



**Independent Office of Law Enforcement Review and Outreach (IOLERO)
Community Advisory Council (CAC)
Public Meeting Agenda
July 12, 2021, 6:00 p.m.**

In accordance with Executive Orders N-25-2 and N-29-20 the July 12, 2021 Community Advisory Council meeting will be held virtually.

MEMBERS OF THE PUBLIC MAY NOT ATTEND THIS MEETING IN PERSON

The July 12, 2021 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/94096686911?pwd=ais1QitGNUx5b2k2bXZWRVZINIZoUT09>

Call-in and listen to the meeting:

By telephone: Dial 1-669-900-9128
Webinar ID: 940 9668 6911
Passcode: 465376

1. Spanish translation will be provided as an accommodation if requested in advance. Please contact the CAC Secretary at (707) 565-1534 or by email cac@sonoma-county.org by 12:00 p.m., Friday, July 9, 2021. We will make every effort to provide for an accommodation.
2. Spanish translation will be provided within the zoom application, you must use version 4.5.0 or later. **Traducción en 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 12:00 p.m., viernes, 9 de julio del 2021. 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 12:00 p.m., Friday, July 9, 2021. 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 generally may only listen. 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

2. Introduction of new and reappointed CAC members

- Dora Barrera 1st District
- Nathan Solomon 1st District
- Jose Landaverde at-large appointee
- Public Comment

3. City of Santa Rosa Presentation on the new “CAHOOTS-Inspired” Crisis Intervention Program

- Guests: Captain Cregan Santa Rosa Police Department, Santa Rosa City Council Member Tom Schwedhelm, Division Director Bill Carter, County of Sonoma, Behavioral Health , Director Mary-Francis Walsh, National Alliance on Mental Illness (NAMI) Sonoma County , Chief Westrope Santa Rosa Fire Department
- Public Comment on Panel Discussion

4. Director’s Report

- Director’s Report, Karlene Navarro
- Public Comment

5. Vote to submit final draft of recommendations to Sheriff

- De-Escalation – vote to submit
- Use of Force – vote to submit
- Public Comment
- Vote

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.

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"



July 12, 2021

VIA EMAIL

Sheriff Mark Essick

Mark.Essick@sonoma-county.org

2796 Ventura Ave

Santa Rosa, CA 95403

SUBJECT: Policy Recommendations on Use of Force and De-Escalation

Dear Sheriff Essick,

Over the past year, the Community Advisory Council (“CAC”) to Sonoma County’s Independent Office of Law Enforcement Review and Outreach (“IOLERO”) has been working in two, separate ad hoc committees: The use of force ad hoc committee and de-escalation ad hoc committee, each focused on developing policy recommendations related to use of force and de-escalation that would be deemed desirable for the Sonoma County community and workable for the Sonoma County Sheriff’s Office (SCSO). The establishment of the use of force ad hoc committee was born out of issues of pressing importance to the community and tied to various courses of action taken by law enforcement in Sonoma County. The creation of the de-escalation ad hoc committee came about after the publication of the 2019-2020 IOLERO Annual Report when Director Karlene Navarro recommended and the SCSO agreed to implement an overarching de-escalation policy that will apply holistically to the SCSO’s entire policy manual. The de-escalation ad hoc committee was tasked with drafting the new de-escalation policy.

While generating these policy recommendations, each CAC ad hoc committee worked in collaboration with undergraduate students at Sonoma State University (SSU) to research information related to use of force and de-escalation policies by analyzing institutional and non-profit research and fact-findings, existing statutory law, case law, and other law enforcement agencies' policies. Additionally, the ad hoc committees focused on Sheriff’s Offices and collected data related to the composition of the 58 counties in California, including geographical location and population size in order to have information that could be compared to the characteristics of Sonoma County. Throughout this investigative process, the ad hoc committees provided updates to the community, organized discussions with subject-matter experts at several CAC meetings and invited the community to engage with the CAC by providing opinions during meetings and sharing related research with the ad hoc committees. Following this extensive analysis of information, each ad hoc committee planned to make community-driven recommendations to the SCSO with the intent of modifying, expanding upon, clarifying, and where necessary, changing its existing policies on the use of force and de-escalation.

The attached community-driven policy recommendations are the result of the research conducted by the ad hoc committees, informational outreach through CAC meetings and community feedback. Being that each ad hoc committee had its individual focus, the policy recommendations have been intentionally broken into two categories: use of force and de-escalation. Specific to these recommendations, it is important to note that they have been founded in legal precedence and evidence-based support for their implementation by the SCSO.

In the development of these policy recommendations, the CAC would like to give a special thanks to SSU alumni: Abbygail Tardie, Kaory Hernandez, Carmen Martinez, Zachary Harkins and also to SSU Intern Coordinator, Professor Emily Asencio for all of their hard work and dedication to the CAC over the past year.

The CAC would also like to thank Lieutenant Brandon Cutting of the SCSO for his participation, sharing of information and resources, support and feedback on the attached policy recommendations. Lt. Cutting's perspective as a police officer and manager with the SCSO has provided invaluable assistance to the CAC in developing a greater understanding of the SCSO's current policies, practices and training. Lt. Cutting also provided the CAC with important insight into areas where additional policy development and officer training would be beneficial and how the CAC might coalesce the desires of the community with the policies and procedures of the SCSO.

Lastly, the CAC would like to thank the most important contributors to this work: the Sonoma County community. These recommendations are "community driven" because of the members of the community who continually share their opinions with us, attend and participate in CAC meetings, provide us with constructive feedback and give us input from a community perspective.

The CAC's purpose is to be the voice for the Sonoma County community, a community which the SCSO has vowed to serve and protect. With that in mind, the CAC is submitting these policy recommendations for considerations and adoption by the SCSO. Should the SCSO be unable or unwilling to adopt these recommendations in their entirety, the CAC requests a meeting with the SCSO to discuss the feasibility of implementing the recommendations.

We believe that the implementation of these policy recommendations represents not only the synthesis of the desire of the community and realistic evidence-based law enforcement best practices, but a demonstration of the possibility of partnership between the community and the Sonoma County Sheriff's Office.

On behalf of the CAC,

Evan Zelig/s/

Evan Zelig
CAC Chair

Lorena Barrera/s/

Lorena Barrera
CAC Vice-Chair

July 12, 2021
CAC - De-Escalation - Ad Hoc
Draft Recommendations to Sonoma County Sheriff's Office
TOPIC: De-Escalation

TO BE SUBMITTED AS PART OF NEW SCSO POLICY 436 - DE-ESCALATION:

Keeping the people of Sonoma County safe is unquestionably of paramount importance to the Sonoma County Sheriff's Office.¹ In performance of their duties, the guiding principle for all deputies shall be reverence for the sanctity of every human life.² This office recognizes that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.³ This office is committed to fostering a culture of de-escalation practices and compassion among all personnel, so the practice can be mirrored when interacting with the public.⁴

The authority conferred upon deputies to use physical force is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity.⁵ As such, whenever feasible, deputies are required to utilize de-escalation techniques as an alternative to force with the goal of resolving encounters without force.⁶ De-escalation is always preferred to its alternative.⁷ Police legitimacy is greatly affected by the use or non-use of de-escalation techniques.⁸

The term de-escalation generally refers to the act of moving from a state of high tension to a state of reduced tension.⁹ De-escalation strategies, tactics, and procedures can result in the peaceful resolution of a situation without the use of force.¹⁰

De-escalation, broken into the sum of its own parts, is skilled communication, conflict resolution, crisis intervention, and influence.¹¹ Those skilled at de-escalation are persuasive and

¹ De-escalation Strategies and Techniques for California Law Enforcement, California Commission on Peace Officer Standards and Training ["POST"], pg. i.

² LAPD 556.10 Use of Force Policy Preamble; Cal Pen. Code section 835a(a)(1).

³ LAPD 556.10 Use of Force Policy Preamble.

⁴ De-escalation Strategies and Techniques for California Law Enforcement, California Commission on POST, pg. 63.

⁵ Cal. Pen. Code section 835a(a)(1).

⁶ Cal. Gov. Code section 7286(b)(1); Camden County Police Department Use of Force Policy, pg. 3. In consultation with the NYU Policing Project.

⁷ De-escalation Strategies and Techniques for California Law Enforcement, California Commission on POST, pg. ix.

⁸ POST LD 20: Chapter 2 - De-Escalation, pg. 2-5.

⁹ Richards, K. J. (2007). De-escalation techniques. In M. T. Compton and R. J. Kotwicki (Eds.), Responding to individuals with mental illnesses (pp. 160–174).

¹⁰ National Consensus Policy and Discussion Paper on Use of Force 2017, pg. 2.

¹¹ De-escalation Strategies and Techniques for California Law Enforcement, California Commission on POST, pg. v.

understand how to defuse aggression, anger, unlawful defiance, or uncontrolled emotions.¹² De-escalation achieves control verbally before action should be taken to accomplish control physically.¹³ De-escalation techniques also include non-verbal action or communication during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat.¹⁴

De-escalation strategies include, but are not limited to, using time, distance, communications, and other available resources to resolve a situation without the need for use of force.¹⁵ Deputies should attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so.¹⁶

The four core concepts of de-escalation include:

1. Self-control - understanding of physical and psychological reactions of the public and how law enforcement officers may assist in maintaining self-control.¹⁷
2. Effective communication - clear command and questions, good observation and listening skills, and appropriate terminology will enhance the likelihood of success.¹⁸ Voluntary compliance requires clearly communicated instructions using de-escalation techniques.¹⁹ Remember the importance of voice, neutrality, trustworthiness, and respect.²⁰ Show respect for the subjects involved and be culturally aware of all subjects involved.²¹ Internal and external communications at every organizational point of contact is important; from the front desk or dispatch, where the public makes their initial contact with the Sheriff's Office, to the incidents in the field.²²
3. Scene assessment and management - when possible, provides deputies with an accurate picture of what is occurring and assists in the management of force options.²³ Creating distance may calm an irate individual and help reduce the person's intensity.²⁴ But if doing so poses a loss of situational control, or officer or public safety are further jeopardized, then adding distance may be counterproductive to achieving a positive

¹² Id.

¹³ Id.

¹⁴ National Consensus Policy and Discussion Paper on Use of Force 2017, pg. 2

¹⁵ LAPD 556.10 Use of Force Policy Preamble.

¹⁶ LAPD 556.10 Use of Force Policy Preamble; Cal. Gov. Code section 7286(b)(1).

¹⁷ POST LD 20: Chapter 2 - De-Escalation, pg. 2-5.

¹⁸ Id.

¹⁹ Id.

²⁰ Id.

²¹ De-escalation Strategies and Techniques for California Law Enforcement, California Commission on POST, pg. 67.

²² Id. at pg. 64.

²³ Id.

²⁴ POST LD 20: Chapter 2 - De-Escalation, pg. 2-8.

outcome.²⁵ Situational awareness is a critical consideration in de-escalation.²⁶ Recognizing what may be an immediate threat, seeing people or items causing agitation to a violent suspect, or understanding how some stimuli are altering behavior will aid an officer in responding well to an incident.²⁷

4. Force options - reasonable use of force techniques may reduce situational intensity for the safety of all parties.²⁸

The collection of information prior to and during the use of de-escalation and a threat risk assessment may be considered while using de-escalation techniques.²⁹ De-escalation should be an integral and standardized part of call intake prioritization and protocols.³⁰ Dispatch and other personnel will be trained to communicate the de-escalation plan and process prior to the arrival of field personnel.³¹ Dispatchers may have opportunities to de-escalate events prior to officer arrival, lessening the risk to officers and the public.³² Supervisors should give personnel sufficient time to safely use de-escalation techniques.³³

Pre-engagement techniques and tactics should include:

1. Planning and discussion of strategies and tactics.
2. Situational awareness and background.
3. Pre-load and manage available resources for appropriate and timely deployment as necessary.
4. Gather reliable intelligence and effectively share available information through the most efficient means:
 - a. Radio transmission or phone.
 - b. Computer Aided dispatch (CAD).³⁴

De-escalation techniques that are attempted or actually utilized should be documented in the appropriate reports related to an incident.³⁵

De-escalation techniques that can be documented include, but are not limited to:

1. Information gathered prior to arriving at the scene

²⁵ Id.

²⁶ Id.

²⁷ Id.

²⁸ Id.

²⁹ POST LD 20: Chapter 2 - De-Escalation, pg. 2-6.

³⁰ De-escalation Strategies and Techniques for California Law Enforcement, California Commission on POST, pg. 68.

³¹ De-escalation Strategies and Techniques for California Law Enforcement, California Commission on POST, pg. 72.

³² De-escalation Strategies and Techniques for California Law Enforcement, California Commission on POST, pg. 91.

³³ Id.

³⁴ Id. at pg. 66.

³⁵ Id.

2. Use of distance
3. Use of additional officers or a mental health/addiction support team, if available
4. Communication and verbalization techniques utilized
5. The level of success or failure of each de-escalation technique³⁶

When documenting de-escalation practices among agency personnel:

1. There should be post-incident follow-up with line-level personnel, whether the outcome is positive or negative (Debriefing).
2. The Sheriff's Office will use a tracking process to identify trends and assess deputy perceptions of whether their use of de-escalation techniques is effective.
3. Supervisors should not fill in gaps in reports:
 - a. Hold subordinates accountable and correct their reports, not by just correcting the mistake, but by teaching the correction.
 - b. Require full descriptions of the decision-making process and associated actions taken.³⁷

Supervisors should identify any policy or training issues resulting from an incident.³⁸

³⁶ Id.

³⁷ De-escalation Strategies and Techniques for California Law Enforcement, California Commission on POST, pg. 74.

³⁸ Id. at pg. 75.

July 12, 2021
CAC - Use of Force - Ad Hoc
Draft Recommendations to Sonoma County Sheriff's Office
Topic: CANINES

309.6 APPREHENSION GUIDELINES - PROPOSED ADDITIONAL LANGUAGE

A canine may not be used to apprehend a suspect when a reasonable officer would perceive that the suspect had already surrendered and poses no imminent threat of violence or serious harm to the public, or the handler.¹

A properly trained, certified canine may be used to apprehend an Active Resister whenever the handler has probable cause to believe that person has committed a crime, and less intrusive means of apprehension have been exhausted, or under the totality of the circumstances, determined to be ineffective or unavailable.²

Whenever possible, canine handlers should employ a "find and bark" approach rather than a "find and bite" approach. Under a find and bark, or "handler control" practice, a canine is trained and deployed to identify, find, and corner a suspect so that she or he can be apprehended. Find and bite generally refers to deployments that end in canine units biting a suspect, resulting in injuries that are potentially avoidable. The use of "bite and hold" techniques are prohibited.³ In the event a canine is used in apprehension of a suspect, the canine handler must immediately call off the canine when he/she or another deputy is able to control the suspect or the suspect surrenders.⁴

309.6.3 REPORTING DEPLOYMENTS, BITES AND INJURIES - PROPOSED ADDITIONAL LANGUAGE

ADDITION TO SECOND PARAGRAPH:

Any failure to disengage unintended bite or injury caused by a canine, including but not limited to bites to an unintended subject, bites resulting in significant injury, and/or bites to the head,

¹ Chew v. Gates (9th Cir. 1994) 27 F 3d, 1432 (see also Campbell v. City of Springboro (6th Cir. 2012), 700 F.2d.779, 787-789; and Robinette v. Barnes (6th. Cir. 1988) 854 F.2d 909, 910-911, 914.) Campbell v. City of Springboro (6th Cir. 2012), 700 F.2d.779, 787-789; Robinette v. Barnes (6th. Cir. 1988) 854 F.2d 909, 910-911, 914.

² Camden County Police Department, Use of Force Policy, pg. 16) in consultation with the NYU Policing Project.

³ Office of the Attorney General's Recommendations to the Sacramento Police Department which were subsequently the basis for recommendations to LE agencies statewide:
<https://oag.ca.gov/system/files/attachments/press-docs/spd-report.pdf>

⁴ Alameda County Sheriff's Office, General Orders, GO 5.34 - Canine Program, pg. 6.

neck, or groin, shall be promptly reported to the canine supervisor⁵ and the canine should be terminated from duty. Additionally, the handler should undergo additional training and recertification before being allowed to continue as a canine handler.”

⁵ Tucson Police Department, General Orders, Use of Force, Section 2072, Office of Professional Standards in consultation with the NYU Policing Project.

July 12, 2021

CAC - Use of Force - Ad Hoc

Draft Recommendations to Sonoma County Sheriff's Office

TOPIC: Firearms

330.4.2 DISPLAYING OF FIREARMS - PROPOSED ADDITIONAL LANGUAGE

In carrying out their duties, deputies shall, when feasible, apply de-escalation techniques before resorting to the use of a firearm.¹ The pointing of a firearm at an individual is considered a non-deadly use of force.² While the drawing and/or pointing of a firearm can discourage resistance and ensure officer and public safety in potentially dangerous circumstances, it can also escalate a situation³ and be terrifying to the community. Unnecessarily or prematurely drawing a firearm could limit an officer's alternatives in controlling a situation, may create unnecessary anxiety on the part of members of the public, and could result in an unwarranted or unintentional discharge of the firearm.⁴

Any intentional pointing of a firearm at an individual by a deputy should be reported as it is considered a use of force.⁵

When a firearm is drawn or exhibited to gain compliance from an individual, the circumstances shall be documented.⁶ These documented occurrences, provide the Sheriff's Department with the opportunity to review each incident and ensure that appropriate best practices and training are being utilized.⁷

¹ Commission on Peace Officers Standards and Training ("POST"), Use of Force Guidelines 11.4.20, Standard #6, pg. 17.

² Id. The U.S. Supreme Court held in *California v. Hodari D.* (1991) 499 U.S. 621 that a "seizure" of a person within the meaning of the Fourth Amendment occurs when a person submits to an officer's "show of authority." Pursuant to *Hodari D.*, when a person submits to an officer pointing his firearm at him, that is a "seizure under the Fourth Amendment. See also *Robinson v. Solano County* (2002 9th Cir.) 278 F. 3d 1007; *Black v. Stephens* (1981) 662 F 2d 181, 188-89) and *Jacobs v. City of Chicago* (2000 7th Cir.) 215 F. 3d 758, 773-74)

³ Id.

⁴ Id.

⁵ Id. at pg. 18.; Oakland Police Department, Use of Force Policy, pg. 6. IOLERO located 20 law enforcement agencies which document "pointed firearm as a use of force" including but not limited to Oakland, Atlanta, Baltimore, Chicago, Cleveland, Columbia, Dallas, D.C., Des Moines, Detroit, Houston, Indianapolis, New Orleans, Philadelphia, Phoenix, Portland, Raleigh and San Diego, and U.C. Irvine and U.C. Santa Cruz.

⁶ University of California, Santa Cruz, Police Department Policy 830.1.; University of California, Irvine, Police Department, Use of Force Policy.

⁷ In a 2017 review of officer pointed firearm incidents found that police agencies that require officers to file a report when the point their guns but do not shoot at civilians had significantly lower rates of gun deaths by police officers, roughly half of agencies required such reports in 2013: Jennings, Jay, Meghan Rubado, "Preventing the Use of Deadly Force: The Relationship between Police Agency Policies and Rates of Officer-Involved Gun Deaths." Public Administration Review, Volume 77, Issue 2, 2017, pp.217-226; DOI: 10.1111/puar.12738. See also: University of California, Irvine, Police Department Use of Force Policy.

Deputies shall not draw their firearm, direct it toward a person, and threaten to shoot if the person is compliant and does not present a danger.⁸

Firearms must always be holstered by any member attempting to frisk or handcuff a suspect.⁹

⁸ Orange County Sheriff's Department, Use of Force Policy 300.5.7.

⁹ Baltimore Police Department, Policy 409, pg. 4.

July 12, 2021

CAC - Use of Force - Ad Hoc

Draft Recommendations to Sonoma County Sheriff's Office

Topic: MASS DEMONSTRATIONS, CROWD MANAGEMENT AND USE OF TEAR GAS

Introductory Statement: Core Values¹

The Sonoma County Sheriff's Office recognizes, values and prioritizes the protection of First Amendment rights while understanding the need to implement best practices for law enforcement to identify, monitor and strategically detain individuals suspected of inciting violence and destruction during protests and demonstrations. The role of police officers in protests and demonstrations is to keep the peace and facilitate the ability of protesters to demonstrate peacefully without infringing on their First Amendment rights. The following policies are intended to support and enforce these goals.²

432.5.1 WORKING WITH THE PUBLIC, INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a planned public assembly or demonstration on public safety and order and to assist and protect community members interested in lawfully demonstrating their First Amendment right to assemble and protest, relevant information should be collected and vetted.³ The Sheriff's Office shall post a toll-free phone number and email address on its website for all planned public assembly or demonstration leaders and/or participants to contact and communicate information related to the event. Community members who wish to plan a protest or demonstration in the jurisdiction of the Sheriff's Office with the assistance and protection of the Sheriff's Office should contact the Sheriff's Office for more information.

432.5.4 TIERED RESPONSES AND OPERATIONAL PLANS

Operational plans should account for and respond to a mass demonstration in gear and with equipment that are proportional to the mood of the crowd.⁴ Officer safety is critical and should be considered at all times.⁵ The Sheriff's Office understands that the designation of uniforms may unintentionally increase the tension in a mass demonstration.⁶ Operational plans should

¹ Recommendations on protests and demonstrations from Governor Newsom's Office: <https://www.gov.ca.gov/2020/10/13/governor-newsoms-policing-advisors-announce-recommendations-to-improve-police-response-to-protests-and-demonstrations/>

² Id.

³ Current Sonoma County Sheriff's Office ("SCSO") Policy 432.5.1, added "planned."

⁴ The Police Response to Mass Demonstrations, Promising Practices and Lessons Learned, Police Executive Research Forum ("PERF"), 2018, pg. 25.

⁵ Id.

⁶ Id.

avoid an unnecessarily militarized presence or aggressive response.⁷ In selecting the designated uniform, the operational planning team should consider whether deputies seen wearing standard issue uniforms will serve as a de-escalation technique so that their presence on the scene will not incite or elicit a heightened emotional response and/or violence from an otherwise lawful assembly.⁸

When objectively reasonable under the circumstances, operational response plans should start with deputies wearing standard uniforms engaging, assisting and protecting the crowd while avoiding formations like lines or wedges.⁹ The Incident Commander shall ensure that deputies have ready access to helmets if needed to protect themselves for head injury from projectiles.¹⁰ Deputies should only be deployed in full riot gear as a last resort, and only when necessary to protect the public or officers from violence or serious injury.¹¹

Operational response plans should also require¹²:

- a.) BWC's are worn and activated.
- b.) Journalists and legal observers are also protected
- c.) The attempted identification of and preparation for the role of hate groups including white supremacists who wish to disrupt protests and instigate violence.
- d.) Enforcement that targets those who are causing harm in order to avoid disrupting the First Amendment rights of other participants. Enforcement of low-level offenses or imposing unnecessary constraints on movement can spark avoidable conflict.
- e.) The use of weaponry as a last resort to protect life and repel assaults when other means have been exhausted. Deploying weapons, including kinetic impact projectiles, armored vehicles and chemical irritants, can, in addition to causing injuries and even death, rapidly escalate conflict.
- f.) The coordination of officer resources before they are needed and, when possible, stage away from demonstrators.
- g.) Limitations on amount of time officers can be on the line and establish ability to tap out or be pulled out based upon risk factors observed by the officer, other officers, or a supervisor. Risk factors should include signs such as fatigue, unmanageable stress, or other factors which may impact an officer's ability to safely and appropriately perform their assignment.
- h.) Whenever possible, conduct daily briefings and after-action reports with mutual aid agencies to reinforce policies, priorities, and command structure.

⁷ Id.

⁸ Professor Napoleon Reyes, PhD comments during CAC Meeting on 12/7/2020; "Policing the Police: Implicit Racial Bias & The Necessity of Limiting Police Discretion to Use Militarized Gear Against Civilian Protesters" ["Policing the Police"], Liku T. Madoshi, 2016, Southern University Law Review, pg. 141.

⁹ Policing Protests to Protect Constitutional Rights and Public Safety: Best Practices, NYU School of Law Policing Project, #5, pg. 1.

¹⁰ Id.

¹¹ Id.

¹² <https://www.gov.ca.gov/2020/10/13/governor-newsoms-policing-advisors-announce-recommendations-to-improve-police-response-to-protests-and-demonstrations/>

i.) Whenever possible, involve prosecutors' offices in front-end discussions regarding the possibility of curfews or other enforcement strategies and priorities and to provide training on relevant laws (e.g., distinguishing burglary from looting charges.)

432.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued assistance and protection of the protesters and monitoring of the event.¹³

An unlawful assembly occurs whenever two or more persons assemble together to do an unlawful act, or do a lawful act in a violent, boisterous, or tumultuous manner.¹⁴ Initial attempts should be made to address the unlawful acts of a small group of individuals directly rather than with attempts to disperse an entire protest or demonstration based on the unlawful acts of outliers.

Use dispersal orders strategically (as they may have an escalating effect); when given, ensure dispersal orders are clear, loud, in multiple languages where appropriate, and that individuals are given sufficient time to disperse with clear, visible, and ample means of egress.¹⁵

432.7.1 RESTRICTIONS ON USE OF TEAR GAS IN RESPONSE TO UNLAWFUL ASSEMBLY

Deputies shall not use tear gas to disperse a crowd unless it is used as a last resort and other means of de-escalation have been attempted but unsuccessful or are deemed unavailable. Deputies may not use tear gas in response to a protest or demonstration to disperse a crowd unless:

- a. The Watch Commander, Incident Commander, or Special Operations Unit Commander has determined that the protest or demonstration constitutes an unlawful assembly and that the use of force is necessary to disperse the crowd; and
- b. The commanding officer at the scene or their designee has issued an order to disperse, in a sufficient manner to ensure that the order is heard, followed by sufficient time and space to allow compliance with the order with clear, visible ample means of egress for the crowd.¹⁶ The dispersal order requirements are listed in SCSO Policy 432.6 and further described below.¹⁷

¹³ SCSO Policy 432.6.

¹⁴ Cal. Penal Code section 407.

¹⁵ <https://www.gov.ca.gov/wp-content/uploads/2020/10/Policing-and-Protests-Recommendations.pdf>

¹⁶ Model Use of Force Statute, NYU School of Law Policing Project, pg. 9.

¹⁷ See SCSO Policy 432.6 Unlawful Assembly Dispersal Order.

Prior to the deployment of tear gas, the following steps should be taken, when objectively reasonable under the totality of circumstances:

1. De-escalation techniques or other alternatives to force;
2. Repeated audible announcements are made announcing the use of chemical agents and the type to be used;
3. Announcements shall be made in various locations, using a PA system, if necessary, and delivered in multiple languages, if appropriate.
4. Participants should be given an objectively reasonable amount of time and opportunity to disperse and leave the scene following a dispersal order and should be provided with clear, visible and ample means of egress.
5. An objectively reasonable effort has been made to distinguish between persons engaged in violent acts and those who are not, and efforts have been made to address the actions of individuals causing harm. Only if attempts to control the actions of the group engaging in unlawful activity are unsuccessful or unrealistic, can tear gas be targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of participants.
6. Tear gas should only be used with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
7. An objectively reasonable effort has been made to extract individuals in distress.
8. Medical assistance is promptly procured or provided for injured persons.¹⁸
9. When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.¹⁹

Tear gas should not be used solely due to any of the following:

- a. A violation of an imposed curfew;
- b. A verbal threat;
- c. Passive resistance or noncompliance with a law enforcement directive.²⁰
- d. To address the unlawful conduct of a small group of individuals whose actions are not consistent with the tenor of the overall lawful protest or demonstration

432.7 USE OF FORCE [*ADDITIONAL LANGUAGE TO ADD TO END OF THIS SECTION*]

To the extent it is possible, Sheriff's Office Supervisors and/or Incident Commanders should be utilized in traditional command and control functions and leave actual force deployments to line level deputies.²¹

¹⁸ California Legislature Assembly Bill 48, 2021-2022 Regular Session, Amended and Revised, 3/24/2021 ("AB 48").

¹⁹ SCSO Policy 303.6.

²⁰ AB 48.

²¹ City of Santa Rosa INDEPENDENT REPORT ON THE SANTA ROSA POLICE DEPARTMENT'S INTERNAL INVESTIGATIONS RE PROTEST ACTIVITY, MAY/JUNE 2020, April 27, 2021, OIR Group, pg. 10.

The force review process shall maintain appropriate objectivity by avoiding the involvement of actual participants in the underlying deployments in the review process.²²

²² Id. at pg. 11.

July 12, 2021

CAC - Use of Force - Ad Hoc

Draft Recommendations to Sonoma County Sheriff's Office

Topic: PRONE RESTRAINT AND MAXIMUM PRONE RESTRAINT

ADD TO 300.1.1 DEFINITIONS

PRONE POSITION: Having the front or abdominal surface of a person's body facing downward, lying flat or prostrate.¹

PRONE RESTRAINT: Prone restraint is the extended restraint (either "physical" defined as using the body to restrain or "mechanical" defined as using an object or device to restrain) of an individual in the prone position. This may include holding an individual past the time of immediate struggle.²

MAXIMUM PRONE RESTRAINT (MPR): Using ankle, wrist, waist restraint devices and/or hobbles applied in any manner which places the individual in a prone or "supine" position (defined as lying on the back, face or front upward)³, while restricting his/her ability to move or change position without assistance.⁴

POSITIONAL ASPHYXIA: Death as a result of body position that interferes with one's ability to breathe.⁵

ADD NEW SECTION 300.3.8

300.3.8 RESTRICTIONS ON PRONE RESTRAINT

The use of prone restraint techniques shall be limited for use only on "high risk" or "violently resisting" people⁶, and people so restrained shall be constantly monitored to ensure their physical well-being.⁷ Deputies should address any medical emergency immediately should it arise.

¹ www.merriam-webster.com/dictionary/prone

² "THE LETHAL HAZARD OF PRONE RESTRAINT: POSITIONAL ASPHYXIATION," Disability Rights of California (previously known as Protection & Advocacy, Inc.), April 2002, Publication #7018.01, pg. 8.

³ <https://www.dictionary.com/browse/supine>

⁴ Alameda County Sheriff's Office, Policies & Procedures, Detention & Corrections Division, Ch. 8. Security and Control, 8.29 DC Positional Asphyxia.

⁵ US Department of Justice, National Institute of Justice, National Law Enforcement Technology Center Bulletin, "Positional Asphyxia -- Sudden Death," June 1995, pg. 1.

⁶ Santa Rosa Public Safety Training Center, Training on POST "Takedown Techniques"

⁷ Alameda County Sheriff's Office, Policies & Procedures, Detention & Corrections Division, Ch. 8. Security and Control, 8.29 DC Positional Asphyxia.

⁷ Alameda County Sheriff's Office, Policies & Procedures, Detention & Corrections Division, Ch. 8.

Deputies should avoid applying weight to the person's upper torso during this restraint process, restraining only the arms and legs whenever possible.⁸ Kneeling or placing bodyweight upon a person's torso with an elbow or other body part is prohibited unless overcoming violent resistance.⁹ Body weight should not be used to control an individual's head or neck.¹⁰ Deputies should not kneel on either a person's head or neck.¹¹ The less resistance offered by the individual, the less body weight a deputy should apply to the individual's back or abdomen.¹²

If deputies place their weight on a person's upper back or torso in order to apply handcuffs, once the person is handcuffed and compliant, deputies shall place the person in a "recovery position" to allow them to breathe freely. Recovery positions include placing the individual on his or her side, in an upright or sitting position.¹³ If a person indicates that they are having difficulty breathing regardless of the circumstances- the use of body weight should immediately cease.¹⁴

Deputies need to be aware of positional asphyxia as positional asphyxia may lead to sudden death while a person is in custody.¹⁵ Deputies should monitor the person and address any medical emergencies immediately should they occur.¹⁶

ADD NEW SECTION 300.3.9

300.3.9 RESTRICTIONS ON MAXIMUM PRONE RESTRAINT

Maximum Prone Restraint (MPR) may be used to gain control of a combative or violent person when such force is necessary to ensure the safety and security of deputies, members of the public, and the affected person.¹⁷ People in wrist, waist, or ankle restraints, or any combination thereof, and who are subsequently placed in a prone or supine position, shall be constantly monitored to ensure they remain alert and exhibit no signs of respiratory difficulty.¹⁸ Hovel ties and hog ties are strictly prohibited.

Security and Control, 8.29 DC Positional Asphyxia.

⁸ Kern County Sheriff's Office, Policy F-350, Directive #1.

⁹ Sacramento County Sheriff's Office, General Order, Use of Force Policy, pg. 5.

¹⁰ Denver Sheriff's Department, Policy 1.00.3013 - Use of Force, Section 6A. In consultation with the NYU Policing Project.

¹¹ Id.; Santa Rosa Public Safety Training Center, Training on POST "Takedown Techniques".

¹² Id.

¹³ Sacramento County Sheriff's Office, General Order, Use of Force Policy, pg. 5.; New Orleans Police Case: 20-10876 Document: 00515709171 Page: 20 Date Filed: 01/15/2021 14 Dep't, Operations Manual, Handcuffing and Restraint Devices at 4 (rev. Apr. 2, 2017).

¹⁴ Denver Sheriff's Department, Policy 1.00.3013 - Use of Force, Section 6A. In Consultation with the NYU Policing Project; SRJC Public Safety Training.

¹⁵ Id.; US Department of Justice, National Institute of Justice, National Law Enforcement Technology Center Bulletin, "Positional Asphyxia -- Sudden Death," June 1995, pg. 1.

¹⁶ Id.

¹⁷ Alameda County Sheriff's Office, Policies & Procedures, Detention & Corrections Division, Ch. 8. Security and Control, 8.29 DC Positional Asphyxia.

¹⁸ Id.

Special attention shall be paid to people who are obese, have known prior cardiac or respiratory problems, or who are under the combined effect of any drug and alcohol.¹⁹ Whenever possible, deputies should ask the person if he/she has used drugs recently or suffers from any cardiac or respiratory diseases or conditions such as asthma, bronchitis or emphysema. The risk of sudden death increases significantly when individuals are intoxicated.²⁰

The symptoms of intoxication can be, but are not limited to:

- (a) Bizarre and/or aggressive behavior/violence toward others
- (b) Shouting/paranoia/panic
- (c) Sudden tranquility
- (d) Unexpected physical strength²¹

Duration of the application of MPR techniques shall be limited to the time necessary to gain control of the person and ensure the safety and security of deputies, members of the public and/or the affected person.²² Deputies shall avoid placing people in a prone position any longer than necessary to complete the handcuffing process.²³

Once control is gained and the situation is secure, the person shall be returned to an upright or sitting position and deputies shall monitor the person's consciousness and breathing and address any medical emergencies immediately should they occur.²⁴

Call for emergency medical assistance immediately if the person is not at a recognizable level of consciousness, having difficulty breathing, convulsing, having a seizure, injured or complaining of pain.²⁵

No person shall be left unattended while restrained with wrist, waist and/or ankle restraints, or any combination thereof while in a prone or supine position.²⁶

MPR techniques shall not be employed while transporting people.²⁷ Do not transport people in a prone position.²⁸ People in wrist, waist and/or ankle restraints shall be transported in an upright

¹⁹ Id.

²⁰ US Department of Justice, National Institute of Justice, National Law Enforcement Technology Center Bulletin, 'Positional Asphyxia – Sudden Death,' June 1995, pg 2.

²¹ Alameda County Sheriff's Office, Policies & Procedures, Detention & Corrections Division, Ch. 8. Security and Control, 8.29 DC Positional Asphyxia.

²² Id.

²³ San Diego County Sheriff's Office, Policy and Procedure, Addendum F.

²⁴ Id.; SCSO Policy 302.7 "Application of Maximum Restraint Devices"

²⁵ SCSO Policy 302.7 "Application of Maximum Restraint Devices"

²⁶ Alameda County Sheriff's Office, Policies & Procedures, Detention & Corrections Division, Ch. 8. Security and Control, 8.29 DC Positional Asphyxia; SCSO Policy 302.7.

²⁷ SCSO Policy 302.7.

²⁸ Id.

or sitting position.²⁹ Personnel transporting people shall ensure their body position is such that normal respiration (breathing) is not inhibited.³⁰

Deputies will notify their supervisor as soon as practical when the technique is used, as well as notifying jail and/or medical personnel.³¹ Deputies will note in their report that the maximum restraint was used.³²

ADD/MOVE SECTION 300.3.9 (ALSO CURRENT SCSO POLICY 302.8)

300.3.9 REQUIRED DOCUMENTATION - MAXIMUM PRONE RESTRAINT

The use of the maximum prone restraint on a person shall be documented in a use of force report and/or related report.³³ The deputy should include, as appropriate:

- (a) The nature of the restraint procedure.³⁴
- (b) The amount of time the person was restrained.³⁵
- (c) The amount of time the person was face down.³⁶
- (d) How the person was transported and the position of the person.³⁷
- (e) The duration of the transport phase.³⁸
- (f) All observations of the person's behavior and condition during the prone restraint, post-restraint, and transport.³⁹
- (g) All statements made by the person during the prone restraint, post-restraint, and transport.

²⁹ Alameda County Sheriff's Office, Policies & Procedures, Detention & Corrections Division, Ch. 8. Security and Control, 8.29 DC Positional Asphyxia.

³⁰ Id.

³¹ SCSO Policy 302.7

³² Id.

³³ US Department of Justice, National Institute of Justice, National Law Enforcement Technology Center Bulletin, "Positional Asphyxia -- Sudden Death," June 1995, pg. 2.

³⁴ US Department of Justice, National Institute of Justice, National Law Enforcement Technology Center Bulletin, "Positional Asphyxia -- Sudden Death," June 1995, pg. 3.

³⁵ SCSO Policy 302.8.

³⁶ US Department of Justice, National Institute of Justice, National Law Enforcement Technology Center Bulletin, "Positional Asphyxia -- Sudden Death," June 1995, pg. 3.

³⁷ SCSO Policy 302.8.

³⁸ US Department of Justice, National Institute of Justice, National Law Enforcement Technology Center Bulletin, "Positional Asphyxia -- Sudden Death," June 1995, pg. 3.

³⁹ US Department of Justice, National Institute of Justice, National Law Enforcement Technology Center Bulletin, "Positional Asphyxia -- Sudden Death," June 1995, pg. 3; SCSO Policy 302.8.

(h) Any known or suspected drug use or other medical problems.⁴⁰

⁴⁰ SCSO Policy 302.8.



Community Advisory Council Meeting Minutes- Draft June 7, 2021

In accordance with Executive Orders N-25-20 and N-29-20 the June 7, 2021 Community Advisory Council meeting was held virtually.

PRESENT

Council Members: Lorez Bailey, Dora Estrada, Jose Landaverde, Lorena Barrera, Nzinga Woods, Evan Zelig, Alma Roman-Diaz

IOLERO Staff: Karlene Navarro, Director; Adriana Call, Programs Manager.

SSU Interns: Zachary Harkins, Kaory Hernandez,

SCSO: Lt. Brandon Cutting

Absent: CAC member David Hernandez,

Members of the Public: 18 members of the public attended via ZOOM.

Call to Order

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

1. Welcome and Roll Call

Facilitated by Chair Evan Zelig Vice Chair Lorena Barrera

Ms. Barrera reviewed the Designed Team Alliance and Public Comment guidelines.

Roll Call:

Present: Jose Landaverde, Lorez Bailey, Dora Estrada, Lorena Barrera, Alma Roma-Diaz, Evan Zelig

Absent: David Hernandez

- Agenda Review
- Public Comment: No members of the public addressed the Council

- Approval of Minutes

Motion to approve: Lorena Barrera

2nd Lorez Bailey

Ayes: Lorez Bailey, Dora Estrada, Lorena Barrera, Jose Landaverde, Nzinga Woods, Alma Roman Diaz, Evan Zelig

2. Introduction of new and reappointed CAC appointees

- Lorez Bailey 2nd District
- Nzinga Woods 3rd District
- Lorena Barrera 3rd District

Each person gave a brief introduction, and discussed their interest in working with the Community Advisory Council.

- Public Comment – No comments made at this time

3. Discuss Policy Recommendations

- **De-Escalation-** Lorena Barrera presented the overarching de-escalation policy. The CAC members gave favorable response to the policy. Lt. Cutting also gave positive response to the policy presented. He said it was timely and a current focus at this time.
- **Use of Force-**
- Canine policy was discussed at length

- Public Comment on Panel Discussion

9 members of the public addressed the Council.

4. **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 to three minutes at the discretion of the chairs based on number of comments and other factors.

2 members of the public addressed the Council.

5. Closing – Adjournment

The meeting was adjourned at 7:58 pm.

The next meeting of the CAC is scheduled for Monday, July 12, 2021, at 6:00 pm via ZOOM. A recording of this meeting is posted to IOLERO's website under the Calendar link.