

Dan Dow

From: Delaney Henretty
Sent: Friday, August 7, 2020 2:18 PM
To: DA_Notes_Staff
Subject: To My Friends.

I lay awake last night thinking about our meeting yesterday and the comments that were made, and I was saddened by the division that has come to the office and amongst my colleagues.

I firmly believe we all came to this profession to do what was right, to seek the truth, to do justice for the victims of crime, to protect our community, to make it safe to raise a family and enjoy the liberties guaranteed by our State and Federal Constitutions. I care for you and I support each and every one of you in this pursuit. I hope I have been a friend. I hope I have been of assistance when you needed it. I know I have my faults, and I apologize for them.

I want to share a little personal background so you know my heart. I grew up in rural Michigan, the son of two teachers. My parents were big supporters of the Civil Rights Movement as expressed by the late Reverend Dr. Martin Luther King. They believed in his vision as expressed in his I Have a Dream speech. That everyone should be judged by the content of their character, not the color of their skin. My father was a special education teacher who specialized in emotionally impaired youth, and worked with juvenile delinquents to help give them the skills to integrate and become productive members of society. I was named after a young black youth who used to hang around the juvenile facility set up by Robert (Bob) Little, Malcolm X's brother where my father volunteered in the inner city of Lansing, Michigan. Two of my father's life long best friends were black men, and I grew up playing with their children. They were not black to me, they were my friends. Unique, as every human is unique. Some of my life-long friends are also black, and I have come to the firm belief that they are just people, unique, with their special strengths and faults like any other human being. They are special to me because they are my friends.

So, I come into agreement with the truth that every human life is sacred. That every human being deserves the equal protection and application of the law. I come into agreement that we can always do a better job, that we can grow as human beings and educate ourselves to the special needs of the members of our community. That we can do a better job as prosecutors in the pursuit of truth and justice.

However, I have to express my disagreement with some of the sentiments that were expressed. I do not believe there is anything brave or courageous in leading a large group of people, with the protection of law enforcement officers, onto the highway to hold hostage men and women and their children on the highway. I do not think there is anything praiseworthy in jumping on the hood of a car of a man trying to drive around the blockade and smashing the rear view window of his car with a skateboard shattering glass into the rear seat. I do not think there is anything noble or heroic in yelling "fuck your comfort" to families trying to eat in the local restaurants, or calling officers fucking pigs, and worse. Or gyrating and twerking in short shorts in the street. Or stomping and spitting on the flag (although protected by free speech). I will always personally see my dead friends who served in the Marine Corps - who gave their lives to defend the freedoms expressed by our Constitution. Their coffins were decorated by the same flag that they burn and spit on.

I had a chance to see a real hero this week when Deputy Nick Dreyfus came to a men's group I attend in Paso Robles at 6 am. Who responded to a call of an active shooter at the Paso Robles Police Department in the early morning hours... Who was shot in the face and still carries the bullet in his neck because the

surgeons have not been able to safely remove it. Members of our Investigative Bureau went out to try to apprehend the man who committed these crimes, and at least one was in the line of fire. He has a family who loves him and they all deserve our respect. My time as an infantry officer in the Marine Corps has taught me that real courage is born out of love. A man fights for the man on his left and the man on his right. I firmly believe that there is no greater love than a person's willingness to lay their life down for their friends. My heart goes out to the brave men and women of our law enforcement community who go out every day not knowing where their pursuit of the duty to serve and protect us will take them, and their willingness to give their lives to protect ours. The only thing necessary for the success of evil men is for good men and women to do nothing.

I also think the manner in which many of the comments were expressed showed disrespect for the members of our Bureau of Investigation. Many of them served in the various law enforcement agencies in this County before distinguishing themselves and joining our office.

I want to personally thank all the members of our Bureau for the job they do, and the professionalism that I have observed. I have worked in 4 different counties as a Deputy District Attorney, and I truly believe we have the best Bureau of Investigations of any of those counties.

One of the things that has arisen out of the BLM movement is an overt hatred and denigration of those who wear blue, and the advocacy and perpetration of violence to those who serve based solely on their profession.

We ask our jurors to be a fair and impartial judge of the facts, to do so without prejudice, bias, or public sentiment. We ask them to apply the law as the judge instructs them using their common sense, and to judge all witnesses by the same standard.

Our job as prosecutors is very much the same. In every case I review for filing as the CAPO prosecutor I ask if the officer had a lawful purpose, if they had a lawful right to do what they are doing and a lawful right to be where they were. Was there reasonable suspicion to detain? Was there probable cause to arrest? Did they use reasonable force from the point of view of the objectively reasonable officer knowing what they knew? If the facts support a conclusion that the officer acted out of racial animus, I have a duty to report it as Brady. The vast majority of cases I have reviewed show the professionalism and good faith and restraint of the law enforcement officers in our community. We have had cases where we decided not to file because the officers made a mistake in good faith or the elements described above were not met. There are cases that resulted in internal investigations. I have no reservations about doing what is right.

I look forward to participating in the group discussions, as I have always believed you can't teach a man that which he thinks he already knows. I am willing to listen and learn, but our decision should always be made fairly and impartially and without regard to public opinion or political affiliation.

To my friends, I care for you all.

Sincerely,

Delaney Henretty

Dan Dow

From: Dan Dow
Sent: Friday, August 7, 2020 2:39 PM
To: Delaney Henretty
Cc: Eric Dobroth; Terry O'Farrell
Subject: RE: To My Friends.

Thank you Delaney,

I appreciate you sending this message. I am hopeful that you will be a participate in the working group.

Dan

Dan Dow
District Attorney
County of San Luis Obispo
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Dan Dow

From: Kelly Manderino
Sent: Friday, August 7, 2020 3:05 PM
To: Delaney Henretty
Cc: Dan Dow; Terry O'Farrell
Subject: RE: To My Friends.

Delaney.

Thank you for your letter to all of us. I very much value your opinion and your role in this office, as well as your friendship and kindness.

I am truly asking, because I want to know, what was said that was offensive to the investigators. I, too, spent a sleepless night wondering what the impact of what was said as I care very much about everyone I work with.

My background is different than yours. I grew up in another country where policing is not the same as it is here. I have shared this perspective with investigators in this office I have been lucky enough to have had thoughtful conversations with in the wake of George Floyd. I also grew up on an Air Force base where love of our country and respect for order where paramount. My term in the Army instilled in me a deep respect for those who serve.

But.. I was not taught most of what I came to know about growing up black in the United States until my cousin moved her boyfriend and later husband into the apartment that she and I were sharing. I was 22 years old. Lee, Jennifer and I had many many long and deep conversations about what it is like to grow up black in Compton, California. His father was murdered when he was a child, his brother (whom I knew) got caught up in "the life" and was also killed. Lee's descriptions of getting pulled over by the police and his treatment by potential employers was deeply troubling to me. My eyes were opened and there started my desire to read, have conversations, watch documentaries, take classes, and listen. Since that very first conversation with Lee, I have also wished that others could understand what his walk has been like.

I strongly believe that I have done the work that I have described above while maintaining deep respect for the law enforcement officers that I work with. I have been on ride-a-longs both here and in Los Angeles that instilled in me nothing short of awe for the men and women who serve communities that sometimes, frankly, do not show very much respect in return. I and have attended police trainings from police veterans that opened my eyes to the horrors that officers experience and the trauma that they endure. I have officer friends who have had to quit the profession after particularly traumatic events.

In light of recent events, especially, I do believe that having a desire for reform is a natural and appropriate response. As a prosecutor who is part of a system that has had a history of racial biases, I feel it is my duty to ask questions and to seek solutions. I think a conversation can be had and changes can be made with all sides listening. It will be messy, it will be uncomfortable for every one, but I trust that we can just try to hear each other and all of those in our community to make our office a better place.

Kelly

Dan Dow

From: Dan Dow
Sent: Friday, August 7, 2020 4:19 PM
To: Delaney Henretty
Subject: RE: To My Friends.

Dear friend,

Thank you for reaching out to me regarding the case of Tianna Arata. As you can probably imagine, I have received a large number of emails on this topic. Due to the volume, I am unable to reply with a unique answer to each email.

As of Wednesday late afternoon, 8/5/2020, my office has now received a referral of an investigation from the San Luis Obispo Police Department regarding events on July 21, 2020 that led to the arrest of Ms. Tianna Arata and Elias Bautista. My office will now begin to conduct our independent evaluation of the evidence and the law to make a decision of whether to bring criminal charges in Court.

I appreciate that you took time to make your concerns known to me. Please be patient with my office, as it will take time to do our independent review and any required additional investigation.

Sincerely yours,
Dan

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Dan Dow

From: Kelly Manderino
Sent: Friday, August 7, 2020 4:42 PM
To: Dan Dow
Subject: RE: RE: To My Friends.

It made me laugh. I responded to Delaney's letter and I wanted you to see the response. I am truly baffled why yesterday could have been taken as an attack on law enforcement but am willing to listen and understand.

Sigh. There is so much to unpack.

Be safe this weekend.

Kelly

From: Dan Dow
Sent: Friday, August 7, 2020 4:41 PM
To: Kelly Manderino
Subject: RE: RE: To My Friends.

Sorry... I tried to fix my auto respond email and it got screwed up again... ugh. 😞
dd

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From: Kelly Manderino
Sent: Friday, August 7, 2020 4:27 PM
To: Dan Dow
Subject: RE: RE: To My Friends.

You funny.

I already got this email from you.

kelly

From: Dan Dow
Sent: Friday, August 7, 2020 4:26 PM
To: Kelly Manderino
Subject: RE: To My Friends.

Dear friend,

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