



Progressive prosecutors lambast Contra Costa County Sheriff after deputy kills man

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MARTINEZ, Calif. - A group of progressive prosecutors has asked the Contra Costa County Board of Supervisors to audit the disciplinary practices at the Sheriff's Office and increase outside oversight of misconduct after KTVU first reported that the sheriff wrote a letter to staff about his [disdain for a judge sentencing one of his former deputies to six years in prison after killing a man.](#)

"Sheriff [David] Livingston's comments are abhorrent and indicate his belief that deputies who kill are above the law," said Cristine Soto DeBerry, founder and director of the Prosecutors Alliance of California, which [sent the letter on Monday.](#)

"Police have wide latitude to use force, but when they unnecessarily kill they must be held accountable just like anyone else in our community," DeBerry continued. "When we do not hold police accountable, people do not trust the legal system to protect them. That makes the job of policing more difficult and dangerous, and it makes it far less likely that crimes will be reported. That, in turn, poses a threat to everyone's safety."

In addition, DeBerry also told the supervisors that she and her colleagues find it very concerning that under Livingston, the Internal Affairs investigation cleared Hall from any wrongdoing. Plus, she wrote, if the sheriff is clearing deputies in cases where their use of force was criminal, "that too raises serious questions about the sheriff's commitment to public safety and accountability."

The alliance is formed by Contra Costa County DA Diana Becton – who first charged ex-deputy Andrew Hall for fatally shooting Laudemer Arboleda in November 2018 as the 33-year-old man was driving away at 6 mph and suffering a mental health crisis. Neighbors had called police because they found it suspicious that Arboleda was knocking on doors. It turned out that he had previously lived in that neighborhood.

On March 4, Judge Terri Mockler sentenced Hall to six years in prison for that shooting, saying there was no justification for Arboleda's death.

San Francisco's DA Chesa Boudin, San Joaquin DA Tori Verber Salazar and LA's DA George Gascon also form this alliance.

In a statement to KTVU, Livingston doubled down and made no apologies.

He noted that the "so-called 'Prosecutors Alliance' committee is made up of only four of the 58 DAs in the state."

He also noted that Contra Costa County "is not San Francisco or Los Angeles, where two of their far-left wing founding members serve. Instead of playing politics here, they should do their job and prosecute offenders and start caring about crime victims for once."

In his original letter to his staff, Livingston also did not mince words.

He called it a very "sad day," when the judge sentenced Hall to what he felt was a very long prison sentence.

Livingston also specifically took aim at Becton when he wrote: "For our district attorney to charge a deputy sheriff, or any peace officer, for a crime based on a split-second tactical decision is abhorrent."

Livingston has the support of Supervisor Karen Mitchoff, who used to work in the Sheriff's Office in the 1980s.

Mitchoff told KTVU that while it was very "unfortunate" that Arboleda died, she felt that Livingston was just trying to boost morale and as sheriff, "he gets to say whatever he wants."

As for independent oversight, Mitchoff said for her, that's a hard no.

"Oversight doesn't do anything," she said. "It just looks good."

But the progressive prosecutors vehemently disagreed, as did Supervisor John Gioia.

"I have consistently and publicly supported a civilian oversight commission to improve transparency and accountability of the Sheriff's Department and will continue to advocate to establish this commission," Gioia said, adding that other counties have such commissions. "The justice system, not a sheriff department's internal investigation, is the appropriate venue to determine an officer's guilt or innocence."

Hall did not only kill Arboleda.

Nearly three years later, he also shot and killed Tyrell Wilson, who was holding a knife but not approaching Hall, in 2021. Hall has not been charged with this death, though it is still under review by Becton's office. But in the last several months, Contra Costa County has paid \$9.4 million in total to the families of both these men.

Until these two settlements, Contra Costa County has had a relatively low police payout rate – \$1.5 million – for wrongful death and excessive force suits since 2015.

A KTVU investigation in 2020 uncovered a correlation between police departments that have strong, independent oversight and engage in reform also have significantly lower payout rates for wrongful death and excessive force suits than agencies that don't.

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