



Office of Correction and Law Enforcement Monitoring
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To: Board of Supervisors

Cc: Jeffrey V. Smith, County Executive
James R. Williams, County Counsel
Sheriff Robert Jonsen
Undersheriff Ken Binder

From: Michael Gennaco, OCLEM Project Manager
Julie Ruhlin, OCLEM Project Team Leader

Date: May 25, 2023

Subject: OCLEM Status Report on Sheriff's Office Continued Adherence to
Protocols Regarding Closure of Internal Affairs Cases

In OCLEM's October 2022 Report on the Andrew Hogan Incident, OCLEM recommended that the Sheriff's Office develop a policy setting out the rare circumstances under which an Internal Affairs (IA) investigation could be closed prior to its conclusion. We have previously reported that the Sheriff's Office implemented this recommendation, modifying its policies governing the Internal Affairs Unit to require the primary investigator to complete a report with justification for an investigation closure and obtain written approval of the Sheriff or Undersheriff.

At the Board of Supervisor's Meeting on November 1, 2022, Supervisor Simitian requested that OCLEM provide this Board 6-month and 12-month status reports on the Sheriff's Office's use of and continued adherence to the recommended

protocols. This report is intended to be responsive to the request for the 6-month report.

The Sheriff's Office has not yet finalized the information-sharing agreement that will allow OCLEM to regularly track the status of ongoing IA investigations. We have been advised that an agreement that will allow us to accomplish our duties pursuant to the originating Ordinance will be finalized within the next month. At that point, we expect OCLEM to have access to the IA case-tracking database in a way that will allow us to easily identify any investigation that is closed prior to completion. We have no reason to question or doubt that the Sheriff's Office is complying with its current protocols regarding any premature closure of an IA investigation, but until we have full access to records, we are unable to independently verify compliance.

We look forward to being able to provide the Board a more substantive report on the status of the Sheriff's Office compliance with its IA investigation closure protocols at the 12-month mark, in November 2023.