

Proposed Resolution Censuring Sheriff Engram for Lack of Cooperation with IOLERO in its Investigation into the Killing of David Peláez-Chavez

WHEREAS over 64% of Sonoma County voters passed Measure P (Ordinance 6333) in November 2020, and

WHEREAS Measure P (Ordinance 6333, Sec. 2-394(b)(5)(viii.)) authorizes IOLERO to conduct independent investigations "[w]here an investigation involves an incident resulting in the death of a person in custody of the sheriff-coroner or results from the actions of an employee, and

WHEREAS Measure P (Ordinance 6333, Sec. 2-394(b)(5)(iv.) and (ix.)) authorizes IOLERO to directly contact witnesses and subpoena documents and testimony, and

WHEREAS Measure P (Ordinance 6333, Sec. 2-394(g)) requires the sheriff-coroner to cooperate with IOLERO by, *inter alia*, providing "unfettered" access to staff at the Sheriff's office, providing informal access to information related to investigations audited or conducted by IOLERO, and providing access to a supervisor or employee subject to an investigation audited or conducted by IOLERO, and

WHEREAS the Sheriff and IOLERO reached agreement on the components of a "complete investigation" that included the sheriff-coroner's Internal Affairs investigators interviewing the sheriff-coroner's employees involved in any complaint or incident; and

WHEREAS, on July 29, 2022 David Peláez-Chavez was shot and killed by Sheriff's Deputy Michael Dietrick, in the presence of Sheriff's Deputy Anthony Powers and under the supervision of Sheriff's Sergeant Nicholas Berg, and

WHEREAS the sheriff-coroner's office Internal Affairs investigators did not interview any of the three above-mentioned individuals, and

WHEREAS the sheriff-coroner's office did not provide unfettered access to information related to IOLERO's investigation into the death of David Peláez-Chavez in contravention of Measure P, and

WHEREAS Sheriff Engram did not invoke the *Lybarger v. Los Angeles* admonition when his employees, Dep. Powers and Sgt. Berg, refused to answer questions of IOLERO's staff, and

WHEREAS the lack of cooperation from Sheriff Engram and employees of the sheriff-coroner impeded IOLERO's investigation and prevented IOLERO staff from reaching certain conclusions regarding the practices, procedures, and policies of the sheriff-coroner,

NOW BE IT RESOLVED that the Community Advisory Council to IOLERO expresses its deep disapproval of the lack of a complete investigation by the sheriff-coroner's office into the death of David Peláez-Chavez, and

BE IT FURTHER RESOLVED that the Community Advisory Council to IOLERO expresses its deep disapproval of Sheriff Engram's lack of cooperation with IOLERO staff in its independent investigation into the death of David Peláez-Chavez, and

BE IT FURTHER RESOLVED that the Community Advisory Council to IOLERO urges Sheriff Engram to direct his Internal Affairs investigators to follow the protocols for a complete investigation as agreed upon by the sheriff-coroner and IOLERO, and

BE IT FURTHER RESOLVED that the Community Advisory Council to IOLERO urges Sheriff Engram to reconsider his determination not to invoke the *Lybarger v. Los Angeles* admonition when IOLERO seeks to interview sheriff-coroner employees, and

BE IT FURTHER RESOLVED that the Community Advisory Council to IOLERO urges Sheriff Engram to cooperate fully and without delay when IOLERO staff seek information about investigations IOLERO staff are auditing or incidents IOLERO staff are independently investigating.