



COUNTY OF SONOMA

OFFICE OF THE DISTRICT ATTORNEY

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JILL RAVITCH
District Attorney

September 7, 2022

Honorable Rob Bonta
California Department of Justice
1300 "I" Street
Sacramento, CA 95814-2919

Re: Government Code section 12525.3

Dear Attorney General Bonta:

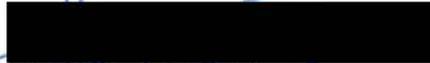
An officer involved fatality occurred in an unincorporated portion of Sonoma County on July 29, 2022. The decedent's name is David Pelaez-Chavez. The Sonoma County Law Enforcement Employee-Involved Critical Incident Protocol was invoked, and California DOJ was notified through the Los Angeles Regional Crime Information Clearing House. Your department declined the referral under Government Code section 12525.3, making a preliminary determination that a deadly weapon was involved.

The alleged weapons in the possession of the decedent in this matter were not among those listed in the statute. Your Information Bulletin 2021-DLE-03 references items that might be considered deadly when circumstances indicate the items are used in a manner likely to produce death or great bodily injury. In this matter, preliminary information suggested that the decedent was reaching for a rock while holding a hammer and garden tool at the time he was shot three times by a deputy sheriff. Obviously, the case is under active investigation, and the specific circumstances that existed at the time shots were fired have yet to be determined. It would be helpful to have a written explanation of how the determination was made to decline participation in the investigation, or even the fact the declination occurred. It would seem that any object in the physical possession of a decedent might qualify as a deadly weapon given the analysis in this matter regardless of whether being used to assault the officer. If so, that will aid all involved in determining whether to contact DOJ pursuant to protocol.

I have learned that Special Agent in Charge Jamin Teague confirmed that this incident is not a qualifying event after conducting further review. If there was a memorialization of the items reviewed and the basis for the opinion, I would appreciate seeing that. It appears that the determination is being made by officers and not attorneys, so I don't know of any privilege that would prevent disclosure, and I think it would be relevant to our review of the investigation.

Notwithstanding your department's initial assessment, your policy provides for an election to assume jurisdiction where jurisdiction is unclear or based on other extenuating circumstances. There are those in the community calling for DOJ to get involved in this investigation. Currently the Santa Rosa Police Department is the lead investigating agency, and my office is providing legal assistance prior to receipt and review of the completed report. The Sheriff's Office is conducting its own internal investigation. Should you or a member of your agency choose to discuss your department's involvement in the review, I would be happy to discuss the matter further.

Sincerely,



JILL R. RAVITCH
District Attorney

Cc: Chief John Cregan, Santa Rosa Police Department
Sheriff Mark Essick, Sonoma County Sheriff's Office