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Thursday, January 16, 2025

TO: Alexander Lee, IPIB Agency Counsel

RE: IPIB Case Number 24FC:0077

Complainant's position on proposed informal resolution

It is the position of The Oskaloosa Herald, for the reasons outlined below, that Complaint 24FC:0077 should remain active. The Mahaska County Sheriff's Office has not provided sufficient disclosure regarding the alleged misconduct, and the response fails to adequately address the seriousness of the issue. We urge IPIB staff to either obtain the necessary clarification or advance the complaint to a formal investigation.

IPIB 18AO:0008 establishes that, to satisfy the requirements of Iowa Code 22.7(11)(a)(5), government bodies must provide an explanation that includes specific details, such as the date(s) of the alleged behavior, the location, and how it was discovered. On January 14, 2025, the Sheriff's Office provided an additional disclosure as part of IPIB's informal resolution process, but this disclosure remains inadequate.

What has been disclosed to date

The document provided on January 14, 2025, is an unsigned statement on Mahaska County Sheriff's Office letterhead, which reads:

"On May 16, 2024, I became aware of a citizen complaint regarding your on-duty activity. The nature of this complaint was that you were involved in a 3 ½ year ongoing personal relationship with a citizen while on duty in Mahaska County. On the same date, I initiated a formal administrative investigation into this allegation which was assisted by an outside agency. The results of this investigation confirmed that you violated multiple standards of conduct, specifically those contained in Iowa Code 341A.11(1), (2), (4), and (7), the Mahaska County Employee Handbook grounds for discipline specified in (2), (4), (10), and (14), and the Mahaska County Sheriff's Office policies 1-3(2), 1-3(11), 1-3(22),

and 1-4(V). Prior to outlining the findings of this investigation with you, on May 29 you tendered your resignation which I accepted before final disciplinary action was taken.”

The Iowa Code subsections cited would dictate that the policies allegedly violated now-former Mahaska County Sheriff’s Deputy Jesse Sanders include:

- (1) Incompetency, inefficiency, or inattention to or dereliction of duty.
- (2) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, or any other act of omission or commission tending to injure the public, or any other willful failure to properly conduct oneself, or any willful violation of the provisions of this chapter or the rules to be adopted hereunder.
- (4) Dishonest, disgraceful, or prejudicial conduct.
- (7) Any other act or failure to act or to follow reasonable regulations prescribed by the sheriff which in the judgment of the commission is sufficient to show the offender to be unsuitable or unfit for employment.

The violations noted from the Mahaska County Employee Handbook include:

- (2) Violation of any lawful and reasonable County or departmental policy.
- (4) Absence from duty without permission, proper notice or satisfactory reason.
- (10) Incompetence, ineffectiveness or wastefulness in the performance of assigned duties.
- (14) Actions, including the use of social media, that embarrass disparage, or negatively impact the image and reputation of Mahaska County.

The violations noted from the Mahaska County Sheriff’s Office policies include:

- 1-3(2) It shall be the duty of each Deputy and employee of the Sheriff’s Office to thoroughly familiarize themselves with the contents of this manual. They shall especially carry out the duties prescribed for his/her command, grade, or position as contained herein and such other duties as may be prescribed by the Sheriff.
- 1-3(11) No member of the Sheriff’s Office shall take any leave of absence without first obtaining permission from the Sheriff or Chief Deputy.
- 1-3(22) Employees of the Office shall not appropriate for their own use, any lost, found, or stolen property, nor convert to his own use any property of the County of Mahaska, or property held by the Sheriff’s Office for evidence.
- 1-4(V) Absence without leave.

Previous documents released from policy sections bearing the title “DISCIPLINARY PENALTIES” highlighted the following:

- Absence without leave.

- Failure to properly patrol Mahaska County, unauthorized absence from an assignment, failure to respond to radio call.
- Unauthorized persons in patrol cars.

Is the disclosure sufficient?

When held against the text of Iowa Code 22.7(11)(a)(5), the cited IPIB Advisory Opinion, and the legislative intent of the subsection, it would be the Herald's position that the new disclosure remains insufficient for the Mahaska County Sheriff's Office to fulfill its duty to release the reasons and rationale for the resignation in lieu of termination of Mr. Sanders.

While the information released on January 14, 2025, following work with IPIB staff does improve on the disclosure, it still does not satisfactorily disclose the conduct which has led to Mr. Sanders' resignation in lieu of termination.

As it relates to an apparent "ongoing personal relationship with a citizen while on duty," the office has now released the date of which they became aware of the conduct; the means by which they were made aware of the conduct; and the approximate duration of the conduct.

While neither the law nor IPIB advisory opinion requires that the sheriff's office release every detail of the alleged conduct, the clear intent is that the disclosure provide enough detail that the public understands why this disciplinary action was taken. This is acknowledged in the cited IPIB advisory opinion, which states, in part, "The information released must include sufficient factual information to support and substantiate the action taken."

The new text released January 14, 2025, cites a "3 ½ year ongoing personal relationship with a citizen while on duty."

Presumably, many law enforcement officers are involved in ongoing personal relationships while on duty. Deputies surely are not barred from serving if they have close friends, or if they're romantically involved, engaged, or married to another individual who may or may not be a citizen of the community. It would seem impractical to not recognize that, from time-to-time, deputies may even take phone calls from loved ones while on duty, or perhaps enjoy a lunch break with loved ones.

The term "personal relationship" is both broad and ambiguous. It would be possible that the members of the Iowa Public Information Board when reviewing this case could each articulate unique definitions of a "personal relationship."

For the sake of argument and illustration, we can offer a couple of hypothetical situations. In one instance, an officer regularly meets with a close friend while on duty for a conversation in their squad car, but they've turned down their radio and miss a call assignment from the

dispatcher. In another scenario, an officer engages in sexual encounters while on duty in their squad car and provides the individual with some form of preferential treatment.

These are two very different situations that could be described as “ongoing personal relationships” and would check the boxes of the cited violations. However, these situations would likely be seen by the public as two very different degrees of improper conduct, and would also likely not be dealt with the same disciplinary action. In fact, the sheriff’s office’s policy manual’s disciplinary penalties section provides that first offense violations of their highlighted charges individually carry penalties ranging from a reprimand to 5 days of suspension. Only one of the charges, absence without leave, carries a potential penalty of dismissal and even then, that punishment is only offered on a third offense.

As a result of this ambiguity, the information is not sufficient factual information that supports and substantiates the action taken. Not only is the public still in the dark over what the Sheriff’s Office means by an “ongoing personal relationship,” they remain in the dark about how this kind of conduct could persist for more than three years apparently undetected and whether this deputy’s response to emergency calls was delayed as a result — potentially putting citizens in physical danger.

This disclosure also contains no details regarding the alleged violation of Sheriff’s Office policy 1-3(22), regarding employees of the office utilizing lost, found or stolen property in possession of the office for their own use, including property held for evidentiary purposes. An additional disclosure should be made detailing what transpired to lead to this policy violation. As it stands, the office has only provided a mere listing of the policy violation, which has been held as insufficient not only in the IPIB advisory opinion but by the IPIB staff in the context of their efforts to investigate and adjudicate this very case.

For the above reasons, The Herald opposes marking Complaint 24FC:0077 as resolved. The complaint should remain active, and we urge IPIB staff to continue working with the Mahaska County Sheriff’s Office to ensure sufficient disclosure. If the Sheriff’s Office fails to cooperate in that effort, the complaint should be advanced to a formal investigation.



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CC: Mahaska County Sheriff Russ Van Renterghem, Mahaska County Attorney Andrew Ritland