



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

In accordance with Executive Orders N-25-2 and N-29-20 the June 6, 2022 Community Advisory Council meeting will be held virtually.

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

The June 6, 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/94638526573?pwd=T0poYWdkY2tZRTJ2NkFuazBKbWtZdz09>

Call-in and listen to the meeting:

By telephone: Dial 1-669-900-9128

Webinar ID: 946 3852 6573

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, June 3, 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, 3 de junio 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, June 3, 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 May 2, 2022 meeting

2. Correspondence Items

- Panel Discussion
- Public Comment

3. Interim Director's Report

- Panel Discussion
- Public Comment

4. Community Advisory Council Ad Hoc Reports

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

5. 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.

6. Adjournment The next meeting of the Community Advisory Council will be held on July 11, 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"



Community Advisory Council Meeting Minutes
Independent Office of Law Enforcement Review and Outreach
May 2, 2022

In accordance with Executive Orders N-25-20 and N-29-20 the May 7, 2022 Community Advisory Council meeting was held virtually.

PRESENT

Council Members: Lorez Bailey, Lorena Barrera, Max Pearl, Nancy Pemberton, Tom Rose, Nathan Solomon, Evan Zelig

IOLERO Staff: Garrick Byers, Interim Director; Melanie Griffin, Programs Manager;

SCSO: Lt. Brandon Cutting

Guest: Petra Bruggisser, County Counsel

Absent: Dora Estrada, Marcy Flores, Nzinga Woods

Members of the Public: 24 members of the public attended via ZOOM.

Call to Order

The meeting was called to order at 6:00 p.m.

Agenda

1. Welcome and Roll Call

Facilitated by CAC Chair Evan Zelig and Vice Chair Lorena Barrera

- Agenda Review
- Public Comment: No members of the public addressed the council.
- Approval of Minutes – March 7, 2022 meeting
Motion to approve: Councilmember Rose
2nd: Councilmember Pearl
Vote:
Ayes: Councilmembers Bailey, Barrera, Pearl, Pemberton, Rose, Solomon, and Zelig
Absent: Councilmembers Estrada, Flores, and Woods

2. Review of April Sheriff Candidate Forum

- Councilmembers expressed their appreciation to members Barrera, Bailey, and Rose for planning and moderating the forum. The panel also shared that they felt the forum went very well, with excellent questions asked of the candidates.
- Public Comment: 4 members of the public addressed the Council.

3. Interim Director's Report

- Interim Director Byers reported that a new full-time attorney has been hired and will come onboard in May. Also, he has made a conditional offer to a Community Engagement Analyst and is hopeful that this person will be able to start by the end of June. Mr. Byers also reported that the backlog of cases for audit is down to five cases. Meanwhile, he is excited to be returning focus to the Community-Oriented Policing Program and to have the support of the Sheriff's Office in continuing the work of bringing this program to the community. Mr. Byers made his budget presentation to the Board of Supervisors at their April 25th meeting.
- Public Comment: 3 members of the public addressed the Council.

4. Website Requests and Concerns

- The Council discussed their concerns regarding changes to the IOLERO webpage as a result of the County's recent switch to a new content management system and made recommendations as to changes IOLERO staff could make to the page to make information easier to find.
- Public Comment: 5 members of the public addressed the Council

5. Discussion of Sonoma County Sheriff's Office Policy 707 Military Equipment as it Relates to AB 481

- Deputy County Counsel Petra Bruggisser and Lt. Cutting presented information on Assembly Bill 481, which passed in September of 2021 and provides transparency as to a law enforcement agency's military equipment inventory. The purpose of Policy 707 is to, "provide guidelines for the approval, acquisition, and reporting requirements of military equipment," and must be reviewed and approved by the Board of Supervisors. The policy is in draft format and will be presented and recommended to the Board of Supervisors at their May 10th meeting. Lt. Cutting explained that the Sheriff's Office will have to provide a report every year to the Board of Supervisors about any new requested equipment and use of existing equipment. Additionally, he explained that at the end of the first year and every year thereafter, there will have to be a public hearing which allows for community input prior to the Board report. Lt. Cutting read the list of equipment listed in the related government code and indicated which of those types of equipment the Sheriff's Office currently has. The policy is available on the Sheriff's Office website. Lt. Cutting also presented information about other policies and required training related to use of equipment especially related to crowd control situations.
- Public Comment: 7 members of the public addressed the Council.

6. Community Advisory Council Ad Hoc Reports

- Community Engagement: no report, as both committee members were absent.
- Extremism in Policing: Member Solomon reported that they have not been able to meet in the past month.
- Policy Recommendation Review and Update: Chair Zelig asked Lt. Cutting about status of written responses from the Sheriff's Office regarding some of the Council's recommendations. The committee is interested in jail policies
- Public Comment – no members of the public addressed the Council.

7. Public Comment for items not appearing on the agenda

3 members of the public addressed the Council.

8. Closing – Adjournment

The meeting was adjourned at 8:12 pm.

The next meeting of the CAC is scheduled for Monday, June 6, 2022, at 6:00pm via ZOOM.

DRAFT

Nancy Pemberton

May 18, 2022”

Sheriff Mark Essick
Sonoma County Sheriff's Department
2796 Ventura Avenue
Santa Rosa, CA 95405

Via email: Mark.Essick@sonoma-county.org
Sheriff-pio@sonoma-county.org

Dear Sheriff Essick:

I am writing as a member of the Community Advisory Council to IOLERO to express my concern about possible violations of your uniform policies.

As you know, California Government Code section 1126 prohibits peace officers from using "for private gain or advantage ... the badge, uniform, prestige, or influence of [their] local agency, office or employment" This prohibition, and related prohibitions in the California Penal Code were instituted because, "[a] police uniform, with all of its various components, constitutes much more than mere attire and is essential to an officers' performance of her duties." *Gilmore v. City of Bakersfield*, 2019 U.S. Dist. LEXIS 8692, 4. "The average citizen responds much differently when the person ... is someone clothed in a police uniform as opposed to plain clothes." *Id.* Your own policies reflect the uniquely powerful position of someone appearing in uniform and seek to ensure that the uniform is used only for official purposes.

Two possible violations of your policies of your policies 1024.2, Wearing and Condition of Uniform and Equipment, and 1024.6, Political Activities, Endorsement, and Advertisements, might be occurring in the campaign for sheriff.

First, Policy 1024.6 prohibits any sheriff's office member from "be[ing] photographed wearing any part of the uniform" to "(a) Endorse, support, oppose, or contradict any political campaign or initiative" unless specifically authorized by you. Asst. Sheriff Engram is using a photograph of himself in uniform to promote his own campaign. Did you authorize him to use a photograph of himself in uniform? If so, why? If not, have you notified him that he is in violation of this policy? What steps have you ordered him to take to mitigate the impact of this misuse of the uniform? What, if any, disciplinary actions have been taken in light of this violation?

Asst. Sheriff Engram's use of the photograph of himself in uniform also seems to violate Policy 1024.2, which limits wearing the uniform only while "(g) ... on duty, while in transit to or from work, for court, or at other official Office functions or events." Do you agree? If not, can you explain why it is not a violation?

Second, I have been informed that deputies have been seen in uniform without an outer garment covering their uniform shirts while engaged in political campaign activities. If this is the case,

Sheriff Mark Essick

May 18, 2022

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those deputies would appear to have violated both 1024.6 and 1024.2 Are you aware whether such violations have occurred? If so, have you directed that such violations cease? Have any deputies been admonished or disciplined for such violations?

Thank you for your attention to these matters. I look forward to hearing from you.

Sincerely,

Nancy Pemberton

Member, Community Advisory Council to IOLERO

cc: Garrick Byers, Executive Director, IOLERO