



Independent Office of Law Enforcement Review and Outreach
(IOLERO)
Community Advisory Council (CAC)
CAC@sonoma-county.org
3333 Mendocino Avenue, Suite 240, Santa Rosa, CA 95403

September 12, 2022

The Honorable Rob Bonta
Office of the Attorney General
P.O. Box 944255
Sacramento, CA 94244-2550

RE: Investigation into use of deadly force on David Pelaez Chavez by Sonoma County
Deputy Sheriff

Dear Mr. Bonta:

The Community Advisory Council (CAC) to Sonoma County's Independent Office of Law Enforcement Review and Outreach (IOLERO) 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.¹ We volunteer our time to the CAC because we support transparency, accountability, and oversight of law enforcement.

We urge you to exercise your responsibility under AB 1506² to conduct an independent investigation into the killing of David Pelaez Chavez by Sonoma County Deputy Sheriff Michael Dietrick on July 29, 2022.

We understand from media reports that your office declined to conduct an investigation almost immediately after the incident was reported to your office because "David Pelaez-Chavez did not appear unarmed."³ Although your staff will not acknowledge whether your office reviewed the raw footage from body-worn cameras before making its determination,⁴ the Santa Rosa Police Department (SRPD) has reported you made your decision before SRPD had the video footage.⁵

According to the SRPD and the body camera video footage released by the Sheriff's Department (SCSO), David Pelaez Chavez held a rock in one hand and a hammer and a gardening tool in the

¹ Sonoma County Code 2-297(a).

² Calif Gov't Code § 12525.3.

³ "California Department of Justice will not confirm whether they reviewed body-camera footage of Pelaez-Chavez shooting," (Santa Rosa Press Democrat, August 17, 2022.)

⁴ *Id.*

⁵ *Id.* In this county, the Sheriff refers investigations into its employees' deadly uses of force to SRPD.

other hand.⁶ He “was killed after being pursued by deputies for 45 minutes across rough terrain.”⁷ The audio files make clear that the deputies “did not believe he had a gun.”⁸

It is clear from the video footage that Mr. Pelaez Chavez was running across rough terrain barefoot, and that he was pursued by two deputies on the ground as well as the Sheriff’s helicopter overhead. Mr. Pelaez Chavez is heard yelling at the deputies and the helicopter, “You are going to kill me!” Mr. Pelaez Chavez spoke little English and the single Spanish words the officers yelled at him could well have been incomprehensible to him.⁹

Although law enforcement reports suggested that one deputy tried tasing Mr. Pelaez Chavez prior to the second deputy shooting him three times, it appears from the video footage that the taser shot and fatal shots were virtually simultaneous. “From Thursday’s footage, it does not appear that Dietrick waited on the Taser deployment before firing his pistol, and his recorded comments at the scene offer no clarity.”¹⁰

This is not the first fatal shooting Deputy Michael Dietrick has committed in his nine years in law enforcement. While working in for the Clearlake Police Department in 2017, he killed a burglary suspect, a killing the Lake County District Attorney deemed justified.¹¹

Mr. Pelaez Chavez’s killing and what we know from the public release of information by local law enforcement agencies have created an atmosphere of intense anxiety and anger among Sonoma County residents.

Our community has suffered too many deaths and other excessive uses of force at the hands of law enforcement over the years, leading to a troubling lack of trust in our law enforcement agencies by those who are most affected by the actions of law enforcement officers. In 2013, a Sonoma County Sheriff’s Deputy killed a 13-year-old boy, Andy Lopez, because the officer mistakenly believed the boy was armed. In 2020, a Sonoma County Sheriff’s Deputy killed a mentally ill man, David Ward, because the officer mistakenly believed the man was a carjacker, resulting in a \$3.8 million settlement.¹² That same year, the Sheriff’s Department (SCSO) saw its liability insurance premiums increase over 45% because of the extraordinary payouts it has had to make for its employees’ excessive use of force.¹³ These are remarkably poor statistics for a county of our size.

We need and deserve assurance that a truly unbiased, independent, and transparent investigation of the incident will occur.

⁶ *Id.*

⁷ *Id.*

⁸ “Videos offer fuller look at shooting,” (Santa Rosa Press Democrat September 4, 2022.)

⁹ “‘You are going to kill me’: Family, experts, criticize Sonoma County Sheriff’s Office handling of fatal shooting,” (Santa Rosa Press Democrat, August 15, 2022.)

¹⁰ “Videos offer fuller look at shooting,” (Santa Rosa Press Democrat, September 4, 2022.)

¹¹ “Sonoma County sheriff’s deputy who fatally shot man near Healdsburg killed a suspect as a Clearlake officer,” (Santa Rosa Press Democrat, August 3, 2022.)

¹² “Sonoma County to pay record \$3.8 million settlement over fatal arrest of David Ward,” (Santa Rosa Press Democrat, April 22, 2021.)

¹³ “Sheriff’s office sees costly insurance increase tied to multi-million dollar settlements,” (Santa Rosa Press Democrat, September 8, 2020.)

Under AB 1506, your office “shall investigate incidents of an officer-involved shooting resulting in the death of an unarmed civilian,” which includes incidents “if there is a reasonable dispute as to whether the civilian was armed.”¹⁴

AB 1506 was introduced in the wake of the murder of George Floyd by Minneapolis police officer Derek Chauvin. When it was introduced in 2020, Assemblymember Kevin McCarty issued a fact sheet explaining the bill and the rationale for its introduction. “In California alone, there have been almost 800 fatal shootings by police since 2015, yet less than five independent investigations have been conducted.”¹⁵

Assemblymember McCarty noted that “the current process of local district attorneys investigating local police is fraught with bias and conflicts of interest. Since prosecutors and police officers are essentially colleagues, it raises questions about the impartiality of “findings”. In 2016 a Stanford Law School study, “At Arm’s Length: Improving Criminal Investigations of Police Shootings,” determined that police departments and district attorneys lack the independence and incentive to investigate one of their own.”¹⁶

In this case, the question of whether Mr. Pelaez Chavez was armed with a “deadly weapon” is at least “in dispute.”¹⁷ One could conclude from the available information that he was not, in fact, armed with a “deadly weapon.”¹⁸ Thus, his killing falls clearly within the parameters of AB 1506 as well as its rationale for passage by the State Legislature. We urge you to order an immediate and independent investigation of this fatal incident.

Thank you for your consideration.

Sincerely,

Evan Zelig, Chairperson

Lorena Barrera, Vice-Chairperson

On behalf of the Community Advisory Council to IOLERO

cc: State Senator Mike McGuire
State Senator Bill Dodd
State Assembly Member Jim Wood
State Assembly Member Marc Levine
Sonoma County Board of Supervisors
Special Assistant Attorney General Michael Redding
Chief of Division of Law Enforcement John D. Marsh
Sonoma County District Attorney Jill Ravitch
Sonoma County Sheriff Mark Essick
Santa Rosa Police Chief John Cregan

¹⁴ Calif Gov’t Code §12525.3 (b)(1) and (2)(A) (emphasis added).

¹⁵ Deadly Force Accountability Act (AB 1506) Fact Sheet 2020 Fact Sheet, available at <https://a07.asmdc.org/deadly-force-accountability-act-ab-1506-fact-sheet-2020>, (emphasis in original).

¹⁶ *Id.* The SCSO and the SRPD share the type of collegial relationships that are “fraught with bias and conflicts of interest,” leading to questions about the impartiality of the current investigation by SRPD.

¹⁷ *See* Calif Gov’t Code §12525.3(b)(2)(A).

¹⁸ *Id.*