



Meeting Minutes

Independent Office of Law Enforcement Review and Outreach (IOLERO)

Community Advisory Council (CAC)

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

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

CAC Members: Joanne Brown, 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 Cozine and Roman Diaz were present.

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

Member Joanne Brown announced that she had completed her temporary assignment on the bench at the Sonoma County Superior Court and that she is pleased to be back. Member Rick Brown talked about how at the last meeting of the CAC the group discussed the potential of increased civil immigration enforcement by ICE, and he was curious if any of the other members had heard about ICE actions, and whether they knew if the Sheriff's Office had responded to any such actions. Member Carbajal stated that she was unaware of any actions by the Sheriff's Office and she discussed a Rapid Response effort in Napa related to an ICE civil immigration enforcement action. Member Rick Brown then asked Director Threet if he had any knowledge of enforcement activities, and Director Threet stated that he was unaware of any activities that may have taken place in the county.

4. CAC ANNUAL PRIORITIES (up to 30 minutes) – discussion & possible action item

- CAC Review of Accomplishments/Shortfalls of Past Period (up to 10 minutes)
 - Discussion among CAC members of possible future goals of CAC (up to 10 minutes)
- Member Pacheco suggested a focus on greater community outreach and immigration rights. Member Duffy stated he would like to see the group continue their review of Use of Force policies. In addition, he would like to review the follow-through process once the CAC has made a recommendation. Member Duffy cited the CAC's efforts to issue a Body Worn Camera policy, and that this information, along with any response by the Sheriff's Office, isn't readily available on the CAC website. Member Rick Brown supported the recommendation around a review on the impact of policy recommendations and the complaint procedure, as well as increased reporting on any changes to Sheriff's Office policy that has been implemented as a result of recommendations. Member Rick Brown also highlighted focusing on community engagement as a goal of the CAC on the coming year.*

In response, Director Threet detailed the policy recommendation process between the CAC and IOLERO Director. As envisioned and under the way it has been working, the CAC makes a recommendation to the Director. Should the Director intend to issue a recommendation in that area, the input provided by the CAC will be considered in any presentations to the Sheriff's Office. Director Threet acknowledged there has been multiple recommendations from the CAC since the

beginning of the fiscal year, and several factors such as the October fires, drafting the first Annual Report and preparing for the subsequent public hearing, impacted IOLERO's workload. These factors contributed to a backlog in the audit of complaint investigations, which in turn, limited the office's focus on policy recommendations. Director Threet stated that he intends to issue policy recommendations in the following areas: video policies and conflicts of interest. In the area of body worn cameras, Director Threet stated that he is waiting for feedback from the District Attorney as this area affects her work; however, with the impact of the October fires this request is still pending. In terms of putting up the CAC recommendations on the website, with IOLERO's limited staff, this item hasn't been a workload priority. Director Threet described the ideal workflow process where recommendations would be posted shortly after CAC issuance, and if and when the Director issues a recommendation, they would be included on main IOLERO webpage under the "Reports & Policy Recommendations" section. Director Threet detailed how he intends to undergo a Use of Force review, and with the recent trainings that the CAC members took with Sheriff's Office staff in this area, the CAC should be more well-informed once the group decides to take up the topic.

In the area of community engagement, Director Threet reiterated how he considers this aspect of IOLERO's mission to be just as important as the review and audit of complaint investigations. However, Director Threet received feedback from the Board of Supervisors that the audit and review function of the office should be prioritized over community engagement to ensure timely completion of audits. Prior to the October fires there was support from 3 of the supervisors for consideration of an additional staff member during the FY 18-19 budget hearings, but that position has likely changed with the subsequent uncertainty in county finances. Director Threet outlined how IOLERO is working with Sonoma State University (SSU) to host an AmeriCorps Vista member during the upcoming academic year. As envisioned, the Vista member would plan and create a survey on community and law enforcement relations, and then go door-to-door in immigrant communities to survey residents. One benefit of the Vista member is that they are affiliated with SSU and can partner with multiple departments, and in turn, leverage students for assisting with their projects. A second goal of the Vista member project is identifying community members who are willing to organize their own community around law enforcement issues, who would then work with IOLERO and the Sheriff's Office on a regular basis to improve community and law enforcement relations. The application for the Vista member is currently open and information is available on IOLERO's Facebook page.

Member Rick Brown then suggested that in the future, the IOLERO Director bring any policy recommendations in draft form to the CAC for review and feedback. Director Threet indicated that there is value in this process, especially recommendations that come from the review and audit of complaint investigations where the CAC was not previously involved.

- Public Comment (up to 10 minutes)

Public Comment speakers:

Susan Lamont

Gig Hitao

Adrienne Lauby

Francisco Saiz

Member Carbajal then suggested that the CAC prioritize use of force recommendations given that the Sheriff's Office election is underway and mail-in ballots will be sent out in May. Director Threet cautioned that it is unlikely that any final recommendations will occur prior to June, given the complexity of the issue and the anticipated review process

Member Rick Brown stated that the CAC should pursue a public affairs strategy, which could include regular media communications, letters to the editor, etc. Member Rick Brown suggested that one or more CAC members gather the feedback from the CAC and the public on this item, and bring it back for next month's meeting as an agenda item. Member Meraz echoed the public affairs idea and highlighted local radio stations such as KBBF where the CAC could provide updates.

5. SONOMA COUNTY SHERIFF'S ELECTION CANDIDATE FORUM (up to 20 minutes)— discussion & possible action item

- Discussion from CAC members (up to 10 minutes)

Member Duffy introduced this item and stated his preference for holding the forum in late April, prior to mail-in ballots being sent out. He discussed potential formats, such as requesting questions in advance from the public and providing these to the candidates. He stated that all three candidates are qualified and each have different visions. The forum would give the public a chance to see the candidates and get a better sense of how they would lead the Sheriff's Office.

Member Carbajal suggested looking into partnering with another group to sponsor the forum, as this could assist with visibility. She discussed including a mixture of open ended questions along with yes/no questions.

Member Meraz reminded the CAC that the Sonoma County Human Rights Commission is interested in co-sponsoring an event. He suggested that the Junior Commission on Human Rights should be contacted to see if they are interested in sponsoring as well.

Member Rick Brown expressed how initially he had some concerns about this item when he saw it on the agenda, as it may be perceived as an advocacy function as opposed to community outreach and engagement. These concerns were addressed by Member Duffy, as well the proposed format. Member Brown added that he would be much more comfortable sponsoring with the Human Rights Commission as opposed to a non-profit or other community group. Finally, he advocated against asking the candidates yes/no questions without allowing an opportunity to respond, as he would like to hear more substantive answers than can be provided in that type of question format.

Director Threet then advised the CAC that he had checked with County Counsel regarding any legal restrictions around the CAC hosting an informational candidate's forum, and based on their feedback, there are no issues preventing the CAC from doing so.

Public Comment (up to 10 minutes)

Public Comment speakers:

Scott Wagner

Gig Hitao

Member Duffy then suggested that the CAC form a working group for coordinating the forum. He indicated that he was willing to lead the working group, contact the candidates, select a venue, etc. Member Rick Brown stated that he would like the entire CAC to review the meeting format and logistics at the next meeting. This item will be added to the agenda of the April 2, 2018, CAC meeting.

6. PROPOSED REQUEST TO SHERIFF'S CANDIDATES TO DECLARE POSITIONS ON PRESIDENT'S 21ST CENTURY TASK FORCE PRINCIPLES (up to 20 minutes)— discussion & possible action item

- Discussion from CAC members (up to 10 minutes)

Member Duffy introduced this item and stated that as of this afternoon, two of the sheriff's candidates (Ernesto Olivares and John Mutz), had declared their support for the 21st Century Task Force principles at an event at Sonoma State University. Member Carbajal asked for a reminder about what the 21st Century Task Force principles and Member Duffy offered a brief recap. Director Threet then detailed how the 21st Century report was used heavily by the Community and Local Law Enforcement (CALLE) Task Force during their deliberations after the Andy Lopez shooting. He stated that the CALLE Task Force relied on many of the principles to guide their work in addressing the different elements of the situation between local law enforcement and the community. Director Threet detailed how the 21st Century report is an influential document in the civilian oversight field and has been used by many jurisdictions across the country to help law enforcement agencies address disruptive situations that created bad relationships. He stated that for some people the 21st Century report may be controversial, even though it was largely authored by established institutional law enforcement figures.

- Public Comment (up to 10 minutes)

There was no public comment on this item.

Member Duffy made a motion to adopt the request and this was seconded by Member Rick Brown; this motion passed 7-0 with all in favor.

7. HOMELESS POLICIES WORKING GROUP (up to 30 minutes)—discussion

- Homeless Policies Working Group Progress Report (up to 10 minutes)

Member Carbajal introduced this item, which included an overview of the group's work to date and their draft recommendations. Member Pacheco outlined a draft recommendation around the Sheriff's Office adopting a dedicated Homeless Outreach Team program. She highlighted some other jurisdictions which have this type of program, and she indicated that grant funding opportunities are available in this area. In addition, she described a "Homeless 101" program that some law enforcement agencies have as a training component where homeless or previously homeless individuals share their perspective and experiences with new deputies. She then detailed a program where deputies carry a small card with local resources and referrals for homeless individuals. Finally, she described how Sonoma County Behavioral Health Division has a Crisis Intervention Training (CIT) in conjunction with the Sheriff's Office, but she was unsure if it was still offered. Director Threet clarified the CIT is an ongoing collaborative training offered by Behavioral Health and the Sheriff's Office to all local law enforcement agencies, with a goal of having every deputy trained.

Member Carbajal then provided an overview of the personal property storage recommendations that she drafted. Director Threet suggested that the working group look at a series of lawsuits in Oakland involving Caltrans, as they were settled with agreement that specify different types of property presumed to be valuable. Member Rick Brown suggested that the list of valuable property include identification cards as that wasn't included on the list submitted by Member Carbajal.

- Discussion from CAC members (up to 10 minutes)

Member Meraz suggested that the CAC also look at areas where the Sheriff's Office has done positive work so it doesn't create a perception that the CAC is only criticizing or critiquing their

efforts. Member Joanne Brown suggested that the working group include examples where law enforcement jurisdictions have established homeless programs that are effective. Member Pacheco cited a couple examples that were included in her draft recommendations such as Colorado Springs and Alameda County. Director Threet highlighted his recent attendance at a National Association for Civilian Oversight of Law Enforcement that addressed how the City and County of Denver deals with these issues. He cautioned that the CAC should consider the differences between jurisdictions like Denver, which is a dense urban area with greater staffing than the more rural Sonoma County, when considering program recommendations.

- Public Comment (up to 10 minutes)

Public Comment speakers:

Anita LaFollette

Ilona Reitzner

Adrienne Lauby

Member Carbajal indicated that the working group will present their final recommendations on homeless policies and procedures at the next meeting of the CAC.

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

Member Duffy made a motion to adopt the February 2, 2018, draft meeting minutes and this was seconded by Member Meraz; the motion passed 6-0 with Member Joanne Brown abstaining.

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

Director Threet detailed how he recently sent a spreadsheet to the Sheriff's Office with all the recommendations he's made on policy, practice, and process. The spreadsheet was shared with Sheriff's Office staff so that there is a common understanding of what their responses have been, and it his hope to share this information with the CAC and the public prior to the CAC's next meeting.

Director Threet then provided an update on the audit of complaint investigations. Since the publication of the Annual Report in August 2017, IOLERO has logged 22 investigations. Of those 22, the Sheriff's Office has completed 15 and referred them to IOLERO for auditing, with 7 still being investigated. Of the 15 referred investigations, IOLERO has completed audits of 11. Of the remaining 4 completed investigations, 3 are under audit, with 2 of those being complex matters involving multiple deputies. He listed the types of complaints as follows: 13 use of force; 5 improper procedure; 2 Fourth Amendment violations; and 2 discourtesy/conduct unbecoming. In 3 of the 11 completed audits, IOLERO disagreed with one or more findings of an investigation—in 1 this resulted in a change of the finding. In 6 of the investigations, IOLERO found the investigation to be incomplete in some way.

Director Threet then detailed that IOLERO is experiencing another backlog in the audit of complaint investigations. He stated that this is a largely a resource issue given the workload IOLERO is tasked with. The most serious delays were caused by drafting IOLERO's Annual Report, prepping for the subsequent Board Hearing, while IOLERO staff attended the annual conference of the National Association for Civilian Oversight of Law Enforcement, and during the October fires. The average audit review takes 44 working days, and during the same period, the average investigation by the Sheriff's Office has taken 46 working days.

10. 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.
There was no public comment on this item.

11. ADJOURNMENT

Member Joanne Brown moved to adjourn the meeting and this was seconded by Member Carbajal. The meeting adjourned at approximately 7:25pm.

12. NEXT MEETING OF CAC: MONDAY, APRIL 2nd, FROM 5:30PM-7:30PM, AT PRMD HEARING ROOM (2550 VENTURA AVE, SANTA ROSA CA 95403)