

INDEPENDENT OFFICE OF LAW ENFORCEMENT REVIEW AND OUTREACH (IOLERO)

County of Sonoma

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IOLERO Reply to SCSO 24-25 IOLERO Annual Report Response

INTRODUCTION

Here at IOLERO, we strive to follow the same operating principles as used by Inspectors General in the federal government, like the Inspector General for the United States Department of Justice. Those principles, called the Yellow Book, shape the format of our annual report, including giving the Sheriff a chance to respond to the audit, and for us to explain which of his responses we're adopting and which not. (See [GAGAS, or "Yellow Book" section 9.50-9.53.](#)) This letter is therefore our explanation of why we are, and are not, adopting some of the Sheriff's comments about our 2024-25 annual report, as required by Yellow Book section 9.52.

POLICY CHANGES

We're glad that the Sheriff had responses to our policy recommendations, and encourage the public to look those over again. Because we think those policy issues are now well outlined to the public, we don't think more needs to be said here. We appreciated the Sheriff's responsiveness to these ideas.

We also join the Sheriff in asking County leaders to strongly consider funding the Sheriff's request for additional cameras in the jail (MADF) in the County's Capital Improvement Projects (CIP) process. We're glad the Sheriff made that request. While the County has many capital projects to consider, we agree with the Sheriff that this one is important to properly protect the employees and detainees in the jail.

SHERIFF'S OFFICE RECOMMENDATIONS FOR IOLERO

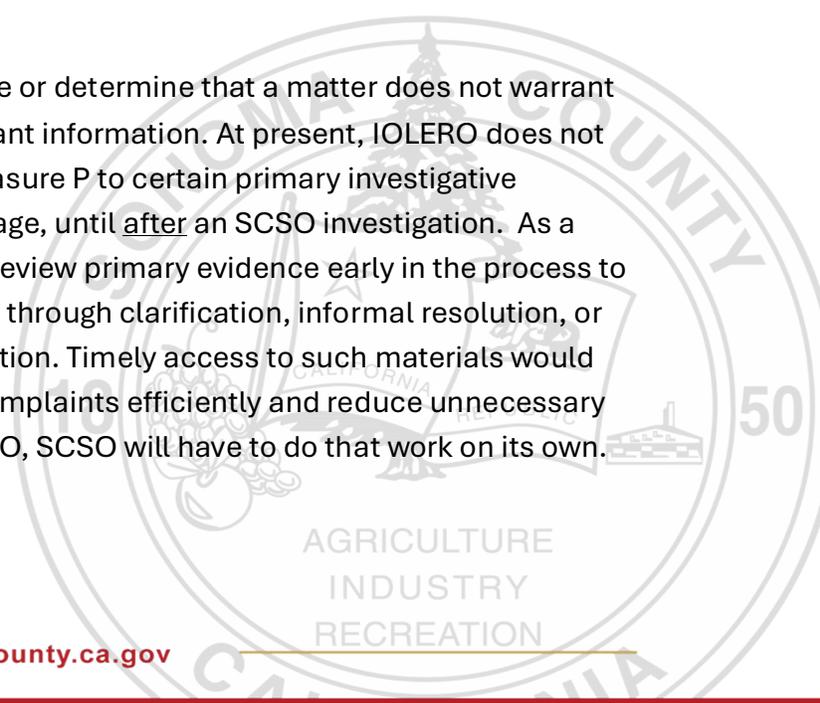
A. Complaint Referrals

IOLERO appreciates the Sheriff's engagement regarding complaint referral practices and shares the goal of ensuring complaints are processed efficiently, accurately, and in a manner consistent with the Operational Agreement, Measure P, and state law.

Several of the practices referenced in the Sheriff's recommendations are already incorporated into IOLERO's intake and referral processes. As part of its standard procedures, IOLERO reviews complaints to confirm jurisdiction, ensures complaints pertain to members of the Sheriff's Office, documents available complainant identifying and contact information, records incident dates and times when provided, and summarizes the nature of the alleged misconduct prior to referral. Complaints involving personnel from other agencies or matters not qualified to be investigated by Professional Standards (SCSO's internal affairs unit) are addressed accordingly and are not routinely referred for investigation by the Sheriff's Office. For these reasons, in most years, roughly only a third of potential complaints sent to IOLERO are forwarded to Professional Standards for investigation.

Some complaints received by IOLERO are inherently incomplete at intake. For example, complaints may be submitted anonymously, with limited detail, or by individuals who do not yet possess full information regarding the identity of involved personnel, or the specific policies implicated. In these circumstances, IOLERO's role includes preserving the complaint, documenting all available information, and ensuring appropriate routing consistent with statutory requirements, the Operational Agreement, and best practices. The absence of complete information at intake does not, by itself, render a complaint invalid or inappropriate for referral. In fact, state law **requires** that SCSO investigate all complaints made, without exception for those that might lack useful information. Penal Code sec. 832.5.

IOLERO's ability to resolve concerns at intake or determine that a matter does not warrant referral is also influenced by access to relevant information. At present, IOLERO does not have the unfettered access described in Measure P to certain primary investigative materials, including body-worn camera footage, until after an SCSO investigation. As a result, IOLERO is not able to independently review primary evidence early in the process to assess whether a complaint can be resolved through clarification, informal resolution, or closure prior to referral for a formal investigation. Timely access to such materials would further enhance IOLERO's ability to triage complaints efficiently and reduce unnecessary referrals. Until that access is granted by SCSO, SCSO will have to do that work on its own.



Notwithstanding these limitations, IOLERO maintains regular and ongoing communication with the Sheriff's Office regarding intake questions and referral decisions. The Chief Deputy Law Enforcement Auditor routinely confers with the Professional Standards Lieutenant to discuss intake-related issues, clarify ambiguities, and identify whether follow-up is warranted. This open line of communication allows both offices to address concerns in real time and supports consistent application of referral standards.

In addition, to mitigate the impact of cases that must be opened for investigation due to limited information available at intake, IOLERO proactively proposed, and implemented in collaboration with the Sheriff's Office in the fall of 2025, an expedited investigation process commonly referred to as a "Short-Form" investigation. This process allows the Sheriff's Office, once preliminary review demonstrates that a complaint does not meet the threshold for a full investigation or can be resolved based on readily available evidence (including video), to conclude the matter without expending resources required of a full-scale Professional Standards investigation. These matters are then returned to IOLERO for audit and review to confirm that expedited resolution is appropriate. The "Short-Form" option was designed to conserve Sheriff's Office investigative resources while maintaining oversight integrity and accountability. You'll see this new tool featured in our next annual report, including examples (within the bounds of state law) of such Short Form cases.

With respect to identifying specific allegations and applicable law or policy sections, IOLERO agrees that clarity benefits both offices. Consistent with Section D(1)(b) of the Operational Agreement, however, the assignment of case numbers and the determination of allegations to be investigated remain the responsibility of the Sheriff's Office, in consultation with the IOLERO Director. IOLERO can, and will, engage in preliminary allegation framing where feasible, while avoiding any approach that would predetermine investigative conclusions or constrain the Sheriff's Office's Professional Standards review. That said, the Chief Deputy will continue to discuss framing of potential issues along with Professional Standards personnel with the understanding that IOLERO is only assisting in setting a floor, not a ceiling, for the investigative process.

One reason IOLERO sets a floor, not a ceiling, for investigations is that new issues sometimes appear in the course of the investigation that neither IOLERO nor a complainant could possibly discover at the outset of the case. For example, neither IOLERO nor

complainants can possibly know if a Deputy Sheriff properly activated their body-worn cameras at the scene, or wrote thorough, truthful, and accurate reports about the incident. Failure to do these things would be significant disciplinary violations at SCSO. Neither IOLERO nor complainants have access to records about such events at the outset of the case. The complaint likely never will, and given SCSO's limitations on IOLERO access to data, IOLERO can only obtain those materials after Professional Standards completes an investigation. For this reason, IOLERO is not able to set a ceiling on the allegations to be investigated at the outset of a case.

IOLERO remains open to continued coordination focused on process improvement, provided such coordination preserves IOLERO's independence, avoids undue delay in complaint referrals, and does not shift investigatory responsibilities beyond IOLERO's statutory mandate or information access. IOLERO-SCSO collaboration that improves IOLERO's access to information and supports quickly resolving straightforward complaints may further enhance efficiency for both offices. IOLERO remains committed to collaborative efforts that improve timeliness and effectiveness across all aspects of its oversight responsibilities.

B. Addressing the Backlog of Cases

The Sheriff makes a good point that prompt investigations and audits are more useful to all involved than investigations and audits that take years to complete. We agree with this overall point, which is why we negotiated a Timeliness Checklist with SCSO in 2024 that sets expectations for when SCSO investigations and IOLERO audits are completed, and expanded our staff in 2025. We completed these changes long before the Sheriff's response to this report, and they are already bearing fruit. Moving forward, we expect cases to be completed faster than in the past. Ideally, we would like all of them to be completed within California's statutory deadline for imposition of discipline on deputy sheriffs. That deadline is generally a year, with some exceptions. (See Government Code section 3304.)

That said, we do take issue with the Sheriff's complaint about the older cases we audited in 2024-2025. SCSO sent **every one** of the cases the Sheriff complained about years after they were first opened at SCSO. Specifically:

- SCSO sent the two 2020 cases to IOLERO in 2023 and 2024, respectively;
- SCSO sent the 2021 cases to IOLERO in 2023;

- SCSO sent the 2022 cases to IOLERO in 2024.

It's not fair to fault IOLERO for SCSO's delay in sending these cases to us. Instead, we should be concerned that SCSO is taking so long to close and transmit these cases to IOLERO. Moving forward, we expect the Timeliness Checklist we negotiated in 2024 with the Sheriff will cure this issue.

Moreover, these cases were about serious issues, like the in-custody death of a prisoner in the jail, assault and use of force in the jail, and medical issues in the jail like COVID. We stand by our decision to still audit these cases, given how important the issues they presented are to the community. These issues bear the risk of repeated injury to the public, making them among the most important cases for IOLERO to audit. We would ask that SCSO be more prompt about their investigation of these cases and their transmission to IOLERO as they've promised in the Timeliness Checklist.

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

The Sheriff is right: building trust between the Sheriff's Office and IOLERO is one way to facilitate the important work that IOLERO does, and this past year posed some unexpected challenges. Throughout those challenges, however, IOLERO staff conducted themselves professionally and respectfully. Disagreements are inevitable in this line of work. But we echo what the Sheriff said about SCSO, that "[o]ur disagreements are based on differing interpretations of law and policy, not from dishonesty." Calling out IOLERO staff as dishonest is not accurate and not helpful to building trust.

As for the way IOLERO conducted the Pelaez Chavez interviews, we invite the community to listen to the recordings and decide for themselves. In those recordings, listeners will hear that both SCSO members had an attorney giving them question-by-question advice in their interviews. Listeners will hear IOLERO staff explain our legal position in order to formally record it, but will also hear our staff tell the SCSO members that their attorney disagrees – and give the attorney time to explain his position too. Listeners will also hear the SCSO members assert their rights, and IOLERO staff accept it each time without argument or pressure. What listeners *won't* hear is IOLERO staff lying to SCSO members or trying to mislead them into answering questions. This allegation from SCSO is without question false. Listen and decide for yourself.

The Sheriff, in particular, calls out IOLERO's use of *Lybarger* or *Garrity* advisements in our interviews in these cases. In short, these advisements to public employees who are being interviewed in the course of their duties are designed to warn them that failure to answer questions can result in discipline, even termination of employment. California's Peace Officer Bill of Rights requires these advisements when deputy sheriffs are interviewed. (Government Code sec. 3300 et seq.) The United State Supreme Court has specifically endorsed ordering peace officers like deputy sheriffs to talk *even when they claim their Fifth Amendment right to silence* for nearly 60 years. *Garrity v. New Jersey* (1967) 385 U.S. 493.

The Sheriff takes issue with our advisements in our interviews of deputies in the Pelaez-Chavez shooting because he had decided **he** would not discipline these deputies for refusing to answer IOLERO's questions. We'll set aside for the moment whether Sonoma County voters would approve of a Sheriff telling their deputies it's acceptable to refuse to talk to IOLERO when subpoenaed, and whether Measure P requires him to make that order. But regardless of the Sheriff's decision in this case, the California Commission on Peace Officer Standards and Training (POST) can decertify deputy sheriffs for refusing to answer our questions, meaning revoke their permission to be a deputy sheriff *anywhere* in California permanently. (California Penal Code sec. 13510.1 et seq.) It would have been a violation of the Peace Officer Bill of Rights to **not** warn these deputies of this possible consequence. And. In fact, we are informed that this matter has been referred to POST for that purpose by members of the public. We stand by our decision to honor the rights of the deputies.

The *Pelaez-Chavez* report, its accompanying documents, and the interview recordings can be found [here](#).

D. IOLERO Should Comply with the Operational Agreement

Measure P and the Operational Agreement explicitly grant IOLERO the authority to ask SCSO to do additional investigation. This applies when IOLERO's Director concludes that SCSO didn't adequately review or analyze an issue, among other times. (See Measure P sec. 2-394(b)(5)(vi) and (b)(7); Operational Agreement sec. (D)(1)(i) and (D)(2).)

We use this process to give SCSO actionable feedback and a second chance at an otherwise deficient investigation. This process also reflects our goal of collaborating

toward systemic improvements in SCSO's investigation process – not just applauding or criticizing individual investigations. Consistent with that goal, IOLERO always starts this process with a request, not a demand.

Here are a few examples of situations where we requested additional investigation:

- Deputies' reports used boilerplate language to justify a use of force, but video footage raised questions about that justification. SCSO didn't address the potential discrepancy in interviews or the IA Report.
- A review of an in-custody death in the jail did not address medical care provided from the decedent's booking to time of death.
- A domestic violence call in which the Deputy responding did not provide some of the usual information given to domestic violence victims.

We think it's a positive that IOLERO was here to make sure these issues were covered by SCSO, and are glad they eventually were in each of these cases. We continue to see positive results from asking for further investigation in cases we've audited in Fiscal Year 26-26, and the public will see more positive results from that work in our next annual report. The Operational Agreement and, more importantly, Measure P, specifically allow this.

We stand by our decision to ask for more investigation when appropriate. It's not a "threat" as the Sheriff describes it, but ensuring accountability, just as the Operational Agreement describes. That's part of the accountability that over 160,000 voters asked for when they voted yes on Measure P. We'll continue to stand by those voters by ensuring the transparency and accountability they demanded.

CONCLUSION

In short, IOLERO is already screening complaints. The Sheriff's response overlooks that, and seems more frustration with the state law requirement that his office investigate all complaints than a well-grounded critique of IOLERO's work. As for the backlog of cases, a close look at the oldest cases show those were substantially delayed by SCSO, not IOLERO, and were about critical issues that merited a close look. Improved staffing in 2025 will resolve the remainder of this concern. Third, take a close look at our interviews and see if you think they are honest; we think they are above reproach. Finally, the complaint that

IOLERO doesn't comply with the Operational Agreement when we ask for more investigation shows why IOLERO is so essential to Sonoma County – sometimes SCSO doesn't investigate itself well, and we're here to make sure they do.

We're always grateful to be in communication with SCSO about our process, and to make that process transparent to the public. We're confident that IOLERO is doing an excellent job. Hopefully SCSO will look harder at what we're actually doing at IOLERO, and how our work can improve their process at SCSO.

John Alden
IOLERO Director

