



**Independent Office of Law Enforcement Review and Outreach (IOLERO)
Community Advisory Council (CAC)
Public Meeting Agenda
March 7, 2022 6:00 p.m.**

In accordance with Executive Orders N-25-2 and N-29-20 the March 7, 2022 Community Advisory Council meeting will be held virtually.

MEMBERS OF THE PUBLIC MAY NOT ATTEND THIS MEETING IN PERSON.

The March 7, 2022 Community Advisory Council meeting will be facilitated virtually through Zoom.

Join the Zoom meeting application on your computer, tablet or smartphone:

Go to:

<https://sonomacounty.zoom.us/j/99373954446?pwd=U2ZtMHAxRkFQZW1hdWwxcnVTSHB5Zz09>

Call-in and listen to the meeting:

By telephone: Dial 1-669-900-9128

Webinar ID: 993 7395 4446

Passcode: (IOLERO) 465376

1. Spanish interpretation will be provided as an accommodation if requested in advance. Please contact the CAC Community Engagement Analyst at (707) 565-1534 or by email cac@sonoma-county.org by Noon on Friday, March 4, 2022. We will make every effort to provide for an accommodation. Spanish interpretation will be provided within the zoom application, you must use version 4.5.0 or later.
2. **Interpretación al español se proveerá si usted lo pide antes de la junta.** Por favor llame a la secretaria al 707-565-1534 o notifícanos por correo electrónico cac@sonoma-county.org antes de las 5:00 p.m., viernes, 4 de marzo del 2022. Haremos todo lo posible para complacerlo. Para traducción en español, se tiene que usar la versión de Zoom 4.5.0 o una versión más adelantada.
3. If you have a disability which requires an accommodation or an alternative format to assist you in observing and commenting on this meeting, please contact the CAC Secretary at (707) 565-1534 or by email cac@sonoma-county.org by Noon on Friday, March 4, 2022. We will make every effort to provide for an accommodation.

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 time-limited. Time limitations are at the discretion of the Director and Chair and may be adjusted to accommodate all speakers.

In addition to oral public comment at the meetings, the community is also invited to communicate with IOLERO staff and CAC members through 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 or staff, may send an email addressing these matters to CAC@sonoma-county.org

CAC members may not deliberate or take action on items not on the agenda, and may only listen and respond briefly in limited circumstances. 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. Materials related to an item on this Agenda submitted to the CAC after distribution of the agenda packet are available for public inspection in the IOLERO office at the above address during normal business hours or via email.

Agenda

1. Welcome and Roll Call

Facilitated by Chair and Vice Chair

- Agenda Review
- Public Comment
- Approval of Minutes of February 7, 2022 meeting

2. Discussion – Consideration of Letter to Senator McGuire in Support of AB 655, California Law Enforcement Accountability Reform (CLEAR) Act

- Panel Discussion
- Public Comment
- Possible roll call vote

3. Interim Director’s Report

- Panel Discussion
- Public Comment

4. Planning Discussion for April 4 Sheriff Candidate Forum

- Panel Discussion
- Public Comment

5. Community Advisory Council Ad Hoc Reports

- Community Engagement
- Extremism in Policing
- Policy Recommendation Review and Update
- Public Comment

6. Public Comment for items not appearing on the agenda but within the subject matter jurisdiction of the CAC. Please state your name and who you represent, if applicable.

Comments will be limited at the discretion of the chairs based on number of comments and other factors.

- 7. Adjournment** The next meeting of the Community Advisory Council will be held on April 4, 2022 at 6:00pm.

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;
- Adhere to time limits for each individual speaker, in order to allow as many people 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.

Designed Team Alliance

All are encouraged to engage in respectful, non-disruptive communication that supports freedom of speech and values diversity of opinion. Our Designed Team Alliance is a list of norms, which describe the way CAC wants to show-up and be in community while modeling collaborative behavior. We request that CAC members, staff, and the public follow the CAC's agreed upon Designed Team Alliance.

Our Designed Team Alliance is:

- Be tough on topic not on people
- Respect others
- Respect other's perspective
- Respect time
- Practice active listening
- Be open minded
- Speak to others as you would Like to be spoken to
- Honor freedom of speech
- Call each other "in"

AMENDED IN ASSEMBLY JANUARY 24, 2022

AMENDED IN ASSEMBLY MARCH 25, 2021

AMENDED IN ASSEMBLY MARCH 2, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 655

**Introduced by Assembly Member Kalra
(Coauthors: Assembly Members Levine and Stone)**

February 12, 2021

An act to add Title 4.9 (commencing with Section 13680) to Part 4 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 655, as amended, Kalra. California Law Enforcement Accountability Reform Act.

Existing law requires that a candidate for a peace officer position be of good moral character, as determined by a thorough background investigation.

This bill would require that background investigation to include an inquiry into whether a candidate for specified peace officer positions has engaged in membership in a hate group, participation in *any* hate group ~~activities~~, *activity*, or *advocacy of* public expressions of hate, as specified, and as those terms are defined. The bill would provide that certain findings would disqualify a person from employment.

Existing law requires a public agency that employs peace officers to have a procedure to investigate complaints by members of the public against peace officers.

This bill would require an agency to investigate, as specified, any internal complaint or complaint made by the public that alleges, as

specified, that a peace officer engaged in membership in a hate group, participation in *any* hate group ~~activities, activity, or advocacy of public expressions of hate~~. The bill would provide that certain findings would ~~be grounds for termination~~. *require the employing agency to remove that peace officer from appointment as a peace officer*. This bill would also require the Department of Justice to adopt and promulgate guidelines for the investigation and adjudication of these complaints by local agencies.

Existing law makes the personnel records of peace officers, as specified, confidential and not subject to disclosure as public records.

This bill would exempt from confidentiality the record of any sustained complaint that a peace officer has engaged in membership in a hate group, participation in *any* hate group ~~activities, activity, or advocacy of public expressions of hate~~.

By requiring local agencies to investigate certain complaints, this bill would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Title 4.9 (commencing with Section 13680) is
2 added to Part 4 of the Penal Code, to read:

TITLE 4.9. CALIFORNIA LAW ENFORCEMENT
ACCOUNTABILITY REFORM ACT.

13680. For purposes of this title, the following terms have the following meanings:

(a) "Genocide" means any of the following acts committed with *specific* intent to destroy, in whole or *substantially* in part, a national, ethnic, racial, or religious ~~group~~: *group through means including* killing or causing serious bodily ~~or mental harm injury~~ to members of the group, ~~deliberately inflicting conditions of life calculated to bring about~~ *causing permanent impairment of the mental faculties of members of the group through drugs, torture, or similar means, subjecting the group to conditions of life that are intended to cause the physical destruction, destruction of the group, in whole or in part, of the group,* imposing measures intended to prevent births within the group, ~~and or~~ forcibly transferring children of the group to another group.

(b) "Hate crime" has the same meaning as is Section 422.55.

~~(b)~~

(c) "Hate group" means an organization ~~that, based upon its official statements, principles, or activities,~~ *that* supports, advocates for, threatens, or practices the genocide of, or violence towards, ~~any group of persons based upon race, ethnicity, nationality, religion, gender, gender identity, sexual orientation, or disability.~~ *or the commission of hate crimes.*

~~(c)~~

(d) "Membership in a hate group" means being, or holding oneself out as, ~~an official a~~ member of a group, and can be indicated by actions or evidence including, without limitation, ~~submitting an application for membership in a group, being listed on an official group membership roster, or publicly wearing or otherwise displaying any tattoo, uniform, insignia, flag, or logo that is reserved for members of the group.~~ *hate group with the intent to further the unlawful aims of the group.*

~~(d)~~

(e) "Participation in ~~any hate group activities~~" *activity*" means active and direct involvement in, or coordination or facilitation of, ~~acts of violence~~ *any hate crime* by hate group members.

~~(e)~~

1 (f) “Peace officer” means a person described within Chapter
 2 4.5 (commencing with Section 830) of Title 3 of Part 2, who is
 3 employed by an agency or department of the state, or any political
 4 subdivision thereof, that provides uniformed police services to
 5 members of the public and includes, including, without limitation,
 6 members of a municipal police department, a county sheriff’s
 7 department, the California Highway Patrol, the University of
 8 California, California State University, or any California
 9 Community College police department, and the police department
 10 of any school district, transit district, park district, or port authority.
 11 “Peace officer” also includes any state or local correctional or
 12 custodial officer, and any parole or probation officer.

13 (f)
 14 (g) (1) “Public expression of hate” means any explicit
 15 expression, either on duty or off duty and while identifying oneself
 16 as, or reasonably identifiable by others as, a peace officer, in a
 17 public forum, on social media including in a private discussion
 18 forum, in writing, or in speech, advocating for, supporting, or
 19 threatening the genocide of, or violence towards, any individual
 20 or group of persons based upon race, ethnicity, nationality, religion,
 21 gender, gender identity, sexual orientation, or disability. statement
 22 or expression to another person, including any statement or
 23 expression made in an online forum that is accessible to another
 24 person, that advocates for, supports, or threatens to commit
 25 genocide or any hate crime or that advocates for or supports any
 26 hate group.

27 (2) “Public expression of hate” also includes the public display
 28 of any tattoo, uniform, insignia, flag, or logo that indicates support
 29 for the genocide of, or violence towards, any group of persons
 30 based upon race, ethnicity, nationality, religion, gender, gender
 31 identity, sexual orientation, or disability.

32 (3) “Public expression of hate” does not include visiting the
 33 website of a hate group, or any single, isolated comment posted
 34 on an online forum, chatroom, or other electronic or social media
 35 operated by a hate group.

36 (g)
 37 (h) “Sustained” means a final determination by the investigating
 38 agency following an investigation, or, if adverse action is taken,
 39 a final determination by a commission, board, hearing officer, or
 40 arbitrator, as applicable, following an opportunity for an

1 administrative appeal pursuant to Sections 3304 and 3304.5 of the
2 Government Code, that the allegation is true.

3 13681. (a) Any background investigation of a candidate for a
4 peace officer position shall include an inquiry into whether the
5 candidate ~~is currently, or has in the previous seven years and while~~
6 ~~18 years of age or older, has engaged or is engaging~~ in membership
7 in a hate group, participation in ~~any hate group activities, activity~~
8 or *advocacy of public expressions of hate*.

9 (b) ~~A finding~~ *The hiring agency shall deny employment to a*
10 *candidate for a peace officer position if, during a preemployment*
11 ~~background investigation of present or past participation in~~
12 ~~activities specified in subdivision (a), shall be grounds for denial~~
13 ~~of employment as a peace officer. it is determined that in the past~~
14 *7 years and since 18 years of age, the candidate has engaged in*
15 *membership in a hate group, participation in any hate group*
16 *activity, or advocacy of public expressions of hate.*

17 (c) *A candidate for a peace officer position shall not be*
18 *ineligible to be hired pursuant to this section if the candidate has*
19 *ceased all activities described in subdivision (a) and at least 7*
20 *years has passed since the last such activity.*

21 13682. (a) Any public agency that employs peace officers
22 shall investigate, or cause to be investigated by the appropriate
23 oversight agency, any internal complaint or complaint from a
24 member of the public that alleges, with sufficient particularity to
25 investigate the matter, that a peace officer employed by that agency
26 ~~is currently, or has in the previous seven years and while~~ *since 18*
27 ~~years of age or older, age,~~ engaged in membership in a hate group,
28 participation in ~~any hate group activities, activity or advocacy of~~
29 ~~any public expressions of hate.~~

30 (b) ~~A sustained~~ *The agency shall remove from appointment as*
31 *a peace officer; any peace officer against whom a complaint*
32 ~~described in subdivision (a) shall be grounds for termination of a~~
33 ~~peace officer. is sustained.~~

34 (c) The Department of Justice shall adopt and promulgate
35 guidelines for the investigation and adjudication of complaints
36 described in subdivision (a) by a public agency or oversight agency.

37 (d) *Nothing in this section authorizes or requires adverse action*
38 *to be taken against any peace officer who engages in any activities*
39 *described in subdivision (a) as part of any undercover assignment*
40 *in the course of their employment as a peace officer, or in any*

1 *undercover work as part of any bona fide academic or journalistic*
2 *research.*

3 13683. (a) Notwithstanding Section 832.7, subdivision (f) of
4 Section 6254 of the Government Code, or any other law, any record
5 relating to an investigation of a complaint described in Section
6 13682 in which a sustained finding was made by the public agency
7 or oversight agency that a peace officer has engaged in membership
8 in a hate group, participation in *any* hate group ~~activities~~, *activity*,
9 or *advocacy* of public expressions of hate shall not be confidential
10 and shall be made available for public inspection.

11 (b) A record disclosed pursuant to this section may be redacted
12 as follows:

13 (1) To remove personal data or information, such as a home
14 address, telephone number, *email address*, or identities of family
15 members.

16 (2) To preserve the anonymity of complainants and witnesses.

17 (3) To protect confidential medical, financial, or other
18 information of which disclosure is specifically prohibited by federal
19 law or would cause an unwarranted invasion of personal privacy
20 that clearly outweighs the strong public interest in records about
21 misconduct and serious use of force by peace officers and custodial
22 officers.

23 (4) Where there is a specific, articulable, and particularized
24 reason to believe that disclosure of the record would pose a
25 significant danger to the physical safety of the peace officer or
26 another person.

27 SEC. 2. The Legislature finds and declares that Section 1 of
28 this act, which adds Section 13683 to the Penal Code, furthers,
29 within the meaning of paragraph (7) of subdivision (b) of Section
30 3 of Article I of the California Constitution, the purposes of that
31 constitutional section as it relates to the right of public access to
32 the meetings of local public bodies or the writings of local public
33 officials and local agencies. Pursuant to paragraph (7) of
34 subdivision (b) of Section 3 of Article I of the California
35 Constitution, the Legislature makes the following findings:

36 The public has a strong, compelling interest in law enforcement
37 transparency because it is essential to having a just and democratic
38 society.

39 SEC. 3. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district under this act would result from a legislative mandate that
3 is within the scope of paragraph (7) of subdivision (b) of Section
4 3 of Article I of the California Constitution.

5 However, if the Commission on State Mandates determines that
6 this act contains other costs mandated by the state, reimbursement
7 to local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.

O

DRAFT LETTER TO SENATOR MIKE McGUIRE

DATE

Senator Mike McGuire
State Capitol
1021 O Street, Suite 8620
Sacramento, CA 95814

RE: Support for AB 655, California Law Enforcement Accountability Reform (CLEAR) Act

Dear Senator McGuire:

We are writing on behalf of the Community Advisory Council (CAC) to Sonoma County's Independent Office of Law Enforcement Review and Outreach (IOLERO). The CAC is an 11-member Council appointed by the Board of Supervisors and Executive Director of IOLERO.

The CAC was established to increase visibility for the public into the delivery by the sheriff-coroner of policing and corrections services, to provide community participation in the review and establishment of sheriff-coroner policies, procedures, practices, training, and initiatives, and to engage the public to better understand the role of IOLERO and of the sheriff-coroner.

Extremism in law enforcement agencies is a matter of grave concern to CAC. From the active participation in the January 6, 2021 insurrection at our nation's Capitol to the unwarranted uses of force against Black people, indigenous people, other people of color, and those suffering mental health illnesses, to the discovery of ugly, racist, anti-Semitic, misogynist, and dehumanizing communications on social media and in texts, members of law enforcement agencies throughout the country have exposed their hateful, extremist views.

Those views cannot be allowed to infiltrate our most powerful government agencies, i.e., law enforcement. As a society, we grant law enforcement unique power over the civilian population: the power to arrest, use force, and even kill us in order to keep our communities safe. When those granted such extraordinary power harbor extreme views, it follows that those views will affect how they exercise their power. Thus, it is critical that those with such views be prevented from joining or continuing to be part of our law enforcement agencies. And it is critical that members of our communities can feel confident that such views are rooted out from those to whom we grant such power.

The CLEAR Act aims to do just that: prevent those engaged in membership in a hate group, participation in any hate group activities, activity, or advocacy of public expressions of hate from becoming or continuing to be law enforcement officers. The CLEAR Act further exempts from the confidentiality laws surrounding personnel records those records that reflect a sustained finding that a person engaged in such participation, activity, or advocacy.

The CLEAR Act passed the Assembly on January 24, 2022 and is awaiting assignment in the Senate Rules Committee. We ask that you support passage of the CLEAR Act and encourage your colleagues to do so, as well.

Thank you for your time.

Sincerely,

Evan Zelig
Chairperson

Lorena Barrera
Vice-Chairperson

On behalf of the Sonoma County Community Advisory Council of
the Independent Office of Law Enforcement Review and Outreach