholes that exist in policy that affect both the public and the public agencies.

As a minority in society, setting an example in the community is of great importance to Ms. Barrera. She believes in informing and educating people in order to strengthen communities.

As a resident of Sonoma County, Ms. Barrera seeks opportunities that will allow her to serve as a community representative because she cares about making a difference for everyone. Ms. Barrera has served on Sonoma County's Commission for the Status of Women (CSW) since 2015 where she currently serves as the vice-chair. As a member of the CSW, she served on the CSW's Mental Health Ad Hoc Committee where she did research on mental health and the stigmas that surround mental health conditions. Ms. Barrera brings to the CAC her experience studying mental health conditions and she will be instrumental in integrating that information into the CAC's outreach and policy work.

Ms. Barrera lives in Sonoma County's Third District represented by Supervisor Chris Coursey.



## Nzinga Woods

*Third District*

Nzinga Woods has a Master of Science in Educational Leadership from California State University Fullerton, a Master in Fine Arts from Mills College, and her Bachelor of Arts from California State University Sacramento. Spending most of her formative years between the Bay Area and Sacramento, Ms. Woods considers herself to be a “Nor Cal” native. She is currently the Co-Director of the award winning ArtQuest Program at Santa Rosa High School where she has taught for over ten years. Additionally, Ms. Woods is the second vice president of the Santa Rosa-Sonoma County NAACP branch, and an adjunct instructor for both CSU Sonoma and the Santa Rosa Junior College. Ms. Woods also co-founded the Sonoma County Black Forum, a nonprofit organization.

The mission of the Sonoma County Black Forum is to Lead, Serve, and Thrive! Charged with this mission, they want to help shape intellectual discourse and dialog to consider the African-American experience. Their goal is to support area youth and our community by creating opportunities to train, learn, develop twenty-first century skills, and foster agency within Sonoma County and the surrounding Bay Area. Paired with her community engagement activities, Ms. Woods has over 20 years’ experience developing and implementing education and engagement programs with community and youth organizations.

Ms. Woods currently resides in Sonoma County’s Third District and has made deep connections with the community. She is focused on being a change agent working on social justice, diversity, inclusion, transparency and the development of 21st Century community engagement practices. Ms. Woods is passionate about youth empowerment through the arts and remains an active arts and community engagement facilitator in Sonoma County.

Ms. Woods looks forward to working with members of the community to create necessary change that is both equitable and transparent, change that will affect the daily lives of Sonoma County residents in a positive manner.

Ms. Woods Lives in Sonoma County’s Third District represented by Supervisor Chris Coursey.



## Marcy Flores

Fourth District

Ms. Flores Suazo was raised in Geyserville, California and has been active in the Sonoma County community and school districts for the past 11 years. Her passion for working with the Latinx community came after her active involvement and political activism with Movimiento Estudiantil Chicana/o de Aztlán (M.E.Ch.A.) and through her work with California Migrant Education - Mini-Corps, working with Healdsburg migrant students and their families during her studies at Sonoma State University. Ms. Flores studied Chicano and Latino Studies and Early Childhood Education and worked for Sonoma State University Upward Bound Programs, supporting first-generation high school students on their path to a 4-year university. With her background and passion in education, Ms. Flores returned to her former high school in Geyserville to support parents and students to pursue their post-secondary education and career goals by providing them with opportunities and the tools to succeed.

She was a former steering committee member with the Hispanic Chamber Young Professionals, Vice Chair Commissioner with Healdsburg Parks and Recs, Crew Supervisor with Social Advocates for Youth (SCYEC Program), Ballet Folklórico volunteer instructor and Alliance Medical Center Board Member. Ms. Flores loves spending time with her two children and enjoys volunteering in her local community.

Ms. Flores currently works for Corazón Healdsburg as the Interim Executive Director working to support individuals, families and children in Northern Sonoma County through strong community partnerships, resources, in-house support services, educational programs and community building and engagement.



## *Evan Zelig, Esq. / Chair*

*Fourth District*

Mr. Zelig has been a licensed attorney in the State of California since 2003 and is President of Law Offices of Evan E. Zelig, a professional corporation. His practice focuses solely on criminal defense, representing individuals charged with misdemeanor and felony criminal offenses. He also serves on the indigent criminal defense panel. Mr. Zelig earned a Bachelor of Arts in Political Science at University of California, Irvine and his Juris Doctor from McGeorge School of Law, University of the Pacific.

Mr. Zelig is active both socially and politically in the Town of Windsor where he currently serves as Chair of the Planning Commission. Mr. Zelig is the grandson of Holocaust survivors and is a regular contributor to the Holocaust Museum LA, a museum his grandmother helped establish.

Mr. Zelig looks forward to serving as a liaison between members of the community and members of law enforcement. He believes his work within the criminal justice system, his volunteer work, and life experiences that have allowed him to live, interact and work with diverse populations will serve him well as a member of the CAC. Mr. Zelig states, "Understanding what all parties in a situation may be dealing with and looking at policies objectively will allow us to better understand what changes may need to be made."

Mr. Zelig lives in Sonoma County's Fourth District represented by Supervisor James Gore.



## Maxwell Pearl

*Fifth District*

Mr. Pearl received his B.A. in Natural Science and Mathematics from Bennington College, and his Ph.D. in Neuroscience from Case Western Reserve University. He was an HIV/AIDS educator and advocate in the early part of the HIV epidemic in Cleveland, OH, and was part of training hotline workers that staffed the first statewide HIV/AIDS Information hotline. Mr. Pearl taught at Hampshire College from 1989 through 1999, as Assistant and Associate Professor of Biology. He conducted studies primarily on the AIDS epidemic, particularly as it affected women and people of color. He was also involved in AIDS education and advocacy during the first half of the 1990s. He was involved in several grant-funded projects to enhance in-service science education for educators in the region, particularly in terms of use of technology in the classroom.

Mr. Pearl was a nationally recognized leader in the nonprofit technology field. He was on the steering committee of the Non Profit Open Source Initiative (NOSI), and was a member of the boards of NTEN, the Nonprofit Technology Network, and of Aspiration, an organization that fosters software development in the nonprofit/NGO sector. Mr. Pearl has worked with organizations focused on women's rights, human rights, the environment, and internet freedom.

Mr. Pearl is a long-time practitioner of contemplative spirituality. Mr. Pearl has a Certificate of Theological Studies from Pacific School of Religion, in Berkeley, and has been teaching contemplative practices since 2005. Mr. Pearl's current work is teaching embodiment, mindfulness and self-compassion to marginalized folks, as well as working with organizations with a trauma-informed lens to apply harm-reduction principles to organizational structure.

Mr. Pearl has written many articles and reports for scholarly journals, educational and nonprofit audiences, and the public, and is also a multi-genre creative writer.

Mr. Pearl lives in Sonoma County's Fifth District represented by Supervisor Lynda Hopkins.





## Nancy Pemberton

*Fifth District*

Nancy Pemberton obtained her B.A. degree at San Francisco State University and her J.D. degree at Berkeley Law School (then known as Boalt Hall). For most of her legal career, she specialized in representing defendants charged with capital crimes and facing possible execution, both as an attorney and mitigation specialist. Now retired from legal representation, she works part-time writing and editing content for a website used by capital litigators.

As part of her litigation practice, Ms. Pemberton volunteered time to train attorneys and investigators in capital litigation issues, presenting at legal and investigative conferences and seminars throughout the country. She also taught a clinical course, the Art of Investigation, at Santa Clara University Law School in conjunction with the Law School's Innocence Project.

In 2000, Ms. Pemberton and a fellow investigator co-founded the Institute for International Criminal Investigations (IICI), an organization that trains professionals in the investigation of human atrocities. She continues to sit on the IICI board. She also sat on the board of the American Civil Liberties Union of Northern California for many years, including chairing the board for six of those years.

Having moved to Sonoma County in 2014, Ms. Pemberton became involved in the campaign to pass the Evelyn Cheatham Effective IOLERO Ordinance, also known as Measure P, adopted in November 2020 with the approval of almost 2/3 of the vote. She now serves on the Committee for Law Enforcement Accountability Now (CLEAN), a group dedicated to ensuring the robust implementation of Measure P.

Ms. Pemberton is delighted to serve on the Community Advisory Council. She believes that it is the responsibility of everyone in a democracy to oversee the people in law enforcement to whom they have granted such enormous responsibility and authority; and she aspires to live in a community where law enforcement officers and the people they serve view each other with mutual respect and trust. She looks forward to doing her part to achieve those goals.

Ms. Pemberton lives in Sonoma County's Fifth District represented by Supervisor Lynda Hopkins.



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