



## Meeting Minutes

Independent Office of Law Enforcement Review and Outreach (IOLERO)

Community Advisory Council (CAC)

February 5, 2018, 5:30pm-7:30pm

PRMD Public Hearing Room, 2550 Ventura Ave., Santa Rosa CA 95403

CAC Members: Joanne Brown (leave of absence), Rick Brown (Vice-Chair), Emilia Carbajal, Evelyn Cheatham (Chair), Elizabeth Cozine, Alma Roman Diaz, Jim Duffy, Ramon Meraz, Maria Pacheco, (two vacancies).

### 1. CALL TO ORDER

*Chair Cheatham called the meeting to order at 5:30pm.*

### 2. ROLL CALL

*All the members, with the exception of Members Meraz and Pacheco were present; Member Pacheco arrived late; Member Joanne Brown is on an approved leave of absence.*

### 3. ANNOUNCEMENTS; ADJUSTMENTS TO AGENDA; BRIEF MEMBER REPORTS (up to 10 minutes)

*Member Duffy announced that the questions from the September 28, 2017, Sheriff's Candidate Forum were released. He stated that if members of the public wanted a copy they can contact him. He advised that people read the comments as there are 3 candidates running and they all have different visions for the department. Finally, he suggested that the CAC consider an agenda item for the next meeting to discuss sponsoring a Candidate's Forum in the interest of public exposure.*

### 4. GOVERNANCE COMMITTEE (up to 15 minutes) – discussion & possible action item

- Governance Committee Self-Assessment Survey Results (up to 5 minutes)  
*Member Rick Brown introduced the item, and summarized how there were many similarities in the member's responses. For instance, many surveys focused on outreach, transparency, involvement, and doing more in these areas. He suggested that this information be made as public as possible, so the public is aware of the CAC's performance and what they intend to do to improve it. Finally, Member Brown stated that since 14 months had passed since the last CAC's goal-setting session, they should schedule another one and incorporate feedback from the survey results as part of their goals.*
- Possible discussion from CAC members (up to 5 minutes)  
*Member Duffy stated that he had provided feedback that the CAC can, had, and should play a larger role than described in Article II of their bylaws. As an example, he cited the CAC's recommendation that the County support SB54 and how he thought it was appropriate that the group did so. Member Cozine stated that she thought the CAC should be able to offer general recommendations, even though they may not relate to policies or practices of the Sheriff's office as having value. As an example, she cited the CAC being able to bring a recommendation to the Board of Supervisors in support of increased funding for a mental health unit at the jail.*
- Public Comment (up to 5 minutes)  
*There was no public comment on this item.*

## 5. SONOMA COUNTY SHERIFF'S OFFICE IMMIGRATION UPDATE (up to 45 minutes)—discussion

- Presentation by Sonoma County Sheriff's Office staff (up to 15 minutes)

*Captain Mark Essick provided an overview of Sheriff's Office policies relating to immigration status and any revisions following the enactment of SB 54. Capt. Essick identified the biggest impacts of SB54 on the Sheriff's Office as limiting their cooperation with ICE, and reporting requirements and data collection collections points for when they do cooperate with ICE. SB54 limits the Sheriff's Office cooperation with ICE to individuals who have previously been convicted of a serious and violent felony. If an individual meets these two criteria and the Sheriff's Office receives a request notification from ICE they will share the individuals release date. Inmates that are the subject of an ICE request are notified that there is a pending notification, and whether the Sheriff's Office has shared information. All this information is kept for statistical and reporting purposes. Captain Essick described how, under the Immigration Policy revisions put forth by Sheriff Giordano prior to the passage of SB54, there were an additional 12-14 crimes listed that would trigger compliance with an ICE request. Under SB54, those additional crimes added by Sheriff Giordano have been eliminated, leaving the list of serious and violent felonies enumerated in the legislation. Captain Essick indicated that these were the changes and updates that affected the Detention Division under SB54.*

*Capt. Essick then outlined how SB54 has impacted the sharing of information between the Sheriff's Office and ICE. He detailed how it's not unusual for the Sheriff's Office to receive requests for information from other law enforcement agencies for persons of interest. The information requests are typically for previous addresses, previous phone numbers, and previous employers. SB 54 completely restricts this sharing of information with ICE, unless it's information that has already been shared with the public. He then gave some examples of public information that is shared by the Sheriff's Office on their website, which includes: arrestee name, age, city of residence, street they live on (without identifying address numbers), arresting agency, and charges they were arrested for.*

*Capt. Essick then detailed the Sheriff's Law Enforcement Division's policy on interacting with ICE. He reinforced that patrol deputies are not charged with civil immigration enforcement and they do not engage with civil immigration enforcement. He stated that the Sheriff's Office will cooperate with federal authorities by sharing information or participating in task forces for active criminal investigations. If ICE were to conduct an operation in our community, the Sheriff's Office would not participate in civil enforcement sweeps; however, the Sheriff's Office will assist from a public safety capacity. For instance, if there were an ICE operation that caused a major street to be shut down, the Sheriff's Office may respond.*

- Discussion from CAC members (up to 15 minutes)

*Member Rick Brown asked who in the Sheriff's Office makes the assessment regarding public safety issues that would cause the Sheriff's Office to respond to an ICE operation. Capt. Essick indicated that deputies are guided by policy and the policy is very specific about when to engage with ICE in an operation. If the deputies have any questions they are directed their supervisor or sergeants working in the field. Capt. Essick then described a federal immigration action that took place in Petaluma a few years ago. In this instance, federal authorities did not notify the Sheriff's Office that they would be conducting an operation, and subsequently, 911 dispatch received a number of calls from concerned residents. This was an example where the Sheriff's Office responded as the result of a federal civil immigration action, although they did not assist ICE. Member Rick Brown then asked if ICE will notify the Sheriff's Office when they intend to conduct civil immigrations enforcements. Captain Essick stated that ICE has changed the way they interact with California law enforcement*

over the last 6-12 months, and as a result, the Sheriff's Office is not always notified of ICE actions in the community. Member Rick Brown then discussed the Rapid Response Networks that have been established by community members to deploy observers in the event of an ICE action. He described his worries that there may be chaos or conflict between the observers and ICE agents, and because the Sheriff's Office may not be notified by ICE, this could create a public safety issue. Captain Essick described how this topic was just discussed at the Sheriff's Executive Management Group meeting. He discussed how if the observers simply recorded the civil enforcement action it would most likely not impact the Sheriff's Office; however, if observers engage in civil disobedience or impede ICE agents in the performance of their duties it may require the Sheriff's Office to detain or arrest those individuals.

Member Carbajal described how the Rapid Response networks are being trained by ACLU lawyers to simply observe. She suggested that Capt. Essick meet with the North Bay Organizing Project as they are coordinating the Rapid Response initiative. Captain Essick stated that the Sheriff has an established relationship with the North Bay Organizing Project. Member Carbajal then expressed concerns that she's seen video footage of ICE agents in plainclothes, and questioned how community members can be sure that an individual is really a federal agent. Captain Essick stated that one can always ask for credentials, although he was unsure what requirements are in place for federal agents to provide this information. Member Carbajal then questioned what the Sheriff's Office is doing to advise community members that their office does not participate with ICE. Captain Essick detailed how the Sheriff's Office has already run a campaign related to their immigration policy. He indicated that this is a continuous process that includes updates to their website in English and Spanish, a number of outreach documents and visuals, as well as their Community Engagement Liaison continually booking appointments. Member Carbajal stated that she works at a day labor center and has yet to hear from the Sheriff's Office. Captain Essick suggested that she get in touch with their Engagement Liaison to setup a meeting and presentation.

Member Roman-Diaz then described a recent DUI checkpoint and how there was a lot of social media posts because people thought they were immigration checkpoints. Captain Essick stated that the checkpoint was publicized in advance and that it was not a Sheriff's Office checkpoint. Member Roman-Diaz suggested that the Sheriff's Office meet with the various school district's English Language Advisory Committee's as an outreach strategy. Member Rick Brown stated that it would be worthwhile for the CAC to invite the Sheriff's Office Engagement Liaison to share her engagement strategies to-date, and this would also allow the CAC to provide feedback on additional suggestions.

Member Duffy suggested that the Sheriff's Office could bring to the Sonoma County Law Enforcement Chief's Association recommendations that DUI checkpoints include signage stating that the checkpoint is not a civil immigration enforcement. Captain Essick indicated he would bring that suggestion to the Sheriff. Member Duffy then asked if the Sheriff's Office has seen an uptick in ICE civil immigration actions in Sonoma County, as there has been an increase in rumors. Captain Essick stated that the Sheriff's Office does not track ICE actions in Sonoma County, although he doesn't think there has been a considerable change. He also detailed how SB54 has taken civil immigration enforcement out of detention facilities, and subsequently, this has led ICE to undertake increased civil actions in communities.

Member Cozine then asked if ICE would need a warrant for the Sheriff's Office to cooperate with a criminal investigation. Captain Essick stated that in an instance where ICE contacted the Sheriff's Office about a criminal investigation they would participate; however, Sheriff's Office policy states

*that they will not cooperate if ICE's primary mission with the investigation is civil immigration enforcement they will not participate.*

*Member Pacheco then asked if community members who feel threatened by an ICE agent can contact the Sheriff's Office. Captain Essick stressed that community members can always call the Sheriff's Office for assistance.*

*Director Threet stated that he had recently read an article about ICE drafting policy for civil immigration enforcement at local courthouses, and asked if the Sheriff's Office has considered this issue. Captain Essick indicated that the Sheriff's Office is considering this topic and it does present a number of challenges to the office. He stated that the Sheriff's Office is in consultation with County Counsel and awaiting legal direction on that matter. Member Rick Brown then requested that the Sheriff's Office share any developments in the area with the CAC. Captain Essick stated that, following legal counsel, there will most likely be a policy amendment that the Sheriff's Office can share with the CAC.*

- Public Comment (up to 15 minutes)

*Public Comment speakers:*

*Carmen Cervantes*

*Bernice Espinoza*

*John Mutz*

## **6. HOMELESS POLICIES WORKING GROUP (up to 30 minutes)—discussion**

- Homeless Policies Working Group Progress Report

*Member Carbajal introduced this item by providing an update on the Working Group. She described how the Group is focusing on 5 major themes/recommendations, which are: 1) Hiring practices; 2) Training; 3) DMV ID program at the Main Adult Detention Facility; 4) Property Storage/Valuables; and 5) Homeless Bill of Rights. Member Carbajal indicated the Working Group would be meeting again prior to drafting their final recommendations.*

*Member Roman-Diaz outlined how the California Department of Corrections has a program to assist inmates with obtaining a California Identification card. Based on her research, income eligible jail inmates can qualify for a birth certificate waiver and a CA ID waiver. She believes that Main Adult Detention Facility staff could attest to a homeless inmate's status, which would allow them to obtain no-cost IDs.*

- Discussion from CAC members

*Member Cozine then asked the Working Group if they discussed compiling a resource list for homeless inmates leaving the jail and patrol deputies in the field. Member Carbajal indicated that the Group had considered this and that there is already a resource guide that is available online. Finally, Member Carbajal described how she is looking at recommendations around deputy self-care given the emotional toll of their work.*

- Public Comment

*There was no public comment on this item.*

## 7. REVIEW/APPROVAL OF MINUTES (up to 5 minutes)

*Member Cozine moved to approve the minutes and this was seconded by Member Carbajal; the motion passed unanimously.*

## 8. IOLERO DIRECTOR'S REPORT (up to 5 minutes)

*Director Threet provided an update on the proposed budget reductions that IOLERO was asked to provide by the County Administrator. Barring any changes, IOLERO will not see a budget reduction under the County Administrator's FY 2018-19 recommended budget for the office.*

*Director Threet then discussed some of the issues surrounding the upcoming Sheriff's election and CAC member participation. He described how state law and local laws prohibits members from taking a position in any official capacity as a CAC member; however, all the members have a personal right to participate in an election by endorsing candidates, volunteering on their behalf, etc. He highlighted how this tension may be greater for the Chair and Co-Chair given public perceptions that they speak on behalf of the CAC, but all members should consider this as they make decisions regarding the election.*

*Director Threet described a presentation he did at the Universalist Unitarian Church of Santa Rosa on January 14<sup>th</sup>, 2018. It was well attended and featured very thoughtful questions from the public. In addition, he presented to the new Sonoma County ACLU Chapter on January 24, 2018. Despite occurring during a huge rain storm, the event was also well attended with a lively discussion.*

*The Director then detailed how the office has developed a backlog of audits due to various disruptions, and he anticipates clearing the back log over the next month. Finally, he expects that he will present an updated report on audit results at the next meeting of the CAC.*

*Member Rick Brown then clarified that should the CAC members campaign and/or endorse a candidate for Sheriff, they can only do so as private individuals. Director Threet stated that this is correct, and he cautioned the CAC members about identifying themselves as CAC members when taking a position on candidates at any public election events.*

9. **GENERAL PUBLIC COMMENT (up to 15 minutes):** Public comment for items not listed on the agenda
- Public comment is normally limited to three minutes per person, unless adjusted by the Chair.

*Public Comment speakers:  
Kathleen Finigan*

## 10. ADJOURNMENT

*The meeting was adjourned at 6:47pm.*

11. **NEXT MEETING OF CAC: MONDAY, MARCH 5th, FROM 5:30PM-7:30PM, AT PRMD HEARING ROOM (2550 VENTURA AVE, SANTA ROSA CA 95403)**

If you have a disability which requires an accommodation, an alternative format, or requires another person to assist you while attending this meeting please contact:

The Independent Office of Law Enforcement Review & Outreach, (707) 565-1534 or email:  
[Beau.Anderson@sonoma-county.org](mailto:Beau.Anderson@sonoma-county.org)

Please contact us as soon as possible to ensure arrangements for accommodation.

### **Commitment to Civil Engagement**

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

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

### **Public Comment at Community Advisory Council Meetings**

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

- Should fall under the subject matter jurisdiction of the CAC (as noted in the founding documents).
- Are limited to up to 3 minutes *per person per agenda item*; time limitations are at the discretion of Chair and may need to be adjusted to accommodate all speakers.

While oral public comment on agenda items is always available during CAC meetings, the public also is invited to communicate with IOLERO staff and CAC members through email, which will be included in the agenda for the next meeting of the CAC following receipt of the email. Members of the public who would like to make statements that may exceed the time limits for public comment, suggest topics to be placed on future agendas, or suggest questions to be raised and discussed by CAC members of staff, may send an email of any length addressing these matters to [Beau.Anderson@sonoma-county.org](mailto:Beau.Anderson@sonoma-county.org)

CAC members may not deliberate or take action on items not on the agenda, and generally may only listen. Should CAC members wish to deliberate on an issue raised during public comment, that issue may be placed on a future agenda of the CAC for discussion and possible action.