

THE HISTORY OF THE INDEPENDENT OFFICE OF LAW ENFORCEMENT REVIEW AND OUTREACH (IOLERO)

Almost twenty years ago, the California Advisory Committee to the U.S. Commission on Civil Rights issued a report on "Community Concerns About Law Enforcement in Sonoma County." In response to many incidents of excessive use of force, the committee recommended that "the cities of Rohnert Park and Santa Rosa and the county sheriff require the immediate creation of civilian review boards." None of them took up the recommendation and civilian oversight did not happen.

Andy Lopez was born one month after the report was issued. It took thirteen years and his death at the hands of a deputy of the Sheriff's Office, combined with considerable protest by the community, before the Board of Supervisors finally created a task force to consider the issue.

The Community and Local Law Enforcement (CALLE) Task Force, comprised of 21 diverse members of the community, held weekly public meetings for 15 months. With community input, the task force made 22 recommendations to the Board of Supervisors, only three of which were accepted.

One of the three was the creation of an independent auditor/civilian review office for the Sheriff, which, in 2015, became the Independent Office of Law Enforcement Review and Outreach (IOERO). Its goal, through the review of investigations and policy, was to make both the residents and law enforcement officers safer and, eventually, increase community confidence in law enforcement. The office would both react to incidents and work to prevent them in the future. Additionally, it was hoped that the ever-increasing costs of lawsuits (averaging \$1 million per year at the time and now greater) to the county's taxpayers would be reduced as the Sheriff's Office implemented nationally-recognized "best practices."

The task force set forth several guidelines for achieving these goals. They were: "community education and outreach; conveying feedback from the community on law enforcement issues; provision of a neutral location for complaint filing; public discourse regarding policies and procedures; advice and recommendations regarding policies and procedures; complaint tracking and trend analysis; annual reporting to the Board of Supervisors, the Sheriff and community on the work of the OIA on the status of law enforcement oversight; and finally, independent and confidential audit review of internal departmental investigations of officer use of force incidents, incidents of misconduct, and corrective action taken." These missions have proven impossible to achieve due to a two-person staff and a bare-bones budget.

Even with these limitations, IOLERO has had significant successes. IOLERO and its CAC worked closely with the Sheriff's Office, the community, and subject matter experts to recommend valuable policy revisions in the areas of limiting the Sheriff's cooperation with federal immigration enforcement, treating homeless people with dignity and sensitivity, and equipping deputies in the jail with body worn cameras. Should the proposed ballot measure appear on the ballot and be passed, the public can expect even more successes of this kind that bring the public into the process

Three-and-one-half years after the creation of IOLERO, its mission remains unfulfilled for lack of money, inadequate staffing, and the Sheriff's Office withholding access to information controlled by them. Rather than severely *curtail* IOLERO's original mission, a new ordinance has been written to address the current shortcomings **and fulfill the original mission**. It was written in consultation with the first director of IOLERO, who used his three years of experience with the office to provide valuable insight. We hope to see this ordinance on the ballot in November of 2020 to more successfully fulfill the goals envisioned by the task force in 2015.

WE NEED YOUR HELP TO ACHIEVE THIS GOAL!

COUNTY COUNSEL’S BALLOT TITLE AND SUMMARY
ORDINANCE TO REPEAL AND REPLACE ARTICLE XXVII
OF THE SONOMA COUNTY CODE ESTABLISHING THE INDEPENDENT OFFICE
OF LAW ENFORCEMENT REVIEW AND OUTREACH (IOLERO)

This ordinance would repeal and replace Article XXVII of the Sonoma County Code establishing the Independent Office of Law Enforcement Review and Outreach (IOLERO). The proposed ordinance would expand the oversight authority and independence of IOLERO to review and analyze complaints against the Sonoma County Sheriff’s Office (Sheriff-Coroner) and would also include and expand the Community Advisory Council (CAC) currently appointed by the IOLERO director.

In 2015, the Sonoma County Board of Supervisors (Board) enacted Article XXVII establishing IOLERO to: (1) provide an objective, independent, and appropriate review and audit of law enforcement administrative investigations, including allegations of misconduct by Sheriff-Coroner personnel; (2) provide an alternative avenue for members of the public to file complaints against law enforcement agencies’ personnel, including the Sheriff-Coroner; (3) increase transparency; (4) conduct public outreach and community engagement; and (5) propose policy recommendations to the Sheriff-Coroner. This ordinance would continue the Office but expand its independence and authority.

This Ordinance prescribes new qualifications and protections for the IOLERO Director. If passed, the ordinance would require the Director be qualified as a Certified Practitioner of Oversight by the National Association for Civilian Oversight of Law

Enforcement. Additionally, the revised regulations would prohibit the removal of the Director during his/her appointed term except for cause.

This Ordinance would add more specificity to the complaints that IOLERO review to include review of all complaints: (1) filed with IOLERO regardless of the allegations; (2) involving issues of excessive force; (3) alleging violation of individual constitutional rights; (4) alleging bias in policing or corrections; (5) alleging sexual harassment or sexual assault by law enforcement personnel; (6) involving issues of dishonesty; and (7) that become a matter of media interest. Further, it would vest IOLERO with, among other things, the authority to: (1) directly access and independently review any and all sources of investigative evidence; (2) directly contact complainants and witnesses; (3) contact custodians of evidence; and (4) independently subpoena records.

This Ordinance would set the annual budget for IOLERO at 1% of the total annual budget for the Sheriff-Coroner and require a performance audit of IOLERO every three years to ensure the office is operating in an effective and efficient manner.

This Ordinance would transfer the appointing authority for a CAC from the IOLERO Director to the Board and would expand the requirements for membership on the CAC. The proposed regulations require that the CAC continue to include 11 members. Members of the CAC would be required to adhere to the National Association of Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics. The ordinance also mandates that the 11 members represent the diversity and demographics of the County and community stakeholders, including, but not limited to, racial, ethnic, cultural, gender, socio-economic, and geographic diversity. Mandatory qualifications would require that CAC members have not been employed by a law enforcement agency for three years prior to appointment. The CAC would continue to participate in the review and establishment of Sheriff-Coroner policies, procedures, practices, trainings, and initiatives.