



IOLERO

ANNUAL REPORT

2019-2020

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Executive Summary

The Independent Office of Law Enforcement Review and Outreach (IOLERO) was established by county ordinance in 2016. The operational mission of IOLERO is to strengthen the relationship between the Sonoma County Sheriff's Office (SCSO or Sheriff's Office) and the community it serves through outreach and the promotion of greater transparency of law enforcement operations.¹

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

The past 18 months have been a benchmark in IOLERO's history. In October of 2019, the director's request was granted to add a full-time

programs manager to further develop IOLERO's CAC and community engagement efforts. In September 2020 during county budget hearings, the director's request for two additional attorneys was granted. IOLERO has gone from a staff of two - a director and an administrative assistant - to a staff of five, a director, two attorneys, a programs manager and an administrative assistant. The IOLERO budget went from \$562,322 in March of 2019 to \$1,391,174 for fiscal year 2020-2021, an increase of 147%.

In May of 2020, IOLERO partnered with Sonoma State University (SSU) to research and examine law enforcement's use-of-force and de-escalation policies and to develop a high functioning community-oriented policing program. In August of 2020, the Board of Supervisors placed a measure on the November ballot to allow Sonoma County voters to consider a new ordinance for IOLERO which would significantly increase IOLERO's legal authority and capacity for law enforcement oversight.

1. More information about IOLERO's history and mission including copies of original documents can be viewed on IOLERO's website at: <https://sonomacounty.ca.gov/IOLERO/Who-We-Are/>

Sections I through IV of this report discuss IOLERO's current ordinance and some of the changes proposed by the ballot measure. Also discussed are the challenges IOLERO has faced by its legal limitations and extreme budget constraints over the past four years since the department was established. The majority of this report is dedicated to Section V which discusses the complaints against the Sheriff's Office, the audits of those complaints, the IOLERO director's recommendations and the changes that have come from this process. The audit process recently has produced unprecedented changes to Sheriff's Office policies including a new de-escalation policy, increased training in biased policing (implicit bias) and crisis intervention, a policy that makes arrestees safer and another that reduces errors in Immigration and Customs Enforcement (ICE) reporting. Additionally, the Sheriff's Office opened an investigation to review the practices of dispatch in conveying accurate information to deputies during calls for service.

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

Karlene Navarro, Esq., Director



I. IOLERO's Legal Authority and Proposed Changes

Ordinance No. 6174

Sonoma County Ordinance No. 6174 specifies that IOLERO is 100% “*subject to the Sheriff’s collaboration.*” (Ordinance No. 6174, 2-394(e)). The only power given to IOLERO is the authority to objectively audit the Sheriff’s internal affairs investigations and make recommendations that the Sheriff is free to adopt or not adopt. IOLERO does not have the legal authority to release the audits to the public.²

IOLERO is not equipped with resources or the legal authority to regulate the Sheriff’s Office, by county ordinance or state law. Presently, IOLERO does not have the legal authority to:

- » subpoena or directly access records, surveillance, or body-worn camera videos
- » impose or recommend discipline on Sheriff’s Office employees for policy violations

- » investigate complaints
- » change the decisions or policies of the Sheriff’s Office

Thus, when IOLERO seeks change from the Sheriff, it can only do so by getting buy-in from the Sheriff’s Office. This means maintaining a mutually collaborative, working relationship with the Sheriff’s Office, while also conveying concerns and ideas from the public supported by research and evidence through IOLERO’s Community Advisory Council (CAC).

Under these constraints, it is key to have a strategy that preserves the current tools for change (auditing complaints and making recommendations) while working to strengthen future oversight. Collaborating on necessary changes, as opposed to arm-wrestling with the Sheriff’s Office to force changes, is the only real legal authority IOLERO can use.

2. Ordinance No. 6174 may be viewed in its entirety on IOLERO’s website at: <https://sonomacounty.ca.gov/IOLERO/Legal-Authority/>

The methods IOLERO has pursued to relationship-build and make changes to the Sheriff's Office within the confines of IOLERO's Ordinance have recently accomplished changes not seen in the past. In the last eighteen months, the Sheriff's Office has accepted IOLERO's recommendations resulting in several new policies.

Under the current Ordinance, IOLERO must maintain a professional and collaborative relationship with the Sheriff's Office in order to accomplish its mission. This can sometimes be misinterpreted in the community, however if IOLERO infringes upon the trust it has developed it loses the ability to accomplish anything. When there is unnecessary confrontation between the agencies, it can result in "lock outs" from the sheriff's system which makes it difficult if not impossible for agencies like IOLERO to function. Lock out's mean no more communication or access with the Sheriff's Office, including audits of citizen complaints and critical incidents (incidents involving a death) which disintegrates any opportunity to change policy. Lockouts of civilian oversight agencies by sheriffs have happened in the past few years in Sacramento and Los Angeles.

Under the current leadership of IOLERO and the Sheriff's Office, considerable effort has been invested in the collaborative approach and the threat of a "lock out" has not been an issue.

Nonetheless, to have authority beyond collaboration, changes would have to be made to IOLERO's Ordinance and resources. When reviewing IOLERO's Ordinance and considering the challenges IOLERO faces, it is helpful to understand the difference between sheriffs and police chiefs.

Sheriff is a Constitutionally Created Position

There are legal limitations to strengthening IOLERO's Ordinance. The California Constitution and state law limit the Board of Supervisors' (BOS) power over the Sheriff in "general law" counties like Sonoma County (as opposed to "charter law" counties). The BOS may not make ordinance changes that *"affect the independent, [] constitutionally and statutorily designated investigative...functions of the sheriff..."* (See Cal. Govt. Code § 25303).

Accordingly, the real question is whether increasing the power of civilian oversight agencies like IOLERO affects the independent, constitutional and statutorily designated investigative functions of the sheriff.

Sheriffs are powerful, constitutionally-mandated, elected officials. Sheriffs cannot be removed or disciplined by the Board of Supervisors. Similar to members of the Board of Supervisors, sheriffs are elected officials. The oversight contemplated for elected officials under present law is through elections.

Sheriffs and their offices are not the same as police chiefs and police departments. Chiefs of police are not elected and can be removed or disciplined by a city manager or city council. This distinction has resulted in significant differences in civilian oversight practices for police and sheriffs. For instance, 82% of oversight agencies like IOLERO oversee police departments and only 15% oversee sheriff's offices.³

3. De Angelis, et. al. *Assessing the Evidence*: https://www.nacole.org/reports_publications, 8

The differences between sheriffs and police pose a major challenge for any kind of direct oversight of a sheriff's office. Even in "charter counties"—which permit more flexibility over ordinances—there has been difficulty strengthening sheriff oversight. For example, Los Angeles, a charter county, recently granted subpoena power to its civilian oversight committee. Regardless, Los Angeles' Sheriff has ignored all three subpoenas issued to him by the civilian oversight committee.

Proposed Changes to IOLERO's Ordinance

In October of 2019, a group of community members began circulating a petition to collect signatures to place an initiative on the November 2020 ballot to increase IOLERO's authority. The initiative would later be named the Evelyn Cheatham Initiative. In March of 2020, the efforts to collect the requisite number of signatures was impeded by the COVID-19 pandemic. The proponents of the measure began urging the Board of Supervisors to place the ballot initiative on the November 2020 ballot.

On June 23, 2020, the Board of Supervisors established an ad hoc committee to explore possible amendments to the IOLERO Ordinance. The ad hoc committee drafted a multi-phased plan to receive input from the IOLERO director, the Sheriff, the community and other stakeholders including the Evelyn Cheatham Ordinance Committee on the nature and scope of any proposed amendments to the IOLERO ordinance.

Based on the ad hoc committee's plan, the CAC planned a community forum to gather feedback from the community about proposed amendments to IOLERO's current Ordinance. The forum was intended to be the first in a series of community forums to solicit feedback from as many community members as possible about IOLERO's ordinance, the need for changes and what the community would like to see in a law enforcement oversight office. The first CAC meeting was scheduled for August 3, 2020.

On July 14, the Board of Supervisors' ad hoc committee introduced its plan to explore amendments to IOLERO's Ordinance at a Board of Supervisors meeting. During the meeting, members of the Board of Supervisors proposed changing course and placing the Evelyn Cheatham Initiative on the ballot instead of proceeding with the ad hoc committee's plan.

The issue was moved to the August 4th Board of Supervisors agenda to decide whether to move forward with the ad hoc committee's plan or to place the Evelyn Cheatham Initiative on the ballot.

In response to the changed plans, the Community Advisory Council had to adjust the plans for the August 3rd community forum. The meeting was expanded in size and scope because if the BOS opted to place the measure on the ballot at their August 4th meeting, the August 3rd meeting would be the last opportunity to survey the community about the issue of amending IOLERO's Ordinance.

IOLERO and the Community Advisory Council hosted the August 3rd meeting which was attended by representatives from more than 20 community organizations, the Board of Supervisors' ad hoc committee, the Sheriff and a Sheriff's Office lieutenant.

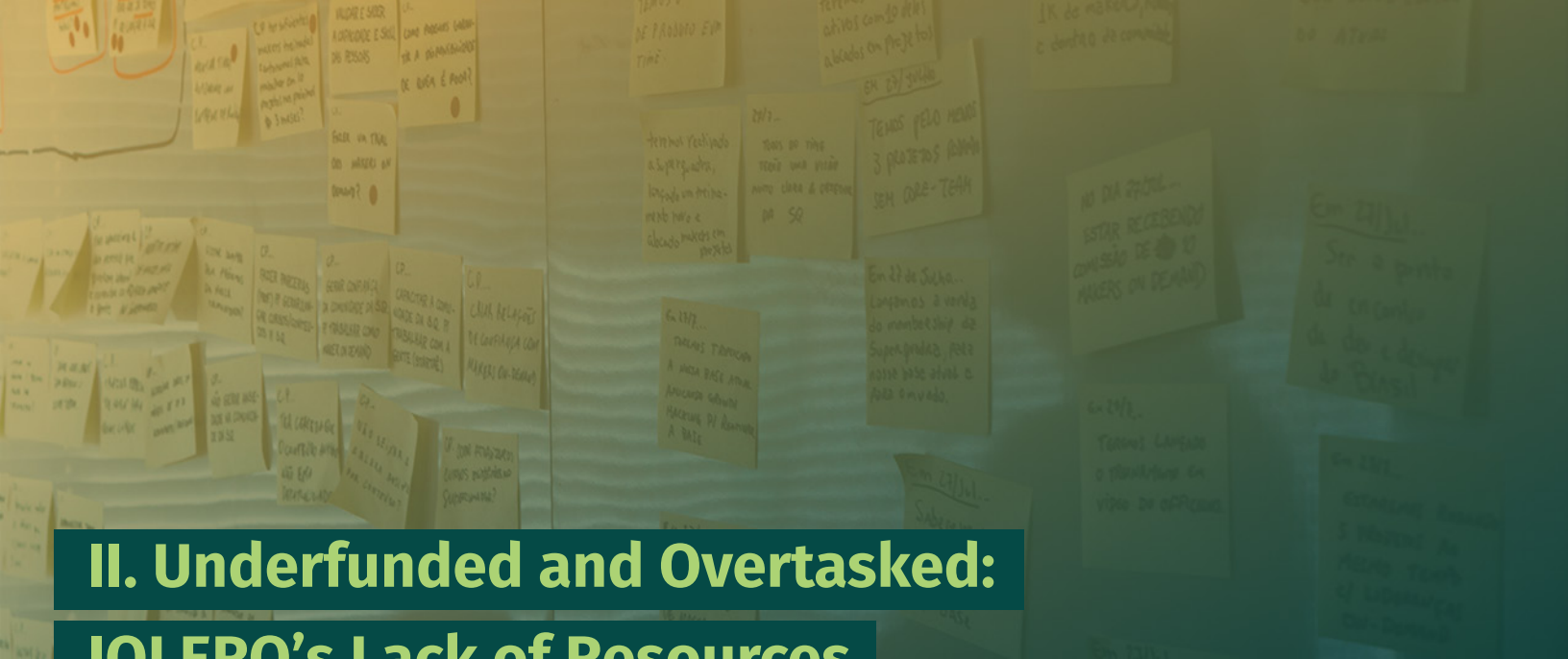
The goal of the meeting was to create an environment of inclusiveness where issues of law enforcement reform in Sonoma County could be discussed, the community could offer their opinions on how the ordinance should be amended and what amendments should be made, if any. The forum was not about IOLERO or the CAC trying to advocate to amend IOLERO's ordinance in one particular way - either through the Board of Supervisors' ad hoc process or by putting the ordinance on the ballot. IOLERO and the CAC felt it was important that the community be fully informed of the benefits and risks of all the options and have an opportunity to understand and discuss those benefits and risks.

The director of IOLERO gave a presentation laying out the benefits and risks of pursuing amendments to IOLERO's ordinance either through the Board of Supervisors or through a ballot initiative. Some of the risks and benefits discussed included: there are no guarantees at the ballot (i.e., the magnitude of a 50% + 1 vote requirement), the Evelyn Cheatham Initiative would likely face a well-funded anti-campaign and litigation, and a BOS amendment would allow for more time and feedback from the whole community about what changes should be made, if any. Costs were also discussed including the cost of placing a measure on the ballot (approximately \$250,000), the cost of

litigation to defend legal questions associated with the Evelyn Cheatham Initiative and the costs of not improving law enforcement oversight, specifically, substantial costs in civil litigation and settlements and also insurance premiums based on law enforcement's use of force, injuries and officer-involved deaths. By far, the factor that seemed to concern the community the most was this: if amendments are made to IOLERO's ordinance through the Board of Supervisors, those amendments could be watered down or reversed in the future by the Board of Supervisors.

Ultimately, the overwhelming request from the attendees was that the Board of Supervisors place the Evelyn Cheatham Ordinance on the November 2020 ballot with modifications suggested by the IOLERO director and the CAC. The attendees also expressed a desire that the BOS take immediate action by adopting the same ordinance while the ballot measure is pending.

At the August 4th Board of Supervisors meeting, the IOLERO director presented a summary of the CAC meeting. The Board of Supervisors voted unanimously to place the Evelyn Cheatham Initiative on the November 2020 ballot. The Board of Supervisors opted not to simultaneously adopt the proposed ordinance. If passed, the new ordinance would vastly increase IOLERO's legal authority allowing for the ability to independently investigate complaints, direct access to the Sheriff's Office records, surveillance and body-worn camera videos and the ability to recommend discipline on Sheriff's Office employees for policy violations.



II. Underfunded and Overtasked: IOLERO's Lack of Resources

In addition to the constitutional challenges associated with overseeing a sheriff's office, IOLERO has been severely underfunded and overtasked since its inception.

Until recently, IOLERO had a bare-bones staff comprised of a director and an administrative aide. Only the director is authorized to conduct audits of the complaints. The Sheriff's Office, on the other hand, has four Internal Affairs investigators dedicated to investigating complaints. If a complaint is made at the jail, there is a grievance unit comprised of additional investigators for those investigations. And, if a complaint is made about a deputy from Windsor, Sonoma or the River area, a deputy from one of those substations may be assigned to investigate the complaint rather than add it to the workload of one of the four main Internal Affairs investigators.

Every investigation within IOLERO's jurisdiction, whether it is done by one of the four Internal Affairs investigators, the grievance unit or a substation deputy, is sent to the IOLERO direc-

tor to be audited (See [section IV. The Complaint Process – Two Tracks, p. 20](#) for more information about what investigations fall within IOLERO's jurisdiction). At the same time, the IOLERO director is also responsible for the other duties like managing IOLERO's budget, personnel issues, hiring and training, community engagement, managing the CAC, media appearances, public record act requests, strategic work plans and other reports including the annual report.

Additionally, every time there is an incident that captures the attention of the media, IOLERO is flooded with calls and emails from the community. Examples of media incidents that led to an influx of calls and emails to IOLERO include: when 110 protesters were arrested in one night, when a fruit vendor was arrested and handcuffed in Petaluma, when the sheriff decided not to enforce the health order, when a man's leg was mauled by a sheriff's K9, and when David Ward was killed. After the protesters were arrested, IOLERO received about 220 calls and emails within 24 hours.

IOLERO is a very small department, so it is all hands-on deck when the department is flooded with calls and emails. This completely derails the other work of the office, sometimes for weeks at a time.

The bar chart below may be helpful to illustrate IOLERO's predicament. The average person works about 1800 full-time hours in one year. That accounts for a full-time 40-hour work week minus 15 days of vacation and 20 days of sick time. The IOLERO director created a spreadsheet to estimate the time it takes to complete the various work of the office at IOLERO. The results are demonstrated in the bar chart.

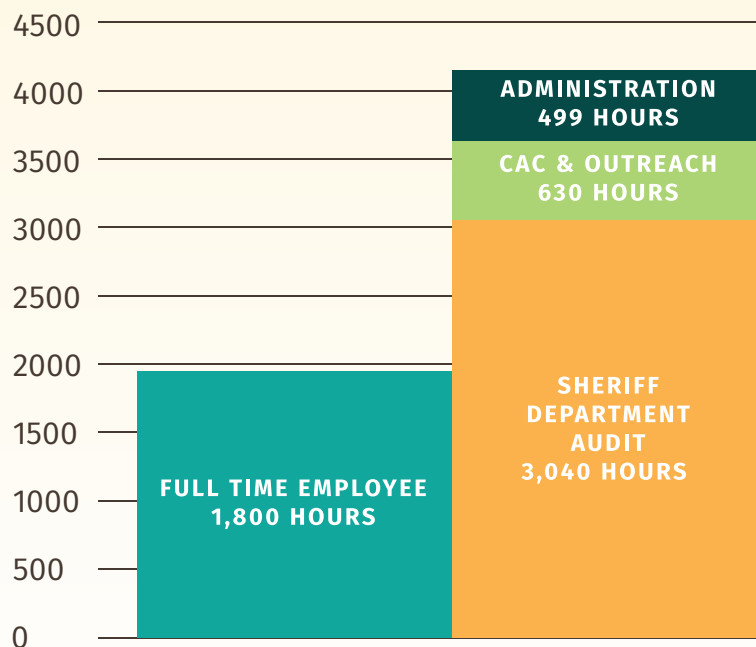
For instance, a standard audit takes approximately two weeks to complete depending on the volume of the evidence (which may include body worn camera videos, surveillance videos, civilian videos, recorded witness interviews, dispatch recordings, transcripts, medical records, police reports, social media posts, etc.) An audit of a critical incident where someone

died or an incident with serious injury may take the IOLERO director 4-6 months to complete. Other duties, including but not limited to, monitoring the budget, community outreach, personnel issues, department head meetings, report writing and public record act requests were allotted an estimated number of weekly hours and inputted into the spreadsheet.

Based on IOLERO's workload in September of 2019 including backlog and critical incidents, it would take the director approximately 3,040 hours to complete the audits alone. The addition of the other administrative work associated with running the department puts the average workload at over 4000 hours per year. That is 2200 hours more than the average person works in one year.

Since these calculations were made, additional critical incidents have occurred in Sonoma County. Therefore, the amount of time it would take the director to complete the audits is at this time is actually more than 3,040 hours.

Annual hours to fulfill duties of IOLERO





III. IOLERO's Four Operational Branches

There are four operational branches that are essential to IOLERO's success. Those branches and their significance are described in the chart below. Focusing on these four areas, IOLERO has accomplished substantial expansion and success over the past 18 months despite the challenges.

COMMUNITY ADVISORY COUNCIL (CAC)

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

AUDITS

If IOLERO does not have sufficient resources to audit complaints against the Sheriff's Office, how do we know if the Sheriff's Office is following its policies?

COMMUNITY OUTREACH & INREACH

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

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.

Community Advisory Council (CAC)

The CAC is a group of community volunteers who serve as a bridge between law enforcement, IOLERO and various communities of the county. The CAC holds monthly public meetings to discuss areas of concern between the community and the Sheriff's Office and they research and present community-driven policy recommendations to the Sheriff's Office. The goal of the CAC's work is to promote large-scale, systemic reform, transparency and community partnership in law enforcement operations.

In January 2020, after an intensive six-month recruitment and interview process, seven new members were appointed to the CAC. The CAC is comprised of community leaders who are diverse, thoughtful and balanced. The members of the CAC are leaders in many community organizations throughout the county such as Chop's Teen Club, the Hispanic Chamber of Commerce, Sonoma Valley Community Health Center, The Knight's Sober Living House, the Windsor Planning Commission and the Commission on the Status of Women.

This connection to "pocket communities" links IOLERO and the CAC to a broader Sonoma County community, widening awareness about IOLERO's work and bringing law enforcement concerns of the community to IOLERO's table for discussion. The CAC works closely with IOLERO and SSU to develop projects such as research on the use of force, de-escalation and community-oriented policing. See [Appendix 1, p. 60](#) for biographies and photos of the CAC members.

In June 2020, IOLERO and the CAC entered into a partnership with the Department of Criminology and Criminal Justice at Sonoma State University (SSU). This partnership includes working on projects with the professors and an internship program for the SSU students. Currently, IOLERO, the CAC and SSU are working together on two projects. First, a comprehensive evaluation of use of force and de-escalation policies of all 58 Sheriff's Offices. The data will be supplemented with information from other sources like the Department of Justice, other police agencies, the ACLU and American Medical Association. We will identify best practices. At the conclusion of the research, IOLERO and the CAC will make recommendations to the Sonoma County Sheriff's Office about its use of force and de-escalation policies.

Audits

The audits are discussed in detail in [section IV. The Complaint Process – Two Tracks, p. 20](#).

Outreach and Inreach

COMMUNITY EVENTS

It is important that the community is aware of IOLERO's services. If a community member feels a Sheriff's Office employee has acted inappropriately, we want that person to be able to file a complaint and have access to supportive resources. We also want the community to have a place where they feel safe making complaints against the Sheriff's Office.

IOLERO and the CAC hold public meetings where the department's work is discussed. Initially, those meetings were held monthly at the county complex, however the meetings were sparsely attended. In May 2019, the department started holding meetings at different locations around the county to make the meetings more accessible to different communities. Meetings were held in Windsor, Sonoma, Cloverdale, Petaluma and Guerneville. Meeting attendance by the community varied from about five to 15 people at the CAC meetings. In January 2020, IOLERO started working with Leap Solutions a professional development organization to make the CAC meetings more inviting and productive. In May of 2020, IOLERO welcomed a new Programs Manager. One of the duties of IOLERO's Programs Manager is to schedule all future CAC meetings, plan the agendas and guest speakers in advance and implement an advertising plan for the meetings.

In addition to holding meetings where IOLERO does outreach and asks the community to come to us at a set location, it is imperative that IOLERO does "inreach" by being present at events where a crowd is already gathered.

Prior to the global pandemic and shelter-in-place that started in March 2020, IOLERO was on track to participate in at least one community event per month. IOLERO hosted tables at larger events like Cinco de Mayo, Mochilada, the Martin Luther King Day celebration at Community Baptist Church and the Santa Rosa Farmer's Market. At those events, we set up a table, handed out brochures and provided information about IOLERO's services to large crowds. IOLERO was also present at smaller events where we gave more intimate presentations to a smaller crowd. IOLERO made presentations at Roseland University Prep's career day, the Sonoma County Police Academy's training center, the senior health fair in Cloverdale and the Mente Sana, Cuerpo Sano (Healthy Mind, Healthy Body) Spanish language health fair at the Roseland Library.

BI-LINGUAL E-NEWSLETTER

Another way IOLERO has reached into the community is through its bi-lingual e-newsletter. IOLERO's bi-lingual monthly e-newsletter was started in December 2019. The e-newsletter has proven to be an effective way to keep the whole community informed about IOLERO's work and progress. For instance, during the Covid-19 shelter-in-place, IOLERO carefully monitored the quarantine and safety precautions taken at the jail by the Sheriff's Office. Information was provided in the newsletter about the reduction of the jail population, whether inmates had access to running water, soap, masks, and continued access to mental health services.

Updates are also provided through the newsletter on incidents of media interest such as the recent arrest in Sonoma County where a man's leg was mauled by a police dog and a civilian's cell phone video was released to the media prompting concern from many community members. Through the newsletter, the community was made aware that IOLERO already had been contacted by the family of the arrestee, that they filed a complaint with IOLERO and that the family was offered trauma-related services.

Through the newsletter, the community has also been provided with a detailed explanation about the complaint investigation and auditing process. In the future, IOLERO has plans to include periodic updates about the audits through the newsletter ("audit editions") rather than reserve the release of audit information only once a year through the annual report.

In March of 2019, IOLERO had an email subscriber list comprised of about 450 people. In July of 2020, IOLERO's subscriber list had expanded to about 7500 subscribers (including media contacts). See [Appendix 2, p. 68](#) for a sample of IOLERO's newsletters.

SOCIAL MEDIA CAMPAIGN

In March of 2020, IOLERO consulted with Watzalab Creative Lab and started a social media campaign. One of the strategies implemented was a graphic informational campaign. Each graph-

ic describes a single fact about IOLERO, a frequently asked question, or a description of our work. A different graphic is posted to IOLERO's Facebook page and Instagram account weekly. IOLERO uses Facebook's advertisement options to maximize our viewer reach. The graphics are also incorporated into IOLERO's e-newsletter. From March of 2020 to July of 2020, the number of people who followed IOLERO's page on Facebook jumped over the course of 4 months, from 500 to 800. Community engagement on Facebook quadrupled during this time period with posts going from receiving 10 "reactions" or comments per post to about 40 "reactions" or comments per post. IOLERO's number of followers on Facebook has grown by 35% from 506 in March of 2020 to 776 in August of 2020.

During 2019 our Facebook followers grew from 424 to 501, adding 77 through January-December of that whole year. From March of 2020 to August of 2020 IOLERO has engaged close to four (4) times more Facebook users compared to those in 2019.

In March of 2020, IOLERO established an Instagram account. On Instagram, the number of people who viewed IOLERO's posts went from zero in March 2020 to 130 in July of 2020.

Every informational graphic is published in English and Spanish which contributes to the heightened level of engagement.

IOLERO reviews complaints against the Sheriff's Office, does community outreach, and makes policy and training recommendations to the Sheriff's Office.



#iolerosoco

IOLERO revisa las quejas contra la Oficina del Sheriff, se comunica con la comunidad y hace recomendaciones a la Oficina del Sheriff sobre sus políticas públicas y entrenamiento.



#iolerosoco

IOLERO continues to provide services during the Shelter-in-Place Order.

IOLERO receives phone calls and letters from inmates on a regular basis, and is monitoring the Sheriff's safety precautions at the jail during the Covid-19 pandemic.



#iolerosoco

IOLERO continúa brindando servicios durante la Orden de Refugio en Casa.

IOLERO recibe llamadas telefónicas y cartas de reclusos de manera regular, y monitorea las medidas de precaución del Sheriff en la cárcel durante la pandemia del Covid-19.



#iolerosoco

Is IOLERO affiliated with the Sheriff's Office?

- No. IOLERO is an independent, non-police Sonoma County agency. We provide civilian oversight of law enforcement.



#iolerosoco

¿La oficina de IOLERO está afiliada con la oficina del Sheriff?

- No. IOLERO es una agencia independiente del Condado de Sonoma que no está afiliada con la policía. Ofrecemos supervisión civil a la aplicación de la ley.



#iolerosoco

RE-DESIGNED BROCHURES AND WEBSITE

In the Spring of 2019, IOLERO's website and brochures underwent an overhaul. The brochures were re-written to make them more accessible to a broader audience. The brochures now have a user-friendly format and include easy to remember information about IOLERO's services. A handy Frequently Asked Questions (FAQ) section addresses the questions heard most at IOLERO. The brochures are published in English and Spanish. See [Appendix 3, p. 69](#) for a sample of IOLERO's brochure.

IOLERO's website was also revamped to make it more user-friendly and accessible to a broader group of people. The website now features an expanded FAQ section that includes questions which could not fit into the brochure, a newsletter section featuring IOLERO's monthly newsletter and archived newsletters and a new language translation feature. The language translation feature translates the content on our website and our newsletters into 90 languages.

Also new to IOLERO's website is an easy to use fillable complaint form. Previously, if a community member wanted to submit a complaint electronically to IOLERO, he or she had to download the complaint form, print it out, fill it out, scan it then email it back to IOLERO. Now, a complainant can fill out the form directly on the website and hit send.

BROCHURES DISPLAYED IN THE JAIL AND ACROSS SONOMA COUNTY

In the Summer of 2019, Director Navarro met with stakeholders around the county to listen to their concerns and opinions and promote IOLERO's services. It quickly became apparent that most people did not have a clear understanding of how IOLERO works or what services IOLERO offers.

Director Navarro met with other department heads and arranged to have IOLERO's brochures displayed across the county. IOLERO's brochures are now displayed in the Employment & Training Office, Economic Assistance Office (Cal-Fresh, etc.), Family Youth and Children Services, Adult & Aging Services, Homeless Services, Probation, the Day Reporting Center (where probationers check-in), the District Attorney's Family Justice Center and the Public Defender's Office. IOLERO's brochures continue to be displayed in non-profits throughout Sonoma County.

Additionally, there were lawsuits stemming from significant procedural violations at the Sonoma County jail. Director Navarro met with Sheriff Essick and he agreed to display IOLERO's brochures in both of Sonoma County's jails so that inmates have access to IOLERO's services. IOLERO's brochures are now laminated and posted on the walls of each living area in the jail. IOLERO's brochure can be viewed and downloaded by visiting our website at: <https://sonomacounty.ca.gov/IOLERO/Who-We-Are/>

Proactive Work

RELATIONSHIP-BUILDING — IOLERO AND THE SHERIFF'S OFFICE

Since March of 2019, great strides have been made between the Sheriff's Office and IOLERO toward establishing trust and a more collaborative relationship. This is crucial because pursuant to Sonoma County Ordinance No. 6174, which established IOLERO - IOLERO's work depends entirely on collaboration with the Sheriff's Office.

One result of the improved relationship between IOLERO and the Sheriff's Office was the ability to display IOLERO's brochures in the jails so that inmates are aware of IOLERO's services. Another example is that in May of 2019, the IOLERO director and Sheriff Essick agreed to expand the kinds of allegations reviewed by IOLERO. Prior to this agreement, the Sheriff's Office only sent complaints for audit based on allegations of excessive force, biased policing and search and seizure violations. Director Navarro and Sheriff Essick agreed that allegations of sexual assault and dishonesty also will be sent to IOLERO for review and recommendations.

Other successes include new policies recommended by the IOLERO director and adopted by the Sheriff's Office such as a policy that makes arrestees safer, another that helps to prevent mistakes when the jail is communicating with ICE, an overarching de-escalation policy and increased training on implicit bias and crisis intervention.

Another way to build a relationship with the Sheriff's Office is through community-oriented policing. IOLERO and Sonoma State Universi-

ty (SSU) are working to design and promote a high-functioning community-oriented policing program in collaboration with the Sonoma County Sheriff's Office.

COMMUNITY-ORIENTED POLICING

Community-oriented policing is based on the idea that the police and the community can work together to improve the quality of life for everyone in the community. One example of community policing is the concept of "boots on the ground" policing. For example, if police officers are doing more "foot-patrol" and less "drive-through patrol," an opportunity is created for officers to get to know their community members by name, recognize the faces of the community members who live in the area and get to know the families of the community members who live and work in their "beats" or "zones."

One of the goals of this type of community policing is to create an environment where police officers, faced with a situation they perceive as dangerous, will be more likely to recognize the individual involved, allowing him or her to evaluate the situation on more than just fear-based reactions. This personal interaction also creates a relationship of increased accountability between the officer and community members. For example, it is not uncommon for a police officer to encounter a person with mental health issues acting "suspiciously" while patrolling his/her beat. But, if the officer recognizes that person from his/her time patrolling the neighborhood on foot, or s/he recognizes the person as the child of shop owners or day laborers on his or her beat, the officer will have more substantive, human-based information, as s/he makes the (sometimes split-second) decision

of how to handle the situation. If the officer is familiar with the suspect, the family, or neighbors the officer will also feel more responsible to those community members as s/he considers his/her options for de-escalating the situation. This type of community-oriented policing creates an environment that is naturally better at preserving life while also allowing officers the autonomy needed to ensure public safety.

The SCSO reports that, in their experience, community-oriented policing can be more challenging to implement for a sheriff's office than it is for a police department. Their position is that community-oriented policing philosophy is arguably easier to implement in a city setting where city police officers are able to use foot or bicycle patrol to personally interact with people in downtown settings and business districts. The Sheriff's Office, on the other hand, patrols unincorporated areas of the county where there may not be a designated downtown, business district or even traditional neighborhoods. As a result, the SCSO reports that it has attempted a community-oriented policing approach that is different from a city police agency.

The SCSO's community-oriented policing strategy is applied based on deputies' shifts. The SCSO reports that deputies on day shift are encouraged to establish relationships with schools in their zone, deputies who work swing shift are encouraged to build relationships with neighborhood watch committees and deputies who work the graveyard shift are encouraged to seek out relationships with employees and patrons of liquor stores and bars.

The first task of IOLERO, the CAC and SSU will be to test the system that the SCSO says it currently has in place.

THE FIRST PHASE of IOLERO's community-oriented policing project is locating and applying for grant funding to develop our multi-method approach to develop community-oriented policing within the Sonoma County Sheriff's Office.

THE SECOND PHASE will be to conduct surveys and focus groups in Sonoma County. The focus of the surveys and focus groups will be to discern how much community-oriented policing is currently happening in the Sheriff's jurisdiction and how the community feels about its effectiveness. For example, surveys may ask residents, do you know the deputies who patrol your school or neighborhood? Do you know the deputies by name? How were you treated when you had an interaction with a deputy? Did the deputy give you a business card or follow-up with you? Surveys of Sheriff's Office employees will also be done to test how the deputies feel about community-oriented policing and the level of value placed on it by the SCSO. For example, it will be important to learn whether deputies feel like their efforts in community-oriented policing are considered and valued when they apply for promotions within the Sheriff's Office.

During the second phase, we will apply the data from the surveys and focus groups and research the best community-oriented policing model for the SCSO. The new community-oriented policing program will include further developing what is currently in place, to the extent it is happening and developing new approaches for the SCSO that may work better or

improve upon the ideas already in place. For instance, the IOLERO director recently presented at a community meeting hosted by SSU. One of the participants, a resident of rural Bennett Valley in Santa Rosa mentioned that community members in that area feel disconnected from the Sheriff's Office. He suggested that if the Sheriff's Office held periodic "town halls" at the Grange or the Fire Department along Bennett Valley Rd., the locals would attend enthusiastically. This would be a good way for the deputies assigned to patrol that area to get to know its residents.

Another focus will be creating traditional community-oriented policing efforts in Sheriff substations where a town center exists such as Windsor, Sonoma and Guerneville. Other community-oriented policing efforts will be explored such as the use of a "community panel" during the Sheriff's Office interview process.

Community panels would involve inviting members of the community to participate in the interview process when the Sheriff's Office is hiring or promoting deputies. A community panel approach can provide valuable insight from the community to the SCSO during the hiring and promotional process. At the same time, it would provide community members with insight into the Sheriff's hiring and interview process resulting in more transparency and understanding of the department's operations.

The IOLERO-SSU community-oriented policing project will include extensive review of literature and prior research to inform the study. Data will be gathered from the SCSO on their history with and approach to community-oriented policing, and from the survey and focus groups. The data collection will be guided by research and principles about community-oriented policing that are widely accepted in the fields of law enforcement, criminology, sociology and other related fields.

THE THIRD PHASE is the implementation of the program and a second round of surveys and focus groups.

In the third phase of surveys and focus groups, the same participants will be re-contacted to test whether they have experienced a change based on the implementation of the community-oriented policing efforts implemented during phase two.

This community-oriented policing program is a long-term, multi-phased project intended to create an improved relationship between the community and the Sheriff's Office in a way that is sustainable.



IV. The Complaints and Audits

Sharing Information with the Public is Limited by Law

There are legal rules governing what information IOLERO can reveal about the complaints, investigations, and audits in an annual report or other public report. These rules are derived from a complex body of law including the California Constitution and statutory law. The rules will be discussed briefly to frame the discussion that follows about the audits. Id. at 291

“The 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 *Copeley Press, Inc. v. Superior Court* (2006) 39 Cal. 4th 1272, 1282.)

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. (*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.

Some of the audits included in this Annual Report (“report”) derive from citizen complaints. Accordingly, information resulting from the Internal Affairs investigation related to a citizen’s complaint will remain confidential as required by law.

However, the overarching purpose of IOLERO’s audits is not to be used in connection with performance appraisals, the advancement or discipline of officers. The primary purpose of IOLERO’s audits and annual report is to increase transparency of law enforcement operations.

Thus, the law allows for this section of the Annual Report to focus on non-confidential information beyond the conduct of the individual officers such as critiques and evaluation of the administrative investigation, the manner in which the Sheriff’s Office procedures and practices may have contributed to the basis of the complaint 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 the employee in question is not a peace or correctional officer. Unless an individual’s name has already been made public in relation to one of these incidents, names and identifying information will be kept confidential. The pronoun “he” will be used in every instance to maintain anonymity of the involved parties.

Additional information will also be shared in cases involving the discharge of a firearm, use of force causing great bodily injury and cases involving sustained findings of sexual assault or dishonesty by a peace officer. (Pen. Code § 832.7 (b) A-C)

The Complaint Process – Two Tracks

If a community member feels that an employee of the Sonoma County Sheriff’s Office (“SCSO” or “Sheriff’s Office”) acted improperly, a complaint may be filed. Complaints filed based on inappropriate conduct are reviewed to determine if the deputy/employee violated a Sheriff’s policy or procedure. Once the complaint is received, an administrative investigation is initiated. If the administrative investigation determines that a policy or procedure was violated, the result is personnel action. Administrative investigations are separate from an investigation of criminal charges when a deputy is suspected of violating the law. Potential violations of law are reviewed by the District Attorney’s office not IOLERO.⁴

Administrative complaints about deputy conduct such as excessive force, search and seizure violations, biased policing, dishonesty and sexual assault can be filed through IOLERO or the SCSO. Depending on where the complaint is filed – at IOLERO or the Sheriff’s Office – it will end up on one of two different tracks.

4. For more information about the District Attorney’s review of law enforcement employees for criminal conduct, please visit: <http://sonomacounty.ca.gov/DA/Incident-Reports/>

Complaints may be filed through IOLERO either online, through the mail, over the phone or in person. When a complaint is filed through IOLERO, it is reviewed to ensure that all pertinent information is received. The complaint is also reviewed to make sure that confidential information is not submitted to the Sheriff's Office. Sometimes complainants initially do not understand that their case will be investigated by Internal Affairs at the Sheriff's Office and they share confidential information with IOLERO that they may not want to share with the Sheriff's Office.

Once the complaint is finalized, it is submitted to the Internal Affairs Unit (IA) at the Sheriff's Office for an administrative investigation. Internal Affairs confirms receipt of the complaint and provides a case number. IOLERO sends a letter to the complainant advising that the case has been submitted to Internal Affairs. Depending on the needs of the complainant, the introductory letter also provides information for resources such as mental health services, how to file a claim through risk management, a variety of legal resources and other community support networks.

When Internal Affairs completes its investigation, the case is sent to IOLERO for an audit. When a complaint originates at IOLERO, it will always be returned to IOLERO for an audit regardless of the basis of the complaint. Complaints made to the Sheriff's Office are different and may not be sent to IOLERO for an audit.

If a complaint is filed through the Sheriff's Office, the complaint is processed by the Sheriff's Office and an investigation is started. Administrative investigations are also initiated at the

Sheriff's Office if a citizen files a claim for damages against the county (to person or property), if a lawsuit is filed against the Sheriff's Office, or if a supervisor at the SCSO initiates an investigation on his own.

IOLERO is not informed of the new complaint or investigation until the investigation is complete and it is sent to IOLERO for audit. If the complaint originates with the Sheriff's Office, only cases involving excessive force, biased policing, search and seizure violations, sexual assault and dishonesty will be sent to IOLERO. So, for example, if a community member files a complaint with the Sheriff's Office about rudeness, that complaint would not be sent to IOLERO for an audit. However, if a rudeness complaint is filed directly with IOLERO, it will be sent to the Sheriff's Office for investigation and, the case will then be returned to IOLERO for an audit when the investigation is complete.

This two-track system was established when the office was first opened. The process is completely collaborative, built on trust and the working relationship between IOLERO and the Sheriff's Office. IOLERO has no way of knowing if a complaint is made at the Sheriff's Office that *should be* sent to IOLERO for audit, yet it is not actually sent to IOLERO for audit.

For example, in July of 2020, IOLERO received a complaint from a community member. The complainant included a closure letter from the Sheriff's Office with the complaint indicating that the complaint had already been investigated by Internal Affairs and was closed in September of 2019. The complaint was "sustained" meaning Internal Affairs determined that the deputy acted inappropriately, and the Sheriff's

Office found a violation of its policies based on the evidence. IOLERO followed up with the Sheriff's Office to find out why the investigation had not been sent to IOLERO. The Sheriff's Office looked into the issue and the investigation was sent to IOLERO in August of 2020.

After discussing the matter with Sheriff's Office management, they agreed to provide IOLERO with a monthly report of all complaints received by the Sheriff's Office going forward. This new system will allow IOLERO to track complaints made directly to the Sheriff's Office and will help prevent oversights.

Audit Summaries by Calendar Year

JANUARY 2019 – DECEMBER 2019

From January 2019 to December 2019, IOLERO received twenty-three (23) complaints about the Sheriff's Office.

Fourteen (14) of those complaints were made directly to IOLERO. Nine (9) of the complaints were made directly to the Sheriff's Office. In 2019, IOLERO received eleven (11) completed investigations for audit from the Sheriff's Office.

JANUARY 1, 2020 – JULY 31, 2020

From January 1, 2020 to July 31, 2020, IOLERO received seventeen (17) complaints about the Sheriff's Office.

Fifteen (15) complaints were made directly to IOLERO. Two (2) of the complaints were made directly to the Sheriff's Office. During the first seven months of 2020, IOLERO received thirteen (13) completed investigations for audit from the Sheriff's Office.

In June 2020, approximately 220 calls and emails were made to IOLERO on behalf of protesters who were arrested on June 2-3 during protests against police brutality. IOLERO staff listened to every voice mail and read and responded to every email. The majority of these complaints were substantially similar expressing concern over *"crowded cells, lack of hygiene supplies, lack of janitorial services, officers not wearing masks, and arrestees not being allowed to make calls to loved ones."* Many of the callers identified themselves as "a concerned citizen." These complaints are still under investigation by the Sheriff's Office. To the extent they are substantially similar, the Sheriff's Office is conducting one investigation.

Also, in June 2020, twelve (12) inmates filed a joint complaint about Covid-19 related concerns in the jail. These complaints are still under investigation by the Sheriff's Office. To the extent they are substantially similar, the Sheriff's Office is conducting one investigation.

Since the protesters' complaints appeared to be the same in substance and the inmates filed one joint complaint, one protester investigation and one inmate investigation is expected from the Sheriff's Office. Therefore, the total number of investigations IOLERO is expecting to audit stemming from the first seven months of 2020 is seventeen (17) cases.

However, this number is subject to change based on the evidence discovered during the investigations of the joint inmate and protesters' complaints. If additional investigations are warranted the number of cases to be audited by IOLERO may increase.

TOTALS FOR JANUARY 1, 2019 - JULY 31, 2020

From January 1, 2019 to July 31, 2020 (the cut-off date set for this annual report) IOLERO received twenty-four (24) completed investigations for audit from the Sheriff's Office Internal Affairs Unit. Twelve (12) of the cases were audited by IOLERO before July 31 including the critical incident of David Ward which took several months to complete.

Investigations and audits of critical incidents (incidents involving a death) take significantly longer to complete than standard audits because of the increased volume of evidence to examine. It takes the Sheriff's Office approximately nine to 12 months to investigate a critical incident. Those same cases take IOLERO approximately four to six months to audit.

Categorizing the Cases

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: Means the Sheriff's Office finds a violation of its policies based on the evidence.

2. EXONERATED: Means the investigation clearly established that the actions of the SCSO personnel were not a violation of law or policy.

3. NOT SUSTAINED/INCONCLUSIVE: Means there was not enough evidence to prove or disprove the complaint.

4. UNFOUNDED: Means the evidence does not support the complaint.

Cases Audited by IOLERO

SUSTAINED CASES

In the following cases the Sheriff's Office found that the employee violated the SCSO's policies.

19-C-0004 SUSTAINED COMPLAINT NO. 1	
Type of Complaint	<p>1. Improper Procedure</p> <p>2. Neglect of Duty</p> <p>A complaint was submitted by a community member who was arrested and reported to Immigration and Customs Enforcement (ICE) by jail staff.</p>
Origin of Complaint	IOLERO
SCSO's Conclusion	Sustained. The Sheriff's Office found that the employee violated Sheriff's Office policy when information was provided to ICE about the inmate.
Auditor's Conclusion	Agreed.
Auditor's Recommendations	<p>The auditor made multiple recommendations based on this case.</p> <p>Law enforcement agencies may provide information to immigration authorities (Immigration and Customs Enforcement or "ICE") if it is permitted by Government Code section 7282.5(a) (known as "The CA Values Act" or "SB 54").</p> <p>The CA Values Act is a very complicated piece of legislation. Lawyers, judges, and academics often disagree about the provisions of the CA Values Act. However, when a person is arrested and taken to jail, it is left to correctional officers to understand and interpret when the CA Values Act permits the Sheriff's Office to provide information to ICE. The auditor made recommendations that the Sheriff's Office revise its "Immigration Notification Matrix" which is the document used by jail to staff to determine when they are permitted to provide information to ICE. Other specific recommendations were:</p>

**Auditor's
Recommendations**

1. Revise the SCSO's training program so that deputies/employees have more support tools when deciphering this complicated piece of legislation. For example, the SCSO could designate a matrix trainer and a guide for employees to refer to with FAQ's about the matrix.
2. Provide regular trainings that include hypothetical situations for the employees to practice within a training environment.
3. Implement a two-person system of review where every case is reviewed separately and independently by two different employees before notifications are made to ICE.
4. Assign the duty of evaluation of the Immigration Notification Matrix to a specified team who is trained specially and on a recurrent basis for this duty.
5. In the interest of certainty, consider a SCSO policy of not making notifications to ICE until there is a conviction.
6. In the case of sex-registrants (i.e., "290 registration"), authorize employees to run RAP sheets for the purpose of confirming 290 registration status and to determine the underlying conviction in order to properly evaluate the Immigration Notification Matrix.

With regard to this IA investigation, the auditor recommended that the SCSO consider the following:

1. IA investigator should be trained to ask open-ended follow-up questions during an IA interview regardless of whether the deputy/employee is admitting to an error or denying an error. Following-up with more open-ended questions will help the IA investigator, the professional standards team and the auditor to better understand the error, whether it was actually an error and how to establish best practices and training for avoiding the error or possibility of errors in the future. Follow-up questions will also assist the SCSO in its determination of the most appropriate disciplinary action, if necessary.
2. Allow the auditor to sit-in on IA interviews to assist with additional questions, if necessary.

Sheriff's Response

The Sheriff's Office adopted some of the auditor's recommendations and implemented a new policy and training program designed to prevent errors when providing information to ICE.

Based on IOLERO's recommendations, the Sheriff's Office worked with County Counsel to update and simplify the "Immigration Notification Matrix." The Sheriff's Office is now assigning the duty of evaluating the matrix to a team of specific employees at the jail who are trained on a regular basis for this duty. A training schedule has been implemented including hypothetical situations for the employees to practice within a training environment. Finally, a two-person system of review has been established so that cases are reviewed separately and independently by two different employees *before* notifications are made to ICE.

The goal of this policy is to reduce the frequency of errors when jail staff is interpreting the Immigration Notification Matrix. This policy will help ensure that the Sonoma County jail does not erroneously report community members to ICE which can lead to unlawful detentions, family separations and deportation. Since the implementation of this new system, jail management reports that the new Immigration Notification Matrix is *"easier to use and more self-explanatory."*

Recommendations that were not adopted

1. In the interest of certainty, consider a SCSO's policy of not making notifications to ICE until there is a conviction.

The Immigration Notification Matrix depends heavily on the nature of the criminal charges. In criminal cases, the police make an arrest and they recommend charges. The police report goes to the District Attorney's Office where an attorney decides what charges, if any, to actually file in a complaint against the defendant. When the case goes to court, the defendant gets a lawyer who begins reviewing the reports and conducting independent investigation. Based on the defense case, the cases may settle for lesser charges than were filed by the District Attorney's Office. Waiting until a person has been convicted either by plea bargain or by jury trial would ensure that defendants are not reported to ICE based on charges for which they are not ultimately convicted. This recommendation was not adopted by the Sheriff's Office.

**Recommendations
that were not adopted**

The current Sheriff's policy is to provide information to ICE when a preliminary hearing has taken place and a judge has found probable cause for the charges.

2. Increased training for Internal Affairs Investigators

In this case, several different mistakes were made during the immigration notification process. The employee was interviewed by an IA investigator and the interview was recorded. This is a standard and best practice used by the SCSO. The employee admitted that he made a mistake and a violation of policy was found. However, he was never specifically asked what mistake he made during questioning. This made it difficult to discern which policies he had violated. The auditor recommended increased training for the IA investigator.

3. Allow the auditor to sit-in on IA interviews to assist with additional questions, if necessary.

Having the attorney-auditor present for the IA interviews would provide support for the investigators as they conduct interviews of employees charged with policy violations. It would also add another layer of objectivity to the investigation by having an independent third party present to observe the interview.

Type of Complaint

1. Neglect of Duty**2. Improper Procedure**

Community member was feeling suicidal and called 911 for help. A police agency other than the Sheriff's Office responded and took community member to jail because he had warrants for his arrest.

At jail booking, two forms were filled out regarding medical and mental health history. By all accounts, community member was a high suicide risk. The police were dispatched for a mental health crisis because community member said he was suicidal. The forms indicated that community member attempted suicide in the past and he would not respond to a question about whether he was currently thinking about killing himself. It was noted that community member was despondent/depressed and the forms were check-marked six (6) times indicating affirmative answers that community member had high-risk factors associated with suicide. Based on community member's answers to the questions on the forms, his confidential mental health record indicated: *"will be housed in observation cell," "urgent mental health follow-up" and "close observation."*

Correctional staff do not have access to an inmate's confidential medical records because of medical privacy law (HIPAA). Thus, mental health staff fill out two additional forms with minimal information so that correctional staff can determine where to house the inmate. On the two non-confidential forms, a different mental health clinician mistakenly marked community member's forms with a "Z" which indicates that the inmate has been cleared for housing outside the mental health housing area (but will receive mental health staff follow-up or medication). As a result of the "Z" notation, community member was housed in general population.

The community member's loved-one called the jail to check on his safety. A different mental health clinician assured the loved-one that the community member "had been evaluated" and that mental health is taken very seriously. It is not clear what information the second mental health clinician reviewed before assuring community member's loved-one that he had received a proper mental health evaluation.

Type of Complaint	It is clear, however, that the mental health clinician did not review the mental health notes because he would have noticed the glaring conflict between the confidential medical notes and the other forms.
Origin of Complaint	IOLERO
SCSO's Conclusion	Sustained. The Sheriff's Office found that the employee violated SCSO policy by filling out the non-confidential mental health forms incorrectly. Correctional staff relied on the error and placed community member in general population despite his urgent suicidal ideation.
Auditor's Conclusion	Incomplete.
Auditor's Recommendations	The auditor agreed that the complaint was sustained against the mental health clinician who erroneously filled out the mental health forms. However, the auditor recommended that the second mental health clinician also be found in violation of SCSO policy. The second mental health clinician assured the loved-one that the inmate had been thoroughly evaluated but did nothing to confirm that information.
Sheriff's Response	The SCSO contracts with a third-party mental health service provider for mental health services at the jail. According to Sheriff's representatives, the SCSO cannot discipline a third-party contractor's employee directly. The Sheriff's Office reports that both employees were referred to the third-party contractor to address the issues in this case.

Type of Complaint	1. Discourtesy 2. Conduct Unbecoming of a Deputy Inmate at the NCDF made a complaint about the confrontational style of oversight within his housing unit.
Origin of Complaint	IOLERO
SCSO's Conclusion	Sustained. The Sheriff's Office found that the employee violated SCSO policy by using a <i>"poor choice of words"</i> during a search.
Auditor's Conclusion	The auditor agreed that the complaint was sustained against the employee, but disagreed with the reason for sustaining the complaint. In the auditor's opinion, the crux of the complaint was not the employees' choice of words, but the confrontational and demeaning style of overseeing the unit in general.
Auditor's Recommendations	It was recommended that the employee be provided with training, tools and talking points for how to better approach difficult and frustrating situations with inmates in the future.
Sheriff's Response	In early 2019, the Sheriff's Office applied for and was awarded a grant by the National Institute of Corrections (NIC). As part of the grant, a "Strategic Inmate Management" (SIM) model is being instituted at the Sonoma County jails. The SIM model uses basic management techniques to prevent negative behavior and encourage positive relationships within the jail. Staff assume control of the jail and establish a professional supervisory relationship with inmates. This training program has begun at MADF, but has not yet started at NCDF. The correctional officer who was the subject of this complaint will receive SIM training.
Good Practices	In this case, the Internal Affairs investigator conducted appropriate, thorough interviews. He asked open-ended questions and seemed genuinely interested in the answers, often asking follow-up questions. The investigator even took the time to ask the inmate complainant how he would like to see the matter resolved which likely made the inmate complainant feel engaged in the process, but also gave him an opportunity to provide his opinion, and think critically about his complaint in terms of what the SCSO, as the employer, could possibly do to address the complaint.

Type of Complaint

Excessive Force

On November 24, 2019, Mr. Ward reported his car stolen. On November 27, a detective from the Santa Rosa Police Department (SRPD) spotted Mr. Ward's car and advised dispatch. Deputy Little heard the dispatch about the location of the car, found the car shortly afterward and attempted to initiate a traffic stop. Initially, Mr. Ward stopped but then drove away resulting in a vehicle pursuit. A review of the body worn camera footage (BWC) shows that when the pursuit ended, Dep. Little got out of his patrol car with his weapon drawn and ordered Mr. Ward to *"show me your fucking hands."* The Sebastopol Police Department (SPD) officers can also be heard yelling at Mr. Ward to *"show your hands"* and *"keep your hands up."* Dep. Little ordered Mr. Ward to turn off the car. Next, Dep. Little ordered Mr. Ward not to move and to put his hands up.

From the vantage point of Dep. Little's BWC, it is difficult to see whether Mr. Ward complies with the orders to keep his hands up and turn off the car. However, at one point, Mr. Ward can be seen raising and dropping his hands quickly. Deputy Little announced that he did not see any weapons then walked backward behind his patrol vehicle for cover.

When former Dep. Blount arrived, Dep. Little informed him that there was one person in the car. Former Deputy Blount said, *"let me get up there to him"* at which time Dep. Little said, *"wait, wait, wait"* reaching out to Dep. Blount with his left hand. Dep. Blount attempted to open the car door, ordered Mr. Ward not to move and tapped on the window of the car several times with his pistol. Mr. Ward seemingly attempted to unlock the car door from the inside of the car. However, when Dep. Blount attempted to open the door from the outside of the car, it would not open.

Mr. Ward rolled down the window of the car and said, *"I can't believe this. I'm the injured party in this."* Dep. Little said, *"don't move your fucking hands"* to which Mr. Ward responded *"why are you fucking harassing me all the time. What is it?"*

Type of Complaint

At this point, about one minute had passed since Dep. Blount approached the car. Dep. Blount holstered his pistol, secured his flashlight and pulled Mr. Ward's left arm out of the window while saying, *"give me your fucking hands."*

Dep. Little joined in pulling on Mr. Ward's arm, attempting to pull Mr. Ward out of the window of the car. While pulling on Mr. Ward's arm, Dep. Blount said, *"come the fuck out of the car."* Prior to this, Mr. Ward never actually had been ordered to exit the car on his own. The only orders he was given were to keep his hands up, turn off the car, unlock the car and not to move.

Mr. Ward started to scream, *"my leg!"* After about 15 more seconds of pulling and struggling, Dep. Little said, *"he's stuck, Charlie."* At that point, Dep. Blount and Dep. Little both exclaimed that they had been bitten by Mr. Ward. Dep. Blount punched the back of Mr. Ward's head while Mr. Ward said, *"hey...help me!"*

Dep. Blount banged Mr. Ward's head against the window frame. Dep. Little deployed his taser at Mr. Ward's chest while Dep. Blount banged Mr. Ward's head into the window frame a second time. After Mr. Ward's head hit the window frame the second time, Mr. Ward fell back into the car.

At this point, it had been less than two minutes since Dep. Blount first approached the car. Former Dep. Blount reached into the car with his right arm and wrapped it around Mr. Ward's neck (attempting a carotid hold). Dep. Little deployed his taser again while Dep. Blount had his arm wrapped around Mr. Ward's neck.

Within two minutes and 50 seconds of Dep. Blount approaching the car, Dep. Blount reported to dispatch that Mr. Ward appeared to be unconscious but still breathing. Medical assistance was requested. The SPD officers pulled Mr. Ward out of the passenger side of the vehicle by his legs. Mr. Ward was handcuffed and placed in a "figure four" leg restraint.

Deputy Jax informed Dep. Blount and Dep. Little that Mr. Ward was the victim and the owner of the vehicle. Dep. Blount responded, *"oh, well."*

Type of Complaint	<p>Mr. Ward stopped breathing and the officers started CPR. Dep. Little told Dep. Blount that they should uncuff Mr. Ward to which Dep. Blount responded, <i>"it doesn't matter, you can do CPR with cuffs on."</i> CPR continued and the handcuffs were not removed.</p> <p>These facts have already been shared publicly through media reports. The auditor evaluated and considered additional facts before making recommendations in this case. However, those facts were derived from the administrative investigation, are limited by law and may not be shared with the public.</p>
Origin of Complaint	<p>The SCSO initiated an Internal Affairs Investigation after the death of Mr. Ward.</p>
Preface	<p>The focus of this administrative investigation was specifically to evaluate the conduct of former Deputy Blount during the arrest of David Ward and whether SCSO policies/procedures were violated. A more comprehensive, second administrative investigation is being conducted which includes an examination of the actions of the other deputies on scene during Mr. Ward's arrest. A third investigation was conducted by the Santa Rosa Police Department regarding criminal charges. That investigation was sent to the District Attorney's Office (DA) on May 19th. The criminal investigation will not be reviewed by IOLERO. IOLERO reviews administrative investigations and the DA's office reviews criminal investigations.</p> <p>Regarding the second administrative investigation, the last status update received from the SCSO was that the SCSO was awaiting the completion of the criminal investigation by the DA's office before completing the second administrative investigation.</p>
SCSO's Conclusion	<p>Sustained. The Sheriff's Office found that former Deputy Blount violated four SCSO policies: (1) Hostage and Barricade Incidents (2) Use of Force (3) High-risk Stop Procedure, and (4) Firearms Policy</p>
Auditor's Conclusion	<p>Agreed.</p>

**Auditor's
Recommendations****1. Adopt a high-risk felony stop procedure as a policy and specifically point out that it is built on de-escalation practices**

The Commission on Peace Officer Standards & Training (POST) guidelines for conducting a safe, effective and tactically sound high-risk vehicle stop have de-escalation techniques built-in in order to prevent a situation like this one from escalating to the point of injury or death.

The SCSO trains deputies on this standardized procedure. However, the high-risk stop procedure is not included in the SCSO's policies. Thus, in order to find former Dep. Blount in violation of this procedure, the SCSO had to bootstrap the high-risk stop procedure to a policy requiring that *"members shall obey and carry out all lawful Sheriff's Office and County policies, procedures, and other orders whether written or oral."* This bootstrapping technique makes the rules unclear for deputies. It also gives the SCSO more leeway over whether to find a violation of policy in each particular case.

In the POST Vehicle Pullover training manual, it specifically teaches that officers should work as a team and abide by the roles and responsibilities of the contact officer. (Vehicle Pullover's 3-4, 3-5) If the training were included in the SCSO's policy, it would be clearer to the deputies what the rules are and when they will be held accountable for violating those rules.

Moreover, after Mr. Ward's death, the community responded angrily repeatedly asserting that the SCSO policy manual does not include enough de-escalation.

At the time of this incident in November of 2019, the SCSO's policy manual referred to "de-escalation" in three sections - Crisis Intervention Incidents, Taser Use and Civil Disputes. However, de-escalation was not mentioned in the "Use of Force" policy. In January of 2020, "de-escalation" was added to the "definitions" section of the use of force policy advising *"[w]hen reasonable, deputies should consider slowing down an incident in a manner that allows them to decrease the intensity of a situation by creating more time, distance, and space which can allow for evaluating different tactical options during dynamic situations."* (UOF 300.1.1)

**Auditor's
Recommendations**

SB 230 requires that law enforcement agencies utilize de-escalation techniques in their use-of-force policies by January 2021. It was a prudent decision to immediately add the de-escalation definition to the use-of-force policy as a way to assure the public that the SCSO acknowledges the communities' concerns and values de-escalation. However, de-escalation was already built into many of the training and practices of the SCSO. Several examples of built-in de-escalation are found within this case. For example, the Barricades Policy states, *"it is the policy of the SCSO to address...barricade situations with due regard for the preservation of life and balancing the risk of injury...while apprehending offenders."* This policy calls for de-escalation practices, but it is not specifically called out as a de-escalation practice which makes it easy to miss for the public, but more importantly for deputies who look to their policy guidance on how to act in a particular situation.

The SCSO's standardized high-risk stop training is steeped in de-escalation practices. Much of the discussion surrounding former Dep. Blount's violations of policy in this case centered on his disregard for the de-escalation practices which are built into the training he had been receiving on a regular basis through the SCSO.

It would benefit the SCSO to incorporate de-escalation practices like the high-risk stop procedure directly into its policy manual. Further, it would be helpful to call out practices like "high-risk stops" or the barricade policy's preservation of life and balancing provisions in a "de-escalation" section under each policy heading.

This type of de-escalation focus in the policy manual would emphasize to the deputies the value placed on de-escalation by the SCSO. It would also hold the SCSO to a higher standard when it is determining whether a deputy violated policy.

Auditor's Recommendations

In addition to being beneficial to the department and the deputies, adding these de-escalation training practices to the SCSO's public facing policy is good for the community. It would show the community the kind of de-escalation that is built into law enforcement practices and how often the officers are receiving training on these practices. Training information is also public facing since January 2020 and posted to the Sheriff's website: <https://www.sonomasheriff.org/policies-and-training>.

2. Modify the SCSO's Vehicle Pursuit Policy

The first sentence of the SCSO's Vehicle Pursuits policy states, "*Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death.*" The policy continues,

The primary purpose of this policy is to provide deputies with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law...Deputies must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing deputies.

(Vehicle Pursuits, 307.1)

The Pursuit Policy also includes factors intended to guide deputies on when to initiate or when to terminate a pursuit. Those factors include the likelihood of apprehending suspect at a later time, vehicle speeds and the availability of other resources (such as helicopter assistance).

The auditor evaluated and considered additional facts before making recommendations in this case. However, those facts were derived from the administrative investigation, are limited by law and cannot be shared with the public. There were factors that made this case one where the safety of the public outweighed the risk of losing the suspect. In other words, if the pursuit had been terminated (or never initiated, for that matter), the suspect was likely to have been apprehended later and avoiding this vehicle pursuit would have been safer for the community.

The auditor recommended modifying the sections of the Vehicle Pursuit Policy that discuss when to initiate or terminate a vehicle pursuit.

Auditor's
Recommendations**3. Train on the importance of conveying accurate information in BOL's and over dispatch**

The importance of conveying accurate information to the responding deputies cannot be overstated. In this case, the information conveyed to the officers over dispatch (or other means) conflicted with the information provided to law enforcement by Mr. Ward about the theft of his car. Based on confidential facts in this case, the auditor recommended that the SCSO review the evidence in the case and determine how and why the conflicting information was given to deputies. A follow up IA investigation is appropriate.

4. Consider adding supplemental training in crisis intervention and biased policing to prevent compassion fatigue

One of the common issues associated with working in professions like law enforcement and criminal law is compassion fatigue. Compassion fatigue is the result of emotional and physical exhaustion leading to a diminished ability to empathize or feel compassion for others. (See: U.S. National Institute of Health's National Library of Medicine <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6355662/>)

Compassion fatigue is not uncommon for people who work in criminal law. It happens to police officers, prosecutors and public defenders. Working in criminal law is the labor of dealing with people at their worst. Sometimes this can result in the misfortune or problems of others becoming "just business."

"Some officers who repeatedly confront violent and tragic circumstances may become emotionally detached or numb."

(See: Federal Bureau of Investigation's Law Enforcement Bulletin at <https://leb.fbi.gov/articles/featured-articles/police-compassion-fatigue>).

There were multiple examples of compassion fatigue playing out in this case. Those examples were illustrated for the SCSO, but most of them cannot be shared in this public report because they derived from the Internal Affairs investigation. Two examples can be shared. First, when Mr. Ward stopped breathing and the officers started CPR.

**Auditor's
Recommendations**

Dep. Little told Dep. Blount that they should uncuff Mr. Ward to which Dep. Blount responded, *"it doesn't matter, you can do CPR with cuffs on."* CPR continued and the handcuffs were not removed. Second, when Deputy Jax informed Dep. Blount and Dep. Little that Mr. Ward was the victim and the owner of the vehicle. Dep. Blount responded, *"oh, well."*

A review of the SCSO's training schedule reveals that the SCSO offers more training than recommended by POST in categories including fire-arms, defensive tactics and driver training. However, the training requirement for crisis intervention training (32 hours for an entire career unless the deputy is a field training officer) and biased policing/implicit bias (2 hours every 5 years) are kept at the minimum. <https://www.sonomasheriff.org/policies-and-training>

It would be difficult to argue that most situations law enforcement officers enter do not involve some level of crisis intervention. Furthermore, people of color are often the subject of excessive force complaints stemming from crisis intervention. Considering the increased scrutiny of the SCSO and incidents like those discussed in this report, it is the opinion of the auditor that the SCSO would benefit from increasing training in areas like crisis intervention and biased policing (implicit bias).

While a live course is beneficial for the minimum requirement, POST offers both of these categories through video programs which are available free of charge online at the POST Learning Portal (streaming) or on DVD format to law enforcement agencies. <https://post.ca.gov/post-training-videos>

The SCSO should consider increasing its requirement for training in these areas and offer periodic video training at different hours of the day to accommodate officer schedules when live training is unavailable.

Auditor's
Recommendations**5. Address training issues with IA investigators to prevent interviews dominated by leading questions which can call into question and undermine the integrity of the IA.**

One of the recurring themes in the SCSO's IA interviews is that the interview style of the IA investigators is to ask leading questions. A leading question is a question that suggests an answer. For example, *"The sky is blue, correct?"*

An open-ended question, on the other hand, is a question that relies on the interviewee to give the answer, e.g., *"What color is the sky?"* The interviewee might say *"the sky is blue,"* but he also might say, *"at the time of the incident, the sun was going down and the sky was mostly gold and pink."*

Leading questions can give the impression that the SCSO wants a particular answer or is trying to help or hinder the interviewee. In every case, it is important to maintain the integrity of the investigation by asking open-ended questions and ensuring the investigation is objective at every stage.

Sheriff's Response

- 1. High-risk Felony Stop Procedure and De-escalation:** The SCSO reports it will adopt an over-arching de-escalation policy. This policy will appear at the beginning of the policy manual and will apply to all of the SCSO's policies and procedures. This overarching de-escalation policy is separate and distinct from the changes that will be made to the SCSO's use-of-force policy pursuant to SB 230 and AB 392.
- 2. Modify the SCSO's Vehicle Pursuit policy:** The Vehicle Pursuit policy will be not modified.
- 3. Train on the importance of conveying accurate information in BOL's and over dispatch:** The SCSO will open a new investigation to examine the issues that arose in this case and another case (see 19-C-0018).

Sheriff's Response

- 4. Supplemental training in crisis intervention and biased policing (i.e., implicit bias) to prevent compassion fatigue:** The SCSO will incorporate additional training in these areas. The additional training will happen concurrently with the defensive tactics training which occurs quarterly. The quarterly training is two hours long. The Sheriff's Office reports that a new training plan is being re-worked to integrate biased policing and crisis intervention throughout the entire two-hour training.
- 5. Prevent interviews dominated by leading questions:** The Sheriff's Office reports that this issue has been addressed with IA investigators.

Good Practices

In this case, Sheriff Essick took swift action by serving former Deputy Blount with a notice of termination. Although former Deputy Blount ultimately resigned before the termination could be completed, immediately serving Blount with a termination notice sent a message to the entire department that blatant disregard for SCSO policies will not be tolerated. This is an important step toward changing the culture of a department. On the other hand, former deputy Blount was allowed to resign before the termination process was completed. The County of Sonoma may want to reevaluate its civil service rules and labor contracts which allow for employees served with a notice of termination to resign with benefits prior to completion of the termination process.

While this investigation was only one portion of the overall investigation into the death of Mr. Ward, this investigation was thorough and timely. The investigation was initiated immediately after the incident. Deputy Little's body worn camera video was broken down meticulously by the SCSO to analyze the incident. Also, evidence of the types of training received by the involved deputies' while working at the SCSO was provided to assist with analysis of the of the policy violations.

EXONERATED CASES

In the following cases the Sheriff's Office found that the investigation clearly established the actions of the employee were not a violation of law or policy.

19-C-0005 EXONERATED COMPLAINT NO. 1	
Type of Complaint	Excessive Force Community member filed a complaint alleging excessive force when he was injured during an arrest.
Origin of Complaint	IOLERO and SO
SCSO's Conclusion	Exonerated. The Sheriff's Office found that the employee did not violate SCSO policy.
Auditor's Conclusion	Agreed.
Auditor's Recommendations	The SCSO should adopt a policy for deputies transporting a verbally and/or physically aggressive arrestee to avoid or minimize injuries. Prior to this case, the SCSO's use of force policy relied on Penal Code section 835a which focuses on the necessity of using force before an arrest happens, preventing escape or overcoming resistance. (UOF Policy, 300.3.1) The SCSO's Transportation of Inmates policy focuses on transferring inmates from one place to another such as from jail to court or from jail to a medical appointment, etc. (SCSO Policy, 346) In this case, the arrestee was not yet an inmate because he had not been booked and there was no SCSO policy that applied to transferring an arrestee from a crime scene to the jail. There was a significant gap in the SCSO Policy Manual between the time an arrest is made and the time an inmate is booked. The policy left the gap open for deputies to evaluate each situation for him or herself and decide what needs to be done to "to accomplish a legitimate law enforcement purpose." (UOF Policy, 300.03)

Auditor's Recommendations

Section 300.3 of the SCSO's Use of Force Policy states that it is the *"ultimate objective of every law enforcement encounter is to avoid or minimize injury."*

(UOF Policy, 300.3)

But, if this is true, the policy has to give deputies a rule they can point to and say, *"here are my guidelines for avoiding and minimizing injury."* There must also be a rule under which deputies can be held accountable when they do not take reasonable measures to avoid and/or minimize injury.

A policy guiding deputies during the transportation of physically and/or verbally aggressive arrestees can work as a valuable safety net for members of the community, the deputies charged with their care and the SCSO.

Sheriff's Response

The SCSO adopted a new policy regarding the Transportation of Arrestees. This new policy is a preventative policy aimed at reducing the need to use force and minimize injury during the transportation of arrestees. The policy states, in part, that when transporting a physically or verbally aggressive, violent or combative arrestee, deputies should notify Sheriff's dispatch while in route to the county jail and request dispatch notify jail staff. The transporting deputy should provide dispatch an estimated travel time to the jail and any safety considerations. Dispatch will notify the jail staff of the impending arrival and provide jail staff with the information.

Upon arrival at the jail, the transporting deputy must wait for the assistance of jail staff, which may include mental health staff, medical staff, or additional deputies and a video recorder (separate from body worn cameras), prior to removing the arrestee from the patrol vehicle.

The goal of this new policy is to reduce the likelihood of injury while taking a combative arrestee from the patrol vehicle to jail booking.

Recommendations that were not adopted

IA investigators should not use email to interview witnesses.

In this case there were about eight witnesses near the incident. The investigator opted to interview each witness via email questions.

**Recommendations
that were not adopted**

Personally interviewing a potential percipient witness in any case is an important aspect of thoroughness that should not be sacrificed in an administrative investigation. Certainly, any law enforcement officer would agree that it is important to observe a witness' demeanor during an interview and have the opportunity to follow-up on answers given during an interview. Those significant aspects of the interview process are lost when the interview is conducted through an email. Clarifying examples from this case were provided to the SCSO. However, those details were derived from the administrative investigation, are limited by law and cannot be shared in this public report.

Administrative investigations are subject to a lower standard than criminal investigations and there is almost always a strain on department resources. With that in mind, if seven of the eight witnesses did not witness the event personally, the interviews likely would be very short. And, all eight witnesses were jail employees, so they work in the area and do not require extensive effort to schedule interviews. Finally, situations may arise where it might make sense to interview only some of the eight witnesses personally and others by email. But, to forego a personal interview with a percipient witness or another witness who seemed like he might have more information is not the best practice.

It is important to promote confidence in every piece of the investigation. Eight email interviews did not live up to the quality, integrity and thoroughness of the rest of this investigation.

Good Practices

This incident happened very quickly and it was difficult to determine what happened from just one video or other piece of evidence. The SCSO took great care to collect all of the video evidence and to carefully analyze what took place. In addition to the body worn camera evidence, surveillance videos were reviewed. The videos were enhanced, slowed down and put into split screens for evaluation. The enhanced videos were provided to the auditor in addition to the raw video evidence. Medical records and jail calls were also evaluated.

Type of Complaint	<p>Excessive Force</p> <p>Community member had a medically induced seizure while in the jail and complained that deputies used excessive force while subduing him.</p>
Origin of Complaint	SCSO
SCSO's Conclusion	Exonerated. The Sheriff's Office found that the employee did not violate policy because the use of force was reasonable in order to restrain the seizure.
Auditor's Conclusion	<p>Incomplete.</p> <p>The conduct of the deputies was analyzed under the SCSO's standard use of force policy. A general use of force policy that applies to intentionally combative arrestees is not an appropriate policy to apply in a circumstance involving a medical emergency when someone is acting involuntarily. Furthermore, the inmate was not provided with an appropriate medical review and he was placed in general population despite his history of chronic seizures. This investigation cannot be exonerated or closed because the actions of medical staff also should be evaluated.</p>
Auditor's Recommendations	<p>1. The Sheriffs' Office should institute a medically approved use-of-force policy for medical emergencies.</p> <p>Staff will need to undergo training to better decipher when an individual is exhibiting involuntary movements due to a medical emergency such as a seizure versus an individual who is resisting and simply being combative.</p> <p>The SCSO needs to have a medically approved policy for using force during medical emergencies. It is not uncommon for hospitals and medical personnel to use force and restraints at times when providing medical treatment in a variety of situations. These situations can range from involuntary movements to more active resistance based on fear, intoxication and mental health concerns. Sheriff's management could consult with medical experts for input on medically approved policies for appropriate restraint in different situations.</p>

**Auditor's
Recommendations****2. Review the actions of jail medical staff**

In this case, Internal Affairs evaluated the reasonableness of the force used during the seizure by the correctional deputies. However, the community member was not properly evaluated during the jail intake procedure by medical staff. The actions of medical staff should also be reviewed.

If a thorough medical screening had been completed revealing the community member's prior medical history information during the booking process, the community member likely would have been placed in medical housing instead of general population. If that had been the case, staff in the medical unit would have been better informed, understanding that the community member's movements were involuntary during a seizure and not the result of a drug-induced fit or rage worthy of the type of force generally applied in cases of combative inmates.

Instead, the community member was placed in general population and the correctional deputies were uninformed and unprepared to deal with his medical condition. As a result, the correctional deputies assumed the community member was under the influence of drugs and treated this situation with standard use of force as they would for any combative inmate.

Sheriff's Response

The correctional officers (CO's) acted appropriately based on the information that they had been given. The CO's were unaware of the extent of the inmate's medical condition and he was in general population. The CO's believed the inmate in this case was having a reaction to being on drugs and they applied the general use of force policy to subdue him.

As mentioned in a different audit (19-C-0010), The SCSO contracts with a third-party medical provider. The Sheriff's Office reports that they can forward instances of error like this one to the third-party medical provider but cannot impose discipline directly. The SCSO says that this case was forwarded to the medical provider and the SCSO was assured that the issue was addressed.

Sheriff's Response

Additionally, the SCSO reports that once a quarter, the medical/mental health units in the jail participate in a quality review panel. This review is an internal audit of medical and mental health practices in the jail. It was unknown whether this incident will be reviewed by the quality review panel. The SCSO reports that they will follow up.

Finally, the SCSO reports that the jail medical unit does not have a medically approved use of force policy. Jail management contacted other jails and was unable to locate any jail medical unit that has this type of policy. The SCSO advises that it is open to working with IOLERO to adopt this type of policy.

Type of Complaint	<p>Excessive Force</p> <p>Community member filed a complaint alleging excessive force was used on him during his arrest.</p>
Origin of Complaint	SCSO
SCSO's Conclusion	Exonerated. The SCSO found that the deputy did not violate policy or use excessive force during this arrest.
Auditor's Conclusion	<p>Incomplete.</p> <p>The deputy's actions may have been appropriate based on the information he received, but the evidence showed that the information he received was incomplete and inaccurate. Thus, the investigation was incomplete and should not be exonerated until the actions of dispatch are investigated.</p>
Auditor's Recommendations	<p>It was recommended that Internal Affairs review the information conveyed in the 911 call and compare it to the information relayed over dispatch and in the event chronology to address dispatch training issues.</p> <p>In this case, the information provided to the deputy over dispatch was inaccurate. The entire tenor of the information conveyed to the deputy illustrated a violent scene where an arrestee was being forceful and violent. Yet, the information about reporting party's relatively calm tone, ability to move around the house and his emphasis on a medical emergency were not conveyed.</p> <p>If the deputy had been provided with complete and accurate information, he may have approached the situation differently. On the other hand, perhaps nothing would have changed and the incident would have been the same. That is unknown. What is known is that the information relayed by the person who called 911 was different than the picture painted for the deputy by dispatch. This depicted an inaccurate set of circumstances and it placed the deputy and community members at risk.</p>

**Auditor's
Recommendations****Provide all body worn cameras (BWC's)**

One deputy initially responded to this incident, entered the home and made the arrest resulting in the use of force. However, three other deputies responded later as backup. When the auditor first received this file and requested the BWC's for review, only one BWC was provided.

Due to the overload of work at IOLERO, the auditor later had to re-request the BWC's for this case in order to complete the audit. This time, four BWC's were provided. There is no indication that the omission of the three additional BWC's was intentional on the SCSO's part. And, the BWC that was provided the first time was the BWC of the first and main officer who responded to the incident.

In any event, it is important for the Sheriffs' Office to provide all of the evidence in every case. While the first deputy's BWC captured the bulk of the incident from his perspective, it was helpful to have the BWC's of the other three responding officers. Case specific examples of why it was important and helpful to have all four BWC's were provided in the audit report to the Sheriff's Office. The law limits this public annual report to the auditor's critiques and evaluation of the administrative investigation.

Sheriff's Response

The SCSO opened an investigation of the practices, training and procedures of dispatch based on patterns detected in this case and another audit (See: 19-IA-0007)

Type of Complaint	<p>1. Biased policing</p> <p>2. Discourtesy</p> <p>3. Neglect of Duty</p> <p>John Doe was involved in a family quarrel. He wanted family member, Ken Doe arrested for slamming his arm in the door. John Doe did not have visible injuries. Ken Doe denied assaulting John Doe. Larry Doe who witnessed the events did not want to get involved. John Doe filed a complaint with IOLERO alleging that the deputy was rude and biased.</p>
Origin of Complaint	IOLERO
SCSO's Conclusion	Exonerated. The SCSO found there was no violation of policy in this case. The deputy did not accept a citizen's arrest because there was a lack of probable cause. The evidence in this case did not support a finding a probable cause. Review of the BWC footage did not reveal bias, discourtesy or neglect of duty.
Auditor's Conclusion	Agreed.
Auditor's Recommendations	<p>The parties involved could benefit from an exercise with a professional mediator provided by IOLERO.</p> <p>This case involved a family who calls the Sheriffs' Office habitually when they argue or get into fights.</p> <p>In situations like this one, the family and the SCSO would benefit from an opportunity to discuss this ongoing situation with a professional mediator. The family can help the Sheriffs' Office understand what it is they need to help resolve their issues in the future without having to call the Sheriffs' Office. With cool heads, the family can discuss and reflect on whether they actually want each other taken to jail based on a family argument. The family can be offered alternative resources other than the Sheriff's Office for help when there are family squabbles.</p>



**Auditor's
Recommendations**

The Sheriffs' Office could explain to the family what kind of an impact the frequent calls have on the community by taking away the Sheriffs' Office from other duties so that they can referee the family squabbles. It could be useful to everyone involved to talk about how much each call costs the taxpayers. Those resources would be better spent by providing the family with ongoing mediation and therapy.

Sheriff's Response

The SCSO reports that it will consider mediation services as an alternative to an internal affairs investigation. However, the Sheriff's Office does not want to lose discretion over which cases are referred to mediation. For example, in some jurisdictions like San Francisco, the Department of Police Accountability determines which cases are eligible for mediation and cases that are successfully mediated are not considered disciplinary proceedings in an officer's record. This type of system will not work for the SCSO. However, IOLERO will continue to recommend cases for mediation and discuss it with the SCSO on a case by case basis.

Type of Complaint	<ol style="list-style-type: none"> 1. Biased policing 2. Discourtesy 3. Neglect of Duty 4. Improper Procedure/Complaint against policy <p>Community member felt the investigation of a deceased loved-one should have been more thoroughly investigated.</p>
Origin of Complaint	IOLERO
SCSO's Conclusion	Exonerated. Interviews of witnesses were conducted, phone messages were reviewed, photographs were taken and an autopsy was conducted. The case was thoroughly investigated and determined to be a suicide.
Auditor's Conclusion	Agreed.
Auditor's Recommendations	<p>Address training issues with IA investigators to prevent interviews dominated by leading questions which can call into question and undermine the integrity of the IA.</p> <p>This was a difficult interview. The person being interviewed was a grieving loved-one. The IA investigator showed sympathy and compassion for the interviewee which was appropriate and helpful to the interview process.</p> <p>Nevertheless, in every case, it is important to maintain the integrity of the investigation by asking open-ended questions and ensuring the investigation is objective at every stage. In this case, since the complaint was that the investigation was not thorough and lacked reliability, it is especially important to be mindful of objectivity and the importance of taking a balanced approach to the administrative investigation.</p>
Sheriff's Response	The Sheriff's Office reports that this issue has been addressed with IA investigators.

UNFOUNDED COMPLAINTS

In the following cases the Sheriff's Office made a finding that the evidence did not support the complaint.

19-C-0020	UNFOUNDED COMPLAINT NO. 1
Type of Complaint	<p>1. Improper Procedure / Complaint against policy</p> <p>2. Intimidation / harassment</p> <p>Jail inmate filed a complaint alleging that his phone calls were being listened to more often than allowed for by law. Complainant also alleged that a deputy was gossiping about the complainant's phone calls with other inmates. The complainant felt harassed and intimidated.</p>
Origin of Complaint	IOLERO
SCSO's Conclusion	Unfounded. The SCSO determined this case was unfounded because the deputy named in the complaint did not listen to the inmate's calls. A different deputy listened to the calls for classification purposes which is an appropriate reason to surveil inmate phone calls.
Auditor's Conclusion	<p>Disagreed.</p> <p>California law holds that prisoners do not have a reasonable expectation to privacy when they are incarcerated. Jail officials may censor mail, regulate communication and in some cases prohibit communication. However, confinement to a penal institution does not strip the prisoner of all his constitutional rights. A prisoner has a basic human right not to be intimidated or harassed while in jail.</p> <p>The issue in this case was not whether the named deputy was listening to the inmate's calls. The issue in this case was whether the surveillance of the inmate, which lasted for at least four months, was reasonably related to a legitimate penological interest (i.e., safety, security or discipline) or whether the surveillance had crossed the line into a form of intimidation and harassment.</p> <p>While the inmate's complaint was connected to the surveillance of his phone calls, the heart of his complaint was that he felt intimidated and</p>



Auditor's Conclusion

harassed by the way he was being treated by the jail deputies, i.e., because of excessive phone surveillance and gossip being shared about him to other inmates. The surveillance of the inmate's calls may have been for a legitimate penological interest, i.e., classification. However, based on the minimal evidence gathered in this investigation, the auditor could not determine whether surveillance over a period of four months was necessary to make a determination about the inmate's classification.

To make that determination, the investigator would have to ask the correctional deputies why surveillance over four months was necessary to make a determination about the inmate's classification. An interview with the inmate was also needed to reach a conclusion about whether the inmate's claims of intimidation and harassment were based in fact or unfounded. In this case, the inmate complainant was not interviewed.

In order for a complaint to be "unfounded," a determination must be made that the *"evidence did not support the complaint."* In this case, an activity log showed the dates, times and names of deputies listening to the inmate's calls over a period of four months. Nonetheless, there simply was not enough evidence to make a determination about whether the surveillance activity was reasonably related to a legitimate penological interest or whether the inmate was being intimidated and/or harassed.

Auditor's Recommendations

In this case, the investigation was immediately closed once Internal Affairs determined that the deputy named in the complaint was not the officer who surveilled the inmate and that a different deputy surveilled the inmate for classification purposes. This alone was not enough evidence to make a determination about whether the surveillance activity over a period of four months was reasonably related to a legitimate penological interest or whether the inmate was being intimidated and harassed.

It was recommended that the SCSO conduct further investigation into the surveillance and interview the deputy who listened to the calls, the complainant and other witnesses.

Sheriff's Response

Jail management opined that prisoners do not have a reasonable expectation to privacy. Phone calls can be surveilled without limitation.

Type of Complaint**1. Neglect of Duty****2. Complaint against procedure**

Community member filed a complaint based on his belief that multiple law enforcement agencies were hacking his electronics and tracking him via GPS units.

Origin of Complaint

IOLERO

SCSO's Conclusion

Unfounded. Records showed that the complainant had been contacted only once by the SCSO in the past nine years. There was no evidence of further contact or any type of surveillance.

Auditor's Conclusion

Agreed.

In addition to the investigation done by Internal Affairs, public court records show that the complainant has mental health issues and was deemed incompetent by the court.

**Auditor's
Recommendations**

None.

Type of Complaint	1. Neglect of Duty Community member felt that he should not have been arrested. He felt the other party should have been arrested instead.
Origin of Complaint	IOLERO
SCSO's Conclusion	Unfounded. There was no evidence to support an arrest of the other party.
Auditor's Conclusion	Disagreed. The complaint should have been exonerated. The gist of this complaint was that the complainant did not believe there was probable cause to arrest him. In this case, the evidence was that several eyewitnesses saw the complainant hit the other party and the other party had injuries to corroborate the witness statements. That evidence alone provided probable cause to arrest the complainant and the complaint should have been exonerated.
Auditor's Recommendations	None.
Sheriff's Response	The Sheriff's Office agreed that this case should have been exonerated. Changing the category of the case from unfounded to exonerated did not affect the outcome.

Audit Trends

At the time of this writing, IOLERO received 24 cases for audit from the Sheriff's Office and 12 of those cases were audited (including a critical incident involving the death of David Ward).

In this batch of audits, five of the cases involved issues at the jail, five of the cases arose during an arrest, one complaint was based on a suicide investigation. The last complaint was related to the complainant's mental health-related paranoia.

A review of the audits identified certain trends. Identified trends included witness interview issues, incomplete investigations, inaccurate information from dispatch, medical/mental health screening at the jail and de-escalation. Each trend will be discussed below.

WITNESS INTERVIEW ISSUES

The most common trend was issues with witness interviews. This issue arose in four of the investigations. In three of the investigations the interview was dominated by leading questions. Another interview issue was emailing witnesses instead of talking with them personally. As stated, leading questions can give the impression that the SCSO wants a particular answer or is trying to help or hinder the interviewee. It is important to maintain the integrity of every investigation by asking open-ended questions and ensuring the investigation is objective at every stage. Sheriff's Office management reports that this issue has been re-addressed with internal affairs investigators. Future audits will detect whether there are improvements. (See: 19-C-0004, 19-IA-0007, 19-C,0005, 19-C-0024).

INCOMPLETE INVESTIGATIONS

The auditor opined that the investigations in three cases were incomplete. Two of these cases involved the jail's mental health/medical contractor. In one case, mental health staff mislabeled the inmate's paperwork causing him to be placed in general population when he should have been placed in a mental health unit. Internal Affairs opined that the employee violated policy and referred him to the jail's third-party contractor for personnel action. However, Internal Affairs did not evaluate a second mental health staff member who was contacted by the inmate's loved-one. The second employee assured the loved-one that everything was okay without actually reviewing the inmate's records or checking on him. (19-C-0010).

In another case, medical staff did not conduct a thorough medical screening resulting in the inmate being placed in general population rather than the medical unit. The inmate had a medically-induced seizure resulting in correctional deputies using force to subdue him. Internal Affairs found that the correctional deputies' use of force was appropriate based on the information they had at the time. However, the conduct of medical staff was not evaluated or addressed. (19-C-0008)

At the time of this writing, Sheriff's Office management reported that in response to the auditor's recommendation, all employees involved in these two cases have been referred to the third-party contractor for review and the issues are being addressed. However, the concerns associated with personnel matters related to jail employees of a third-party contractor should be revisited and addressed by the SCSO.

In a third case, the inmate complained about his calls being surveilled too often and about a deputy gossiping about the nature of his phone calls with other inmates. Internal Affairs reviewed the telephone surveillance logs and determined the case was unfounded. The auditor held that the investigation was incomplete because the inmate and deputy who surveilled the calls should have also been interviewed before a decision was made. The Sheriff's Office did not agree to take any further action in this case. (19-C-0024)

DE-ESCALATION

The auditor determined that two cases arose out of a lack of de-escalation. In one case, an inmate complained about a correctional deputy's confrontational and demeaning style of managing the unit. The Sheriff's Office reports that the deputy will receive training in strategic inmate management (SIM). IOLERO will follow up with additional information about the SIM program (20-C-0003)

The second case involved significant issues of former Deputy Blount failing to follow agency training and procedures by not de-escalating during a high-risk felony stop. This case focused only on the conduct of former Deputy Blount. The conduct of the other deputies has not yet been evaluated. There was also a general theme of compassion fatigue for the arrestee, Mr. Ward, who ultimately died during the arrest. In response to the issues in this case, the Sheriff's Office reports that they will establish an overarching de-escalation policy that will apply to all policies and procedures. The CAC de-escalation ad hoc committee will work with Sheriff's Office management on the new de-escalation policy.

Additionally, training in crisis intervention (CIT) and biased policing will be increased from 32 hours for an entire career to once per quarter. Training in biased policing (implicit bias) will be increased from two-hours every five years to once per quarter. The additional training will happen concurrently with the defensive tactics training which is two-hours long. The Sheriff's Office reports that a new training plan is being re-worked to integrate biased policing and crisis intervention throughout the entire two-hour training. Sheriff's Office management will share the new training plan with IOLERO when it is complete. (19-IA-0007)

DISPATCH ISSUES

In two cases, the auditor opined that issues arose because of inaccurate or incomplete information conveyed to the deputies by dispatch. In response to this issue, the Sheriff's Office reports that it has opened an investigation of dispatch practices and training. (19-IA-0007, 19-C-0018)



V. Looking to the Future

IOLERO has experienced many challenges, successes and changes in its short life as a law enforcement oversight agency. As we look to the future, there are many possibilities and reasons to have hope.

With this report, we witness the potential for positive changes when hard work is invested in collaboration and relationship-building. A new de-escalation policy, increased training in implicit bias and crisis intervention, policies that make arrestees safer and that reduce errors in ICE reporting provide an encouraging push in the direction of change.

IOLERO's partnership with SSU will create persuasive community-driven recommendations and a home-grown community-oriented policing program for Sonoma County. The obvious long-term goal of this program is to strengthen the relationship between the community and the Sheriff's Office, but more than that, through the process of this work IOLERO is establishing real-time relationships between the SSU professors, the interns, the CAC members and the many professionals and community members that are contributing their efforts to developing this program. These connections

are happening now and they contribute to our community in a healthy way through our work on a positive, shared community goal. All the while IOLERO continues to establish roots in our community.

In the coming months, IOLERO will vet and welcome two new attorneys to its staff. The increased legal staff will help IOLERO to complete the backlog of citizen complaints and stay current on incoming complaints and critical incidents. This is crucial because the auditing process has proven, to be a persuasive vehicle to policy change. If the new ordinance passes in November, additional staff will be needed to handle the increased workload that will include investigations, depositions and court appearances and a new chapter will begin.

History tells us that change comes in excruciating increments for those who want it and IOLERO's story is no different. Nevertheless, some very real changes have started to happen at IOLERO and the Sonoma County Sheriff's Office. Hopefully, we can all take the time to acknowledge and appreciate the progress that has been made while we continue to work toward more.



APPENDICES

Appendix 1:

CAC Members



Dora Barrera

Ms. Barrera holds a Bachelor of Science in Business Administration-Marketing, with a minor in Sociology from University of the Pacific-Stockton. She is currently a Program Specialist for the County of Sonoma General Services Department in their Energy and Sustainability Division. Prior to that she worked for 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. Barrera is a member of Hispanic Chamber of Commerce of Sonoma County Young Professionals and currently serves as Chair. Additionally, she is a board member for Sonoma Valley Community Health Center and is participating in the La Luz Leadership Cohort.

Ms. Barrera 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, she experienced positive and negative experiences with law enforcement. About serving as a member of the CAC, Ms. Barrera states, *"I strongly believe in community involvement as a tool for change. I want to be able to help build a bridge between our community and our law enforcement that will make our community stronger and better by becoming more knowledgeable about our law enforcement personnel and laws."* Ms. Barrera is excited about contributing to the CAC as a young Latina professional native to the area. She is fluent in English and Spanish.

Ms. Barrera lives in Sonoma County's first district represented by Supervisor Susan Gorin.

Lorez Bailey

Ms. Bailey is in her fourth year serving as the Executive Director of Chop's Teen Club located in downtown Santa Rosa. 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 over 20 years' experience implementing and managing youth development programs. She has a passion for creating an environment and opportunities that empower youth to expand their capacity to be confident and well-prepared for whatever future endeavors they pursue.



Prior to Chop's, 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 all Sonoma County high school college and career centers. That work also consisted of leading a team of work-based learning coordinators who worked in schools to elevate Career Technical Education (CTE) programs, connect schools to community and implement the work-based linked learning initiatives as part of a 14 million dollar, five-county grant. Prior to working at SAY Ms. Bailey worked at West County Community Services in Sebastopol as the Manager of Youth and Adult Education and Employment Services. 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) and serves as the Chair of the LSR Program Steering Committee. She is also a graduate chapter member of Alpha Kappa Alpha Sorority, Inc. where she was recognized for her extensive service to community and received the sorority's Western Region Leadership Award. She is a board member of the Bridge to the Future-Rites of Passage program, Charles M. Schulz Museum Program Advisory Board and the Press Democrat's Editorial 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.



David Hernandez

Mr. Hernandez has lived in Sonoma County for thirty-five years and is truly grateful for the life he has been blessed with, including his thirty years of sober living.

Mr. Hernandez graduated from South San Francisco High School and attended College of San Mateo for two years. Mr. Hernandez has had a successful career with PG&E for thirty-seven years where he currently works as an electrical inspector.

Mr. Hernandez brings to the CAC his valuable experience as a as a long-time recovering addict, personal experience with arrests and incarceration and as a community leader who has worked with Sonoma County's many diverse communities. Mr. Hernandez is committed to bridging the gap and improving the relationship between law enforcement and the community it serves. Mr. Hernandez believes in accomplishing positive change by listening, engaging in civil discourse and serving the community.

In 2007, Mr. Hernandez founded the Knights of Sonoma County, a charitable, non-profit organization for which he serves as president.

The Knights of Sonoma County's mission is *"to offer help in whatever ways we can, anytime we see someone in need."* In addition to community service, the Knights operate a clean and sober living house in Santa Rosa for men in recovery.

The Knights provide service directly and through partnerships with other non-profits, churches and government agencies. The Knights' service has contributed to the community in many different ways, including preparing food for homeless communities, providing auto repairs to people living in cars, serving veterans, senior citizens and people with physical disabilities by doing home repairs and yard maintenance. The Knights also provide children in need with clothing, meals, bicycles, and sponsorship for educational field trips.

Mr. Hernandez lives in Sonoma County's second district represented by Supervisor David Rabbitt.

Lorena Barrera, Vice-Chair

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 Shirlee Zane.



Jose Landaverde

Mr. Landaverde was born in El Salvador and immigrated to the United States as a refugee of war at the age of nine. Mr. Landaverde is now a U.S. citizen and has called Santa Rosa his home since 1984. He grew up in the Southwest Santa Rosa area where he lived for 33 years.

Mr. Landaverde has worked for the County of Sonoma for 19 years. He is currently employed at the Human Services Department as an Eligibility Specialist Supervisor. Mr. Landaverde is a subject matter expert on Medi-Cal, CalFresh and General Assistance programs and he has a strong connection to communities who often interface with law enforcement. Mr. Landaverde also worked as an instructor at the California Human Development Corporation where he helped agricultural workers transition from field work to manufacturing jobs in order to have year-round work to provide for their families.

Mr. Landaverde is active in the Sonoma County community. He served as a mentor at the Gospel Mission and he was a founding member of the Rosa Bloco program. Rosa Bloco utilizes the arts as a tool of empowerment for youth of color, underserved and at-risk youth. The objective is to teach young people how to overcome legal challenges, adopt healthy and active lifestyles, serve as leaders in their communities and to embrace ethnic and cultural diversity.

Mr. Landaverde says that growing up in Santa Rosa, *“I was one of two children in the ESL program [and] I have an intimate knowledge of this community. I lived in its ghettos, I ate elotes on Sebastopol Road, I swam in public pools on West Ninth Street, [and] I graduated from Montgomery High School taking two buses every morning.”* Mr. Landaverde believes the role of a CAC member is to *“serve as a conduit of the community [and] I want to see my community thrive and get over difficult hurdles.”*

Mr. Landaverde lives in Sonoma County’s third district represented by Supervisor Shirlee Zane.

Evan Zelig, Esq., Chair

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 a Planning Commissioner. Mr. Zelig is the grandson of Holocaust survivors and is a regular contributor to the Holocaust Museum LA, a museum his grandmother Miriam 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 and community 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.



Alma Roman Diaz

Ms. Roman Diaz is a returning appointee of the CAC, having served since April 2017. She was born and raised in Sonoma County. Ms. Roman Diaz's father and grandfather came to the United States to work as braceros during WWII and were assigned as farmworkers in Sebastopol. Ms. Roman Diaz grew up in Sebastopol and now lives in the Roseland area of Southwest Santa Rosa. She currently works as a Bilingual Parent Outreach Specialist at Healdsburg Elementary School. In coordination with parents and principals, Ms. Roman Diaz helps oversee the English Learner Advisory Committee (ELAC) meetings.

In the past, Ms. Roman Diaz worked for the Sonoma County Sheriff's Office as a Legal Processor and Correctional Officer Trainee at the jail. Ms. Roman Diaz is married and she and her husband are raising two children.

Ms. Roman Diaz has a Bachelor in Arts in Chicano Latino Studies from Sonoma State University and a Correctional Academy Certificate from Santa Rosa Junior College. She is also one of the Founding Mothers of the first Multicultural Sorority at Sonoma State University. As a first generation college student, Ms. Roman Diaz felt it was important to create a support group for young women from diverse backgrounds on the university campus.

Ms. Roman Diaz says, *"I have lived in Sonoma County for the majority of my life and have a vested interest in bettering the community. One of my goals while serving on the CAC is to assist with strengthening the ties between the Sonoma County Sheriff's office and the Sonoma County Community. I believe that my past education and work experience can help IOLERO meet its goals."*

Ms. Roman Diaz lives in Sonoma County's fifth district represented by Supervisor Lynda Hopkins.

JD Donovan

JD was a part of the Russian River Community since 2009. She and her wife resided in Guerneville and were active in the community together. JD Donovan passed away unexpectedly in May 2020. Prior to her passing, JD emerged as a leader in the CAC approaching the issues with dedication and the skill of a person experienced in law enforcement practices.

JD participated with Sonoma County Pride for many years and served as President of the organization. Under JD's leadership, Sonoma County Pride grew from a one-day event in Guerneville to a larger multi-day event held in Santa Rosa that includes a year-long presence in the community. JD worked as a State Park Ranger and as the Public Safety Superintendent for the Russian River District before retiring. JD's career in law enforcement provided her with many tools to work with the public, such as community outreach experience and understanding a variety of backgrounds and cultures.

As a female within the LGBT and Law Enforcement community JD faced many challenges and knew what it was like to feel excluded. She worked very hard to always include people from all backgrounds and walks of life and she was a true believer in treating others as you would want to be treated. *"We are here to teach and understand one another as we all have differing viewpoints based on our life experiences."* While JD was a member of the CAC, she actively contributed her valuable perspective to every conversation. JD enjoyed community engagement and had an understanding of policy recommendations, evaluation of trends, and the training that goes along with being a peace officer. Additionally, JD had experience in grant writing for both government and non-profit organizations and excitedly discussed plans for seeking grants to assist with IOLERO's projects.

JD had a passion for photography since a young age, and held an Associate in Arts in Photography from Saddleback College. She enjoyed hosting local photography meet-up groups. JD and her wife enjoyed life with a household of misfit rescue cats that made their home complete.

JD's career, personal experience, volunteer work, and interests served as valuable assets to the CAC and she is greatly missed.

JD lived in Sonoma County's fifth district represented by Supervisor Lynda Hopkins.



Appendix 2:

IOLERO's Newsletters



IOLERO's monthly news and updates

May 7, 2020 | Number 06

ESPAÑOL ABAJO

Dear Community Partners,

In this issue of IOLERO's newsletter, we introduce IOLERO's new Programs Manager, discuss IOLERO's innovative partnership with Sonoma State University (SSU), provide updates on the Sheriff's quarantine procedures at the jail and the Community Advisory Council (CAC). To read our last newsletter, [click here](#).

IOLERO is Excited to Introduce Our New Programs Manager - Adriana Call

On May 19th, IOLERO will welcome our new Programs Manager, Adriana Call.

Ms. Call was born in Colombia, South America and came to the United States with her family in 1969 on a resident visa. She lived in Southern California for several years before moving to Sonoma County in 1978. She became a naturalized citizen in her early 20s. Ms. Call worked for the Press Democrat Publishing Company for 25 years in circulation, accounting, and advertising sales management. She was the general manager of the Petaluma Argus Courier for four years.

Ms. Call began her career with the County of Sonoma in 2012. For the past eight years she has worked in Human Resources as the Assistant to the Director and in the Recruitment and the Classification Unit. Ms. Call is very active in the community. Her extensive community service includes volunteering for United Way in the Schools of Hope program as a tutor and the Earn It! Keep It! Save It! program as a tax preparer. She also volunteers for the Hispanic Chamber of Commerce, the Combined Fund Drive and other nonprofits and charitable organizations.

Ms. Call brings to IOLERO her extensive experience in management, human resources and customer service. Her positive outlook, commitment to the community and collaborative, but unwavering approach to solving difficult problems will be a great asset to IOLERO and the Community Advisory Council (CAC). Ms. Call is fluent in the Spanish language and proficient in French.

Call will manage IOLERO's Community Advisory Council (CAC). One of Ms. Call's first tasks will be to plan the CAC's new training program and the CAC meetings for the rest of the year. Ms. Call will also manage IOLERO's new internship program and IOLERO's county-wide community engagement program.

In October 2019, Director Navarro successfully lobbied the Board of Supervisors to approve a third full-time, managerial position for IOLERO. After three years of IOLERO being severely overtasked and underfunded resulting in a massive backlog, this was a huge accomplishment for IOLERO.

Follow IOLERO on Facebook



IOLERO's Innovative New Partnership with Sonoma State University (SSU)



IOLERO has partnered with the Department of Criminology and Criminal Justice at SSU. This partnership will include working on projects with the professors and students through an internship program.

IOLERO and SSU are already working together on two projects. First, a comprehensive evaluation of use of force and de-escalation policies of 50+ Sheriff's Offices throughout California. The sheriff data will be supplemented with information from other sources like the Department of Justice, other police agencies, the ACLU and American Medical Association. We will research, develop and identify best practices. At the conclusion of the research, IOLERO and the Community Advisory Council (CAC) will document our findings and make recommendations to the Sonoma County Sheriff's Office about its use of force and de-escalation policies.

The second project is the establishment of a high functioning community oriented policing program. The first phase of this project is locating and applying for grant funding to develop our multi-method approach to bring community oriented policing to Sonoma County. The second phase will be to conduct surveys and focus groups in Sonoma County about community oriented policing while researching the best community oriented policing model for Sonoma County. The third phase is the implementation of a robust community-oriented policing program for Sonoma County.

IOLERO, the CAC and SSU will work collaboratively with the Sonoma County Sheriff's Office on these important new projects.

Follow IOLERO on Instagram

The Community Advisory Council (CAC)

The CAC has begun meeting in ad hoc committees to evaluate data on the use-of force and de-escalation practices. IOLERO's CAC is comprised of diverse Sonoma County leaders who represent the community and make community driven policy recommendations to the Sheriff's Office.

The members of the CAC are leaders in many community organizations throughout the county such as Chop's Teen Club, the Hispanic Chamber of Commerce, Sonoma Valley Community Health Center, The Commission on the Status of Women, The Knights Sober Living House (SLH), the Windsor Planning Commission and Sonoma County Pride. This connection to "pocket communities" links IOLERO and the CAC to the whole Sonoma County community, widening awareness about IOLERO's work and bringing law enforcement concerns of the community to IOLERO's table for discussion.

The CAC will work closely with SSU professors and interns to develop the use of force/de-escalation and community oriented policing projects. [Click here to read about the CAC](#).

Next CAC meeting

The next CAC meeting will be held virtually on June 1, 2020 at 6 p.m. Details will be provided in a newsletter update soon.

More Covid-19 related Updates from Jail

As you may know, IOLERO has been monitoring the Sheriff's quarantine procedures at the jail. To read updates from prior newsletters, [click here](#).

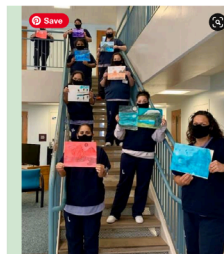
New updates:

Population Reduction: The Sonoma County jails typically house 1150-1200 inmates. Since the start of the pandemic, the Sheriff's Office has been working with the Public Defender's Office, District Attorney's Office and the Courts to reduce the jail population. As of May 5th, the jail population was 557 total (86 at the North County Detention Facility and 471 at the Main Adult Detention Facility).

Masks for inmates: Inmates at the jail are being provided with face masks. When an arrestee arrives at booking, he or she is provided with a surgical mask and given a medical screening. New inmates are initially housed in a reception module and are given further medical screenings for about two weeks before being moved to other parts of the jail. When a new inmate is admitted to the jail, he or she is given four face masks for personal use. Inmates are required to wear the face coverings any time they are out of their cell, both in reception and other areas of the jail. The face masks are laundered regularly with the inmates' clothing. Inmates keep their face masks when they are released from the jail. All staff continue to receive a medical screening and must wear a face covering before entering the jails. Providing masks to jail inmates has not been ordered by the State or the Health Officer. This is a precaution taken by the Sonoma County Sheriff's Office in an abundance of caution and to help reassure inmates and their families that their safety is a priority.

Why Not Split the Population between MADF and NCDF? This question was posed to jail management and the following explanation was provided: The North County Detention Facility (NCDF) is not set up to house higher security inmates or inmates with protective orders. The units at NCDF are primarily dorm style housing arrangements and inmates are typically sent to the central "chow hall" for meal service. Inmates with Court Orders to "stay away" from other inmates are generally not housed at NCDF because the inmates all mix together either in their housing unit, the chow hall, educational classes and work crews. Additionally, the Sheriff's Office cannot mix rival gang members and has to keep them separated. Currently, Norteño gang members are allowed to go to NCDF if their charges allow it, but Sureño gang members are kept at MADF. Based on the current numbers of inmates with charges for murder, attempted murder, gang identifications, mental health concerns and protective custody requirements (i.e., child molest, rape and gang drop outs), it is not feasible to split the inmate population and house half at MADF and the other half at NCDF.

Learn more about IOLERO and our Mission!



Pop-up Paint Night for Inmates

This past weekend, 14 inmates participated in a painting program at the jail. Most of the inmates who participated are enrolled in Five Keys, the jail's general education provider. Five Keys provided the lesson plan and art supplies.

The inmates who are enrolled in Five Keys programming were able to earn elective credit for participating.

Additionally, a small number of inmates participated in their cells because there were extra supplies. Jail management is planning to offer this program again because inmates in another housing unit expressed interest.

To read IOLERO's other newsletters and updates, please visit our [website](#).

INDEPENDENT OFFICE OF LAW
ENFORCEMENT REVIEW AND
OUTREACH | IOLERO

Karlene Navarro, Esq., Director



Appendix 3:

IOLERO's Brochure

FAQs

Is IOLERO affiliated with the Sheriff's Office? No. IOLERO is an independent, non-police county agency.

What happens once I make a complaint? Your complaint will be logged by IOLERO then investigated by Internal Affairs at the Sheriff's Office. This is called an administrative investigation. When the investigation is completed, it is sent to IOLERO to be reviewed by the director who is a non-police auditor. The director of IOLERO will conduct an independent review of the Sheriff's evidence and investigation and decide whether she agrees or disagrees with the Sheriff's findings.

What if the IOLERO director disagrees with the Sheriff's Office? If the director of IOLERO disagrees with the Sheriff's Office, she can make a recommendation to the Sheriff's Office for further investigation or a different outcome.

Can I make a complaint on behalf of someone else? Yes. You may make a complaint on behalf of yourself, a friend or a loved-one. You may also make a complaint about something you witness in the community even if you were not party to it.

If I make a complaint, and it is determined that a Sheriff's deputy/employee violated a policy, what happens? The Sheriff's Office will decide what disciplinary action is appropriate based on the totality of the circumstances.

Will I be told what disciplinary action will be taken? It depends on the case. Administrative investigations involve personnel issues and there are confidentiality laws and rules which must be followed. Please see our website for more information.

If my complaint is about damage to my property or an injury, will I be compensated for my losses? No. Your complaint will result in an administrative investigation and, if appropriate, disciplinary action against the deputy/employee. If you have suffered damage to your property or an injury, you must request

a "claim review" through risk management and/or a separate legal action for any relief you are seeking. **FILING A COMPLAINT AND REQUESTING A CLAIM REVIEW DOES NOT SATISFY STATUTORY REQUIREMENTS FOR INITIATING A LAWSUIT AGAINST THE COUNTY. IT IS A SEPARATE PROCESS.**

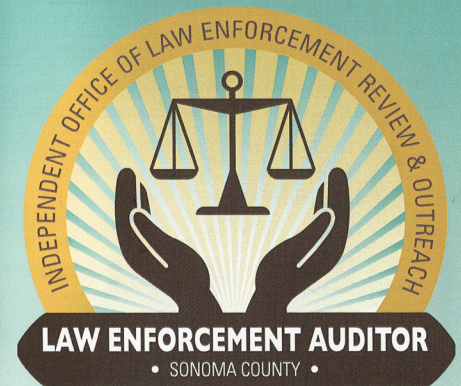
The IOLERO director is a lawyer, is she my lawyer? No. IOLERO is an independent, non-police auditor's office. Our job is to objectively review the administrative investigation done by Internal Affairs from a non-police perspective.

What if I have a pending criminal case? If you have a pending criminal case, you should discuss the best course of action for making your complaint with your attorney.

What if I am in jail? If you are in jail and your complaint involves use of force, biased policing (i.e. racism, sexism, etc.), sexual assault/misconduct or dishonesty, your complaint will be automatically reviewed by IOLERO. At this time, IOLERO does not review grievances concerning issues such as commissary or lost property. Those grievances must go through the jail's grievance process.

How long will it take to complete the investigation of my complaint? It depends. Every attempt is made to conduct thorough and complete investigations which may involve interviewing witnesses, reviewing body-worn camera footage and reading police reports and other records. The length of the investigation depends on the complexity of the complaint and each complaint is investigated first by Internal Affairs, then reviewed by IOLERO. Most investigations take between four and eight months to complete.

For more information and FAQs please visit our website at: www.sonomacounty.ca.gov/IOLERO.



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Law Enforcement Review and Outreach
(IOLERO)**

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