



# SONOMA COUNTY SHERIFF'S OFFICE

EDDIE ENGRAM  
Sheriff-Coroner

JAMES NAUGLE  
Assistant Sheriff  
Law Enforcement Division

MICHAEL MERCHEN  
Assistant Sheriff  
Detention Division

HEIDI KEITH  
Chief of Financial and  
Administrative Services

This document is in response to IOLERO Director, John Alden's, annual report. As mentioned in Director Alden's report, a significant portion of the report covers the mostly cleared backlog of old cases with the bulk of them being from 2018 to 2020. The Sheriff's Office is appreciative of the efforts it took to clear this backlog and we look forward to working with Director Alden on ensuring audits stay up to date. With that being said, there are some general points we would like to acknowledge and address.

## **Policy Changes:**

There have been many policy changes throughout the time frame covered by these audits. Some in response to recommendations in audits from IOLERO, some in response to recommendations by the CAC, some in response to new legislation, and some in response to internal reviews, and changes to keep up with the most current best practices. The goal of the Sheriff's Office is to ensure that we have the best policies in place to guide and protect our employees and the public. For purposes of this response, we will focus on policy changes that were updated in whole or in part as a result of IOLERO audits or CAC recommendations.

De-escalation (Policy 104): The Sheriff's Office, in consultation with prior Director Karleen Navarro, developed an overarching, Office wide de-escalation policy. This policy is placed at the beginning of the policy manual and is central to operations and training at the Sheriff's Office.

Transportation of Arrestees (Policy 348): This was a new policy developed, in consultation with the prior IOLERO Director, as a result of recommendations made during the audit process to give deputies clearer direction regarding transporting arrestees. It also provides additional instruction on how to transfer combative or agitated arrestees from a patrol car into the detention facility.

Use of Force (Policy 300): This policy has been amended several times as a result of legislative changes and recommendations from various groups. Based on input from past IOLERO Directors and CAC members, the order in which sections were listed was rearranged to emphasize importance. For instance, the sanctity on life statement, duty to interceded, duty to report excessive force, and unbiased use of force sections were all moved to the beginning of the policy. A definition was added for de-escalation, as recommended by the CAC.

Homeless (Policy 431): The Sheriff's Office worked with past CAC members on developing a more comprehensive homeless persons policy. Specifically, addressing personal property when dealing with unhoused individuals was more clearly defined. This change included what types of items were to be considered valuable and were to be collected and stored.

## **Investigative Standards**

There were a considerable portion of IOLERO backlogged cases that were determined “incomplete” by the auditors. Throughout the time frame mentioned above there was often a difference of opinion Between IOLERO and the Sheriff’s Office regarding what an incomplete case entailed. The Sheriff’s Office and Director Alden are working together to achieve greater consistency and a more objective view of whether a case is complete or incomplete. The goal is to develop an objective list of criteria that both IOLERO and the Sheriff’s Office agree would be the minimum needed for an investigation to be considered complete. The goal is to have a clearly defined set of expectations that can be shared with both the investigators and the auditors. The hope is that this will bring greater clarity to what is needed at the onset of an investigation.

One area that has been a point of discussion is the burden of proof required to sustain or exonerate allegations of misconduct. The burden of proof for administrative investigations, as set by statute, is by a “preponderance of the evidence.” By legal definition, preponderance of the evidence means the evidence shows that it is more likely than not a that fact is true. This is a different burden of proof than “beyond a reasonable doubt,” the standard for criminal investigations. Beyond a reasonable doubt means there is no other reasonable explanation that can come from the evidence presented. This distinction is important when discussing whether an investigation is complete or not. For purposes of administrative investigations, it is not reasonable to investigate all cases to the “beyond a reasonable doubt” standard. Often, it is much more efficient to reach the appropriate standard of a “preponderance of the evidence” for an administrative investigation.

The Sheriff’s Office always has been and continues to be committed to conducting complete investigations. We look forward to working with Director Alden on developing an agreed upon completeness standard for investigations.

## **Wellpath Oversight**

Another area that was addressed as a concern in multiple audits was the medical and mental health provider for the Main Adult Detention facility, Wellpath. Multiple audits had concerns over various actions taken by Wellpath employees and a perceived lack of oversight of Wellpath operations.

Regarding concerns surrounding oversight of Wellpath, the Sheriff’s Office is committed to ensuring that services provided to people in our custody are aligned with community expectations and consistent with, or exceed, industry standards. We are also committed to releasing people back into our community in better condition both medically and psychologically, than when they came into custody.

- To ensure this is happening, the Sheriff’s Office Detention Division is in the process of receiving accreditation through the National Commission on Correctional Health Care (NCCHC) for both medical and mental health services. This process consists of a third-party, objective assessment. NCCHC writes the standards for correctional health care and by achieving accreditation, it shows we are maintaining a constitutionally acceptable level of care for a facility’s incarcerated persons. Accreditation for medical services is on track to be issued on May 1, 2023, after which we will begin the process for accreditation of mental health services.

- Additionally, the Department of Health Services conducts an annual audit of the Detention Division. This is done to assess operations for Nutritional Health and Medical / Mental Health services and ensure compliance with laws and regulations regarding those services.
- Detention Division management conducts frequent meetings with the provider, including quarterly Quality Assurance (QA) meeting. QA meetings include a report addressing the effectiveness of the health care system, a description of any environmental or access issues that require improvement, any security issues that may need improvement, and detail any progress that has been made in previously reported areas. The data for the quarterly QA report are gathered during monthly Medical Administrative Committee (MAC) meetings. These meetings include the designated facility managers and/or supervisors and qualified health care professionals. The monthly MAC meetings cover the following topics:
  - Health care services (Medical, Mental health, and Dental)
  - Quality improvement findings
  - Infection control efforts
  - Inmate grievances
  - Environmental inspections report
  - Other topics as they relate to the delivery of health care

#### **Expansion of Professional Standards:**

With the increased complexity of the responsibilities of the Detention Division, it has become increasingly difficult for Professional Standards to keep up with changing legislation and expectations. In an effort to keep up with the changing times and in an effort to ensure complete Detention Division investigations, the Sheriff's Office has added an additional investigator to the Professional Standards Unit. This investigator is a correctional sergeant from the Detention Division and possesses the experience and knowledge needed to conduct investigations related to custodial operations.

#### **Conclusion**

The Sheriff's Office is appreciative of the efforts by current and former IOLERO staff in clearing a backlog that has existed for several years, while diligently working to stay current on the auditing of new investigations. We are confident moving forward that the relationship between IOLERO and the Sheriff's Office will be productive and will assist us in providing outstanding public safety services to the Sonoma County Community.