



SONOMA COUNTY SHERIFF'S OFFICE

EDDIE ENGRAM
Sheriff-Coroner

September 19, 2025

Response to FY 24-25 IOLERO Annual Report

The following has been prepared in response to the FY 2024-25 Annual Report from the Independent Office of Law Enforcement Review and Outreach (IOLERO).

Since the implementation of IOLERO, the Sheriff's Office has been committed to maintaining professional standards, transparency, and accountability. However, once again, the legal issues identified with Measure P and continued inaccuracies of IOLERO statements pose significant challenges in moving forward with constructive and collaborative conversations regarding law enforcement accountability.

The purpose of this response is to:

1. Summarize key changes made in response to Ad Hoc recommendations
2. Address IOLERO's recommendations for the Sheriff's Office
3. Correct misstatements and inaccuracies regarding Whistleblower Complaints and Investigative Interviews

In an effort to improve the value of the work provided by both the Sheriff's Office and IOLERO, the Sheriff's Office has also included recommendations for IOLERO. These recommendations help ensure IOLERO's reviews can be provided to the Sheriff's Office in a timely manner, address current policies, and are vetted to ensure that cases pertain to the Sonoma County Sheriff's Office.

POLICY CHANGES

Canine Policy

The Sheriff's Office in 2024 revised Canine Policy 309. The CAC created another Ad Hoc this year to review the Sheriff's Office Policy and provide additional policy recommendations. The Sheriff's Office accepted the following policy recommendations, and the new policy is now in effect.

Policy Recommendations:

- Provide a thoughtful, humane mission statement to recognize that canine force is serious, often does lasting injury, and explains why its responsible, accountable use serves public safety.
- Define key terms used in canine policy (Policy No. 309) which are currently undefined. (Partially accepted)
- Describe actions handler must take if canine does not release bite on command.

RIPA

The CAC RIPA Ad Hoc engaged with the Sheriff's Office and was provided with recommendations for a Racial and Identity Profiling Act Detention/Stop Data Collection Policy. The Sheriff's Office is in the process of drafting a Detention/Stop Data Collection Policy and thanks the CAC for their collaboration on this policy.

IOLERO Recommendations

Video surveillance cameras are installed in many, but not all, modules at the MADF. In this case, they were not installed in the module where the Complainant alleged the events occurred. SCSO noted this and recommended that ongoing efforts to install cameras in all housing modules continue.

SCSO Response: Installation of video cameras in the remaining parts of the MADF have been submitted as a project for Capital Improvement Projects (CIP) funding since 2020. It was most recently resubmitted as part of the Sheriff's Office fiscal year 25-26 CIP proposal.

IOLERO recommended that SCSO adopt a per se, strict liability policy that any comments with a sexual tone or content (including references to gender hygiene) are prohibited within the MADF for all Staff.

SCSO Response: The Sheriff's Office is in the process of addressing this through a change in policy.

SCSO should revise or clarify Policy to expressly reflect that safety checks of persons identified with mental health issues must be conducted by stopping at the cell door and physically scanning the interior of the cell to assess the detainee's presentation, cell conditions and signs of possible or planned self-harm. Walk-by safety checks in this context should be prohibited.

SCSO Response: The SCSO will clarify the language in Policy 504 Safety Checks to *"Safety Checks will be done by direct visual observation that is sufficient to assess the incarcerated person's well-being and behavior."*

SCSO should require MADF Staff to document in writing for each round real-time visual observations from safety checks of persons identified with mental health issues, with observations at least as detailed those used for Safety Cells, Sobering Cells and Observation Cells.

SCSO Response: Unfortunately, MADF like most county jails is the largest mental health facility in the county. Approximately 50% of the incarcerated population of MADF have some form of mental health

diagnosis. Keeping a log as detailed as those for Safety, Sobering and Observation cells for over 300 individuals is not operationally feasible.

SCSO should clarify Policy to provide that activation of the internal electronic rounds tracking system constitutes a “certification” by the Staff that the round will be conducted in accordance with Policy, subject to administrative enforcement under SCSO Policy § 320.5.7, or § 320.5.8 if violation was intentional.

SCSO Response: The Sheriff’s Office does not believe individual policies should come with admonishment that violation of Sheriff’s Office policies are subject to enforcement. The Sheriff’s Office believes and stresses to all employees violation of Office policies, whether on- or off-duty, may be cause for disciplinary action.

RESPONSE TO WHISTLEBLOWER COMPLAINTS

IOLERO’s COMMENTS

Measure P provides that IOLERO “[a]ct as a receiving and investigative agency for whistleblower complaints involving the sheriff-coroner.” IOLERO has received such complaints and begun investigating them. That said, when we first issued subpoenas to gather information from the SCSO in these matters, the SCSO declined to honor them. We’ve been in litigation since to have those subpoenas enforced. [That litigation is now before California’s First Appellate District, case number A171763.](#) We anticipate a decision in the next fiscal year.

SCSO Response:

Measure P authorizes IOLERO to act as a receiving and investigative agency for whistleblower complaints involving the Sheriff-Coroner. Relying on this provision, IOLERO received whistleblower complaints and began issuing subpoenas as part of its investigations. The Sheriff’s Office declined to comply, explaining that subpoena authority was not included in the negotiated Letters of Agreement (LOAs) with the Deputy Sheriffs’ Association or the Sonoma County Law Enforcement Association. In addition, the County had been ordered to cease and desist from enforcing that section (§ 2-394(b)(3)) of Measure P.

When IOLERO petitioned the court to compel compliance, the Court ruled:

“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. 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 subpoena power under the Amended LOA, which controls IOLERO’s authority over whistleblower complaints and details the required procedure for processing these complaints.”

IOLERO has since appealed the ruling.

SHERIFF’S OFFICE RECOMMENDATIONS FOR IOLERO

Each year, IOLERO’s Annual Report includes a series of recommendations for the Sheriff’s Office, addressing a wide range of areas. These recommendations have often focused on improving the quality

of internal investigations, enhancing detention facility operations, and refining use of force policies, among other important issues. The Sheriff's Office has taken these recommendations seriously, recognizing their value in guiding positive organizational change.

In that same spirit of collaboration, this year the Sheriff's Office would like to offer several recommendations to IOLERO. These suggestions are intended to improve overall efficiency, reduce the current backlog of cases, and ensure that recommendations are delivered in a more timely manner. Just as importantly, they are designed to strengthen communication and build greater trust between our two agencies.

By working together to refine processes on both sides, we can promote accountability, improve public confidence, and better serve the community we are jointly committed to protecting.

RECOMMENDATIONS REGARDING COMPLAINT REFERRALS FROM IOLERO

IOLERO's mandate includes the intake and review of complaints filed against members of the Sheriff's Office. As part of this process, IOLERO is responsible for ensuring that all relevant information is collected, documented, and verified prior to referral.

The Sheriff's Office has observed that, on occasion, complaints received from IOLERO are incomplete, lack critical information, or pertain to personnel from other law enforcement agencies. Despite this, some of these complaints have still been referred to the Sheriff's Office for investigation.

To improve operational efficiency, reduce unnecessary workload, and ensure timely handling of valid complaints, it is recommended that:

- Pursuant to section D(1)(a) of the Operational Agreement between the Sheriff's Office and IOLERO, which states, "*IOLERO will process the complaint and forward it to the Sheriff's Office for investigation,*" the Sheriff's Office recommends, before forwarding a complaint to the Sheriff's Office, IOLERO should confirm, at minimum, the following elements of the complaint:
 1. Ensure the complaint is regarding a member of the Sheriff's Office
 2. Complainant's name
 3. Complainant's contact information (phone number, email, address)
 4. Date and time of the incident or interaction the complainant had with a member of the Sheriff's Office
 5. Actual and/or specific allegations of employee misconduct

General correspondence without any specificity regarding a Sheriff's Office employee and/or without any specificity regarding the alleged misconduct should not be forwarded to the Sheriff's Office Professional Standards Unit as a complaint or complaint-related material. If IOLERO needs assistance in confirming any of the required information before forwarding a complaint, they should seek assistance from the Professional Standards Lieutenant.

- Pursuant to section D(1)(b) of the Operational Agreement between the Sheriff's Office and IOLERO, which states, "*The Sheriff's Office will assign a case number, and determine, in consultation with the IOLERO Director, the allegations to be investigated,*" the Sheriff's Office recommends IOLERO collaborate with the Sheriff's Office to develop a procedure to identify the specific allegations of a complaint, as well as the applicable law or policy sections governing

the allegation. In turn, the Sheriff's Office will focus their investigation on those specific allegations and the applicable law and/or policy sections.

An example of a possible procedure would be:

- Sheriff's Office Professional Standards Lieutenant and IOLERO Chief Deputy Auditor meet on a weekly basis to review complaints received by IOLERO.
- Both parties review and discuss each complaint to identify specific allegations and the applicable law or policy sections governing the alleged misconduct.
 - The Sheriff's Office realizes follow-up may be necessary to determine the validity of a complaint. As such, the Professional Standards Lieutenant, and/or their designee, will conduct the necessary follow-up to confirm the validity of a complaint.
- After allegations and the applicable law or policy sections are identified and *after* IOLERO has confirmed the necessary required information is available (complainant's name, contact information, etc.), IOLERO will forward the complaint to the Sheriff's Office for investigation.

Implementing these guidelines will allow both IOLERO and the Sheriff's Office to focus investigative efforts on matters that fall directly within our jurisdiction. This approach will ensure complaints are thoroughly reviewed, investigations are conducted efficiently, and resources are appropriately allocated. In addition, it will help reduce the IOLERO backlog, enabling the Sheriff's Office to receive more timely audits and actionable recommendations.

Addressing the Backlog of Cases

Under Sec. 2-394(b) – “Powers and Duties of the Independent Office of Law Enforcement Review and Outreach” – the exercise of these powers is at the discretion of the Director, provided there is adequate staffing and resources to support them.

In FY 23/24, IOLERO had a backlog of 50 cases and conducted audits on 2 cases from 2020, 1 from 2021, and 13 from 2022. In FY 24/25, the backlog was 49 cases, with audits on 1 case from 2020, 4 from 2021, 2 from 2022, and 3 from 2023.

The Sheriff's Office believes that auditing older cases—based on different criteria and before the completeness checklist was in use—is of limited value. Given the current backlog, the Sheriff's Office recommends that IOLERO focus audits on cases from 2023 onward. This period coincides with the start of Sheriff Engram's term and provides a more accurate reflection of current policies and procedures. Focusing on recent cases would also allow the Sheriff's Office to implement any policy or procedural changes recommended by IOLERO in a timely manner.

This approach is consistent with the Director's discretion under Sec. 2-394(b) of Measure P.

Engage in Honest Interactions with Members of the Sheriff's Office

Section 2-392(g) of Measure P provides:

“The Sheriff-Coroner shall cooperate with IOLERO by providing direct, unfettered access to staff of the Sheriff's Office, in order to facilitate IOLERO's ability to develop trusting relationships with such staff,

and to informally obtain information related to the receipt, review, and audit of complaints and investigations, as well as IOLERO's review of policies, practices, and training. ”

On July 8, 2024, Director Alden emailed the Sheriff and stated in part:

“As you know, peace officers (and other public employees) are normally ordered by their employer to appear for administrative interviews. When they do appear, they may assert their Fifth Amendment rights. This makes their statements compelled for Fifth Amendment purposes and therefore inadmissible in criminal prosecutions. See *Lybarger v. City of Los Angeles* (1985) 40 Cal.3d 822, and *Garrity v. New Jersey* (1967) 385 U.S. 493. However, without an order from the employer requiring answers, an employee may simply remain silent. In this case, absent an order from you, these employees argue they have no obligation to appear for IOLERO interviews or answer questions.”

As noted in IOLERO's Annual Report, the Sheriff did not issue any order requiring deputies to participate in IOLERO interviews. IOLERO is not the employer of Sheriff's Office staff, cannot provide *Lybarger* protections, and has no authority to impose discipline. Nevertheless, during her September 13, 2024, interview of Sergeant Nicholas Berg, Auditor Emma Dill advised:

“This interview is part of IOLERO's administrative investigative process and could be used by the Sheriff as the basis for discipline in your employment with the County of Sonoma. This is not part of any criminal investigation. However, because you are required by subpoena to answer questions in this administrative matter, and because refusal to do so could result in discipline up to and including termination, we believe your answers cannot be used against you in any criminal case on this same matter, as described in *Lybarger v. City of Los Angeles*.”

Similarly, during her December 13, 2024, interview of Deputy Anthony Powers, Auditor Dill gave substantially the same advisement.

Auditor Dill either knew, or reasonably should have known, she lacked authority to provide *Lybarger* protections or to impose discipline on Sheriff's Office employees. Nonetheless, she proceeded to deliver that admonition. Such conduct undermines trust and creates significant barriers to fostering a constructive working relationship between IOLERO and the Sheriff's Office.

For collaborative oversight to succeed, honesty and accuracy must be maintained at all times. Misrepresenting authority, whether intentionally or inadvertently, erodes confidence and prevents the mutual respect necessary for effective oversight.

As noted, the Sheriff's Office has cooperated with IOLERO, including serving subpoenas on staff as requested. However, during interviews, Auditor Dill employed misleading advisements to elicit testimony. Thereafter, IOLERO published the audio recordings of those interviews on its website and distributed them by email with the heading:

“Exclusive Interviews from the Investigation: Hear our interviews with the involved Sheriff's deputies, and how they would not answer our questions.”

The posting omitted any explanation that the deputies were lawfully exercising their constitutional rights, and failed to acknowledge that IOLERO lacked authority to provide *Lybarger* protections or impose disciplinary actions.

These actions are inconsistent with the express purpose of Measure P, Section 2-392(g), which seeks to build trust between IOLERO and Sheriff's Office staff. Rather than fostering trust, such actions have the opposite effect.

While the Sheriff's Office and IOLERO may differ on matters of policy or legal interpretation, it is important to emphasize that no member of the Sheriff's Office has ever knowingly provided false or misleading information to IOLERO. Our disagreements are based on differing interpretations of law and policy, not from dishonesty. By contrast, actions that misrepresent authority or mislead Sheriff's Office staff are especially concerning when undertaken by an agency charged with investigating the Sheriff's Office and informing the public about its practices and investigations.

IOLERO should comply with the Operational Agreement

Former IOLERO Interim Director Byers and former Sheriff Essick signed the most recent Operational Agreement between IOLERO and the Sonoma County Sheriff's Office. The agreement states:

"The purpose of this document is to memorialize the operational agreement between the Independent Office of Law Enforcement Review and Outreach (IOLERO) and the Sonoma County Sheriff's Office (the 'parties') regarding the audit of complaints and investigations. Both parties recognize that changes or adjustments to this agreement may be made. However, this document will serve as the most current agreement, until amended, pursuant to Sonoma County Code Chapter 2, Art. XXVII, Sec. 2-394(d) (IOLERO Ordinance No. 6333)."

Both the Operational Agreement and Measure P define which cases IOLERO is responsible for auditing and which cases the Sheriff's Office is required to investigate. However, on multiple occasions, IOLERO has pressured the Sheriff's Office to open new investigations or reinvestigate matters that were already reviewed. This pressure is often accompanied by the threat that the original investigation will be labeled "INCOMPLETE" in IOLERO's Annual Report, creating the public and Board of Supervisors' perception that the Sheriff's Office does not thoroughly investigate internal affairs cases. In most instances, the Sheriff's Office has complied and conducted the additional investigations, even though they were unnecessary.

Case 24-IA-0002 illustrates this issue.

This case began as a routine internal review of a use-of-force incident in the jail, which involved two actions: a hair-pull takedown and a double salivary control hold that resulted in the inmate losing consciousness. During the internal review process which occurs for every use-of-force incident the hair-pull takedown was determined to be within policy, while the double salivary hold was flagged for further investigation by Internal Affairs. Once that investigation was completed, the case was forwarded to IOLERO for review.

IOLERO concluded that the investigation was "PARTIALLY INCOMPLETE" because it did not evaluate a different use of force (the hair-pull takedown) performed by Deputy B earlier in the incident. The Sheriff's Office informed IOLERO that the hair-pull takedown had already been evaluated through the standard internal review process. Nevertheless, IOLERO demanded that a separate investigation be opened into that deputy; otherwise, Case 24-IA-0002 would be labeled "PARTIALLY INCOMPLETE" in their annual report. Under this pressure, a second investigation was opened, and the deputy was subsequently exonerated.

There is nothing in Measure P or the Operational Agreement that grants IOLERO the authority to demand investigations on matters that have already been reviewed. Moreover, this was not a complaint filed by a member of the public—it was an internal review of an issue the Sheriff's Office flagged on its own.

CONCLUSION

The Sheriff's Office acknowledges that this year has been more challenging than previous years in our relationship with IOLERO, but we appreciate the efforts of IOLERO staff. The difficulties we faced stem largely from IOLERO's attempts to exercise authority under sections of Measure P that were later invalidated and asserting Measure P gives authority for actions it does not (Sheriff ordering deputies to testify).

Measure P was placed on the ballot without meeting and conferring with the DSA and SCLEA. The County was subsequently ordered to cease and desist from enforcing the following sections: § 2-392(d)(2); § 2-394(b)(3); § 2-394(b)(4); § 2-394(b)(5)(ii–iv, vii–ix); § 2-394(e)(2); § 2-394(f); § 2-394(g)(3); and certain language in § 2-394(c)(1) and (c)(3) was deleted.

Afterward, IOLERO staff represented the County in negotiating two Letters of Agreement, which the court has confirmed are the controlling documents. These matters are not disputes between the Sheriff's Office and IOLERO, nor are they issues the Sheriff is responsible for resolving on IOLERO's behalf.



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