



County of Sonoma
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

LETTER TO BOARD OF SUPERVISORS FROM COMMUNITY ADVISORY COUNCIL (CAC) TO IOLERO

Dear Chairperson Rabbitt & Supervisors,

We, the members of the Community Advisory Council (CAC), write to express our disappointment with the outcome of the litigation regarding IOLERO's power to issue subpoenas in conjunction with its investigation of a whistleblower's complaint and to urge renegotiation of the Letters of Agreement with the deputies' associations.

In 2022, after the first Letters of Agreement (LOAs) between the County and the two deputies' associations were made public, the CAC wrote you to express our concerns about the content of those Letters of Agreement. The CAC conveyed our deep concern about the LOAs' provisions claiming to take precedence over the ordinance where there is a conflict. (Original LOAs, Sec. III(A).) We warned that the result would be litigation and possible diminution of IOLERO's power.

Despite being informed of our concern, the County did not re-negotiate this provision in the Amended Letters of Agreement, signed May 2023. Rather, it kept that provision intact.

Now, we are exactly where the CAC warned the Board that we would be. The provisions of the LOAs did not explicitly grant IOLERO the authority to issue subpoenas during investigations into whistleblower complaints. In the litigation over IOLERO's subpoena power, the Court looked to the provisions of the LOAs and held that,

By its own terms, the LOA supersedes Ord. 6333 and 25303.7. IOLERO has not provided clear authority to the contrary. They have not provided a statute or ordinance or case authority that expressly and clearly indicates otherwise.



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Therefore, this Court finds that the LOA is the controlling statement of the role and authority of IOLERO on the issues before this Court. For these reasons, the Court does not find that IOLERO is granted with subpoena power under the Amended LOA, which controls IOLERO's authority over Whistleblower complaints and details the required procedure for processing these complaints.

In Re [IOLERO's] Whistleblower Case No. 23-W-001 (9/19/24) at 8.

The Amended LOAs have undermined the authority of IOLERO, granted by voters overwhelmingly through Measure P, and by state law set forth in AB 1185, to thoroughly investigate whistleblower complaints. The employees of the Sheriff's Office and the Sonoma County community have suffered a harmful blow to Measure P's goals of transparency and accountability.

If Director Alden recommends appeal or other challenge to the court's recent ruling, the CAC urges the Board of Supervisors to support the Director's legal efforts and recommendations. In addition, the CAC urges the Board of Supervisors to renegotiate the Letters of Agreement to clarify IOLERO's authority to investigate whistleblower complaints with all the powers granted by Measure P, including the power of subpoena.

Sincerely,
Lorena Barrera, Chairperson
Nancy Pemberton, Vice-Chair

On behalf of IOLERO Community Advisory Council