



SONOMA COUNTY SHERIFF'S OFFICE

EDDIE ENGRAM
Sheriff-Coroner

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Assistant Sheriff
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SHERIFF'S OFFICE RESPONSE TO IOLERO 2022-2023 ANNUAL REPORT AUGUST 22, 2023

This document is a response to the IOLERO Annual Report prepared by IOLERO Director John Alden. The Sheriff's Office remains committed to collaborating with IOLERO to enhance the provision of public safety services to our community. Communications between IOLERO and the Sheriff's Office has been clear and taken place often throughout this past year. We appreciate the on-going communication as we work to be our best.

Audit process improvements:

One of the most important aspects of any audit is to have clear guidelines and expectations related to the subject of the audit. This ensures that all parties know what measurables are being evaluated. Over the past several months, the Sheriff's Office has been working with IOLERO to ensure that our investigations meet a mutually agreed-upon standard of completeness. IOLERO and the Sonoma County Sheriff's Office have jointly developed an objective "Completeness Check List". This checklist establishes clear expectations of what a complete investigation should contain for both investigators and auditors involved in the process. We are pleased with this positive milestone, as completeness has been an area of contention in past reports. It will be beneficial to move forward with a clear direction through the use of the Completeness Check List.

Increase in number of complaints:

This past year has seen a significant increase in complaints being forwarded to the Sheriff's Office by IOLERO. It is difficult for the Sheriff's Office to know what caused this increase. However, it appears as if there is a paid campaign in Google directing the public to IOLERO through "featured snippets." If an individual searches Google for how to file a complaint about the Sheriff's Office, a direct link to IOLERO is posted in the featured section above the traditional results. We are seeing increased complaints being forwarded to our Office by IOLERO that are duplicates, unrelated to the Sheriff's Office, possible misunderstandings, and/or frivolous. As mandated by Penal Code 832.5, the Sheriff's Office is required to investigate each one. This additional investigative work consumes valuable time and resources which could be used by Sheriff's Professional Standards Unit to keep up with the meaningful investigations and to stay updated on changing legislation and expectations.

In prior years, IOLERO would conduct an intake interview upon receiving a complaint. The purpose of the interview was to help identify the nature of the complaint and whether the complaint was, in fact, related to the Sheriff's Office. This was extremely helpful as people who typically file their complaints with IOLERO are more willing to talk to them and less willing to speak with the Sheriff's Office. More recently IOLERO has taken the position that vetting or seeking additional information is not a typical function of their office. We believe without the complaint intake interview important information is being lost (validity of complainant,

possible witness contact information, true allegation of the complainant, etc.), and frivolous complaints, non-Sheriff's complaints, and duplicate complaints are being forwarded to our Office for investigation. The Sheriff's Office will continue to closely monitor the number of complaints received and assess the need for additional personnel to manage the workload effectively in the future.

Auditor expertise and training:

Director Alden's Annual Report stated that there had been a significant turn over within IOLERO. This seems to have brought with it a new energy, and the auditors are doing a great job completing audits in a timely manner. Possibly also attributable to this turn-over is the Sheriff's Office personnel have noticed an apparent deficiency in the auditors' training and/or experience relative to law enforcement tactics. It is inadequate when audits are completed by individuals who do not have the appropriate training and experience required to render opinions on the actions of our deputies. For example, audits will cite "Public Perception" when rendering opinions on deputies' actions during incidents. This is not an appropriate evaluation metric as the audit should be focused on whether the action was within the law and Sheriff's Office policy. The Sheriff's Office would like to emphasize the importance of ensuring that IOLERO auditors receive appropriate training, especially in the area of Use of Force, before providing opinions on these types of cases. This is a highly complex area of law that takes a great deal of understanding to evaluate appropriately. Additionally, we recommend that IOLERO refrain from relying on public perception or opinion when conducting their audits, as it is impractical to accurately gauge the thoughts and perspectives of every individual in the community.

In comparison, within the Sheriff's Office anyone investigating a citizen's complaint must be highly trained and qualified. Investigators are either supervisors (Sergeant) or managers (Lieutenant) within the Office. They are sent to specific training for Internal Affairs investigations, officer-involved shooting investigations, homicide investigations, interview, and interrogation, and any legal updates and use of force specific training. They also have experience with Patrol operations and typically have held various specialized collateral assignments throughout their law enforcement career.

Policy Changes:

There have been recent policy changes within the Sheriff's Office, some of which were implemented based on recommendations from audits conducted by IOLERO. The Sheriff's Office primary objective is to establish and maintain the most effective policies to ensure the well-being and safety of both our employees and the public. This response will address policy changes which were made partially due to IOLERO audits.

- Pain Compliance Techniques (Policy 300): This policy was amended per IOLERO's recommendation to: "Pain compliance techniques may be effective in controlling a *passively* or actively resisting individual".
- Personnel Complaints (Policy 1010): This policy was amended per IOLERO's recommendation to obtain an independent contracted investigator whenever complaints are filed against any Sonoma County Sheriff's Office executive management team member.

- Uniform Regulations (Policy 1024): Political Activities, Endorsements, and Advertisements. This policy was revised based on IOLERO's recommendation, which specifies that members of the Sonoma County Sheriff's Office are prohibited from wearing any part of the uniform, being photographed wearing any part of the uniform, utilizing an office badge, patch, or any official insignia, or allowing their image to be posted, published, or displayed to:
 - A. Endorse, support, oppose, or contradict any political campaign or initiative.
 - B. Endorse, support, oppose, or contradict any social issue, cause, or religion.
 - C. Endorse, support, or oppose any product, service, company, or other commercial entity.
 - D. Appear in any commercial, social, non-profit publication, or motion picture.

Recommendations:

In the interest of continued development and improvement of the audit process, the Sheriff's Office has made the following recommendations to Director Alden and feel they are important to note. We continue to hope he will consider these recommendations as we move forward.

- 1) We recommend that IOLERO go back to the process of conducting intake interviews with complainants. This process will help determine the focus of the investigation and ensure that important information is not lost when complainants elect to speak to IOLERO and not the Sheriff's Office.
- 2) We recommend that IOLERO adopt a basic triage process to determine if the complaint should be forwarded to the Sheriff's Office for investigation. It would be much more efficient if IOLERO could determine at intake if the complaint was valid and involved Sheriff's Office employees.
- 3) We recommend that IOLERO auditors attend the requisite training to gain the knowledge needed to evaluate law enforcement actions. We acknowledge the difficulty in attending training while keeping up with their responsibilities; however, it is critical to a successful and meaningful audit process.
- 4) We recommend that IOLERO create a "Recommended Discipline Matrix". One of the comments repeated in the IOLERO Annual Reports is the timeliness of the Sheriff's Office investigations to allow IOLERO the opportunity to provide input on discipline. However, it should be noted that the Letters of Agreement Section IV A(v) between the Sonoma County Deputy Sheriff's Association (DSA) and IOLERO states IOLERO will receive an investigation after the Sheriff's Office "issues its final disposition". The letters of Agreement Section IV A(v) between the Sonoma County Law Enforcement Association (SCLEA) and IOLERO also states IOLERO will receive an investigation after the Sheriff's Office "issues its final disposition". Further, the Operational Agreement between the Sonoma County Sheriff's Office section D 1 h and IOLERO states, "once the case receives final disposition, the Sheriff's Office will advise IOLERO the case is complete and ready for audit...". Final

disposition is defined as when the Sheriff-Coroner or designee has signed off on the case as completed and has imposed discipline, and the discipline has been applied. Creating the "Recommended Discipline Matrix" would allow IOLERO to have its disciplinary recommendations considered during the disciplinary process.

In conclusion, the Sheriff's Office expresses gratitude for the dedicated efforts of Director Alden and the entire IOLERO staff. We are confident that our ongoing collaboration with IOLERO will continue to be productive and contribute to delivering exceptional public safety services to the Sonoma County community.