

# San Francisco Chronicle

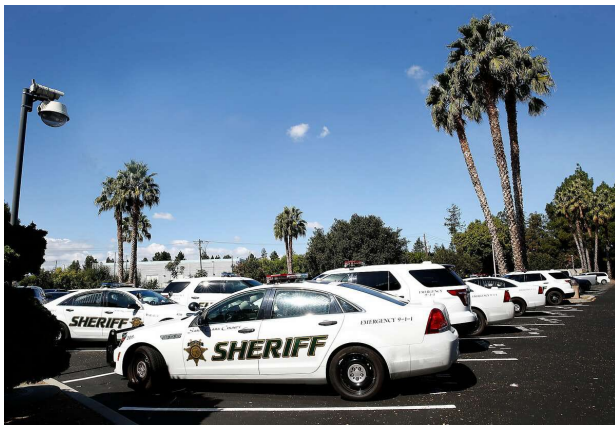
August 11, 2021

## Two Santa Clara supes want transparency, probes into how a man was critically injured in sheriff's custody during transport to jail

Sarah Ravani

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antiago Mejia, Staff / The Chronicle



Two Santa Clara County supervisors are demanding investigations into how a man in sheriff's custody was critically injured as he was being transported to the county jail, and they're seeking the public release of county records detailing the incident.

Supervisors Joseph Simitian and Otto Lee are asking their fellow board members to consider directing the county administration, county counsel, the Office of Correction and Law Enforcement Monitoring and any other relevant county department to release information on the case of Andrew Hogan, a mentally ill man who suffered a traumatic brain injury while in custody that left him unable to

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care for himself.

The county paid more than \$10 million to the Hogan's family in 2018. Hogan was critically injured during a ride in a sheriff's van to the jail. He was unrestrained in the van, left unattended and was bleeding from head injuries after the ride.

After he was transported to Valley Medical Center, doctors determined he was unable to care for himself and he was transferred to a long-term care facility. Hogan now lives with his family.

"I read the report, I have seen the video," Simitian told The Chronicle. "I found it deeply disturbing. I think the public has the right to see that same information."

The supervisors wrote their offices are unaware of whether any disciplinary action was taken against the officers involved in the incident.

Additionally, a referral they are introducing to the board for consideration asks that all records be turned over to the state Attorney General's office and Santa Clara County grand jury for investigation.

In the referral, the supervisors said the Santa Clara County jail has been "the scene of a series of tragic and costly incidents, sometimes without explanation, and without apparent accountability. Answers are few and far between."

The supervisors said efforts by the county's Office of Correction and Law Enforcement Monitoring, the county independent monitor and local news outlets to get public information from the Sheriff's Office on the incidents have been rebuffed by the Sheriff.

Simitian and Lee noted that there have been other "noteworthy" incidents in county jails.

In 2015, 31-year-old Michael Tyree spent the night in the Santa Clara County jail. That night, three sworn correctional officers beat him to death leaving his body soiled and battered inside his sixth-floor cell. The three officers were later convicted of murder, and the county settled his family's excessive force lawsuit for  
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\$3.6 million.

After the incident, the Board of Supervisors created the “Blue Ribbon Commission,” which in partnership with a dozen other agencies and organizations, wrote 623 recommendations for jail reform, according to the referral.

The recommendations and two judicial consent decrees cost the county about \$78 million annually and \$370 million in one-time funds to implement. The two supervisors who wrote the referral said there has been “demonstrably insufficient impact” in part due to two other incidents at the jail.

In 2019, another incident involving an inmate, Martin Nunez, occurred. Nunez has since filed a lawsuit against the county alleging that while in custody, he suffered psychiatric distress. Nunez ran head-first into the metal door of his cell and injured his cervical spine, the supervisors wrote.

The complaint also alleges that correctional officers moved Nunez in such a way that worsened his spinal injuries despite Nunez screaming in pain and telling officers he thought he might be paralyzed. The county has not yet settled the claim.

“We’ve been spending vast sums to try and make things right so when you have the tragic cases that we’ve seen, the extraordinary amounts of money, the terrible impacts it’s had on people’s lives and the seeming lack of accountability — at some point, you’ve got to say this has to stop and that’s where I am,” Simitian said.

The Board of Supervisors will vote on the directive on Aug. 17.

# The Mercury News

August 13, 2021

SANTA CLARA COUNTY

## Supervisors call for probe into jail management

Simitian, Lee seek release of sheriff records after \$10M abuse settlement

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**By Robert Salonga**

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**SAN JOSE »** Two Santa Clara County supervisors are calling for unprecedented outside scrutiny of the sheriff's office and the jails it operates, asserting the agency has stubbornly resisted oversight, including in cases of serious inmate injuries that exposed the county to millions of dollars in legal liability.

Supervisors Joseph Simitian and Otto Lee are requesting the public release of records in the case of Andrew Hogan, with the aim of prompting external investigations into the sheriff's office by both the state attorney general and a civil grand jury. Hogan was a mentally ill former inmate who was severely disabled after repeatedly injuring himself while riding unrestrained in a jail transport van.

In a referral submitted to the Board of Supervisors, Simitian and Lee ask the county counsel to release publicly a confidential investigative report on Hogan's case, as well as 4 ½ hours' worth of body camera and other audio-video recordings of deputies' response. The two supervisors are also asking the Office of County Law Enforcement Monitoring — the civilian overseer of the sheriff's office — to review any disciplinary action taken in the case.

This news organization reported Mon-

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# Jail

day that the county quietly paid \$10 million to Hogan's family last year to settle claims that deputies and jail staff failed to adequately supervise Hogan during a psychiatric crisis in August 2018.

The referral also seeks an update on an ongoing claim by former inmate Juan Martin Nunez, who alleges he became a quadruple-gig in August 2019 after he fell in his cell and injured his spine. Nunez claims that deputies ignored him when he cried out that he believed he was paralyzed and waited for more than 24 hours before summoning paramedics. County sources believe Nunez could receive a larger financial settlement than Hogan.

The liabilities are in addition to the at least \$450 mil-

lion the county has spent on jail reforms following the 2015 death of Michael Tyree in a county jail and a subsequent consent decree mandating the sheriff's office improve conditions in its jails.

Simitian and Lee are also asking that the records in the Hogan case be sent to the California attorney general's office for a probe of jail operations.

Also, the supervisors want the records to go to the county Superior Court's civil grand jury for an investigation of official misconduct. The civil grand jury has the unique authority to initiate the forced removal of a sitting sheriff.

"Bad things are happening in our jail, and they keep happening notwithstanding substantial commitments of public funds," Simitian said in an interview.

If the request is approved by a majority vote at the

changes that we have accomplished in this extensive jail reform" and that it continues to endure sharp staffing shortfalls. The statement also said the agency has requested a breakdown of the \$450 million figure from the county.

"The lack of transparency and oversight for this many years after the rec-ommendations is frankly quite shocking," said Lee, who served on the jail reform commission created after Tyree's death. "These are atrocious stories, unnecessary and costly, that just need to stop."

In their referral, Simitian and Lee state they are not aware of any discipline issued in the Hogan case — and imply that political maneuvering was a factor.

Specifically, they note that Amy Le, then the president of the county correctional officers union, was the watch commander at the Main Jail in San Jose

on the night Hogan arrived injured in 2018. Around the same time, the union endorsed and spent \$300,000 to support Sheriff Laurie Smith in the most contested reelection bid of Smith's career. Le was promoted to captain a few months after Smith was reelected.

"Coincidence alone is certainly not proof of causality," the referral states. "But in this instance the apparent coincidences merit further scrutiny."

In June 2019, Le was abruptly walked off the job and eventually retired after being accused of insubordination in a bizarre episode over the construction of a gazebo at the Elmwood jail in Milpitas. She claimed she was retaliated against for whistleblowing and sued the sheriff's office, alleging race, age and gender discrimination, and harassment.

Le said Tuesday that Hogan should never have been

transported and that medical attention should have been summoned directly to the jail where he was held.

"I'm very disappointed how this has come out insinuating it was my decision," Le said in an interview, adding, "If the sheriff truly loved me the way some people think, I would not get walked off the way I did."

The calls for external investigations into the jails come as the sheriff's office faces corruption allegations stemming from Smith's 2018 reelection bid. The co-treasurer of a fundraising committee, and a sheriff's captain and an undersheriff who were among Smith's close advisers, have been indicted on bribery charges alleging that they brokered the exchange of concealed-gun permits for political donations.

Contact Robert Salonga at 408-920-5002.

# The Mercury News

September 17, 2021

## Editorial

# *Hold the sheriff's office accountable for Hogan incident*

The Santa Clara County Sheriff's Office must be held accountable for its outrageous treatment of a mentally ill man, Andrew Hogan, who severely injured himself while being transported in jail custody on Aug. 25, 2018.

Hogan was permanently disabled by the injuries he suffered. The clear evidence of neglect by the sheriff's office resulted in the county agreeing to a \$10 million settlement with Hogan's family.

The Board of Supervisors on Tuesday released a previously confidential county counsel memo and a civilian auditor's report saying there was no explanation as to why an internal investigation into the incident was dropped.

Given the circumstances, that's inconceivable. It provides yet another reason for our repeated calls for Sheriff Laurie Smith to resign. When the Board of Supervisors unanimously approves a vote of no confidence in the sheriff, as they did Aug. 31, it's time for Smith to go.

The memo reveals that on Aug. 25, 2018, Hogan was transported from Elmwood to the Main Jail in San Jose after he was seen banging his head against a cell wall. During the 5-mile drive he repeatedly hit his head against the walls of the van.

According to the report, upon arrival at the Main Jail, a nurse called for an ambulance response for a major head injury. But a supervisor advised waiting for a hazmat-suited team to help Hogan because of the blood inside. Until then, Hogan "could do all the damage he wants," the unnamed supervisor said, according to an audio recording cited in both documents.

That kind of callous behavior screams out for further investigation to determine whether disciplinary action is warranted. So does the indication that jail staff "stood casually" as Hogan lapsed into unconsciousness.

But the auditor's report offers an indication that the sheriff's office may have had

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political motives for dropping the investigation. Amy Le was the lieutenant and watch commander when Hogan arrived at the Main Jail. That same year, Le was also the head of the correctional officers' union that backed Smith's 2018 reelection bid with financial and political support. Smith promoted Le after the sheriff won reelection. But Le clashed with the sheriff in 2019 over a privately funded gazebo at Elwood that ultimately led to Le's retirement and an ensuing lawsuit.

The Hogan incident was hardly the first time that Smith's leadership was called into question.

In 2016, jail guards fatally beat inmate Michael Tyree, who was bipolar. The county settled a lawsuit filed by Tyree's family for \$3.6 million, and three correctional officers were convicted of second-degree murder. In 2019, a mentally ill inmate, Juan Martin Nunez, was rendered a quadriplegic in an incident of alleged deputy inaction. Nunez

alleges the jail staff waited 24 hours before calling paramedics. Sources believe the payout for that incident could cost county taxpayers more than \$10 million. Yet county officials still do not have access to records in the Nunez case beyond what is in the public record.

If that wasn't bad enough, in 2020 the sheriff invoked her Fifth Amendment right against self-incrimination when appearing before a grand jury in a pay-to-play concealed weapons investigation involving her own office. Smith refused to answer questions under oath about whether she knew about corruption in her own office or was involved in it herself.

The sheriff has steadfastly refused to resign. That leaves it up to county officials to hold her office accountable. And it brings an even greater need for political and law enforcement leaders to provide voters a solid alternative if Smith runs for a seventh term in 2022.

Newly released documents indicate that Santa Clara County Sheriff Laurie Smith's office has provided no explanation for why an investigation into an incident involving Andrew Hogan was dropped.

ANDA CHU — STAFF ARCHIVES





August 13, 2021

# Simitian wants jail report released

**BY BRADEN CARTWRIGHT**  
Daily Post Staff Writer

Santa Clara Supervisor Joe Simitian is calling for new leadership of the sheriff's office and to uncloak legal documents and videos concerning a mentally ill inmate who was seriously injured while in jail custody.

Simitian is coming out hard against Sheriff Laurie Smith and her opera-

tion of the jails, which he says have been the scene of a series of tragic and costly incidents, without accountability or explanation.

He is calling for the release of a 19-page report written by county lawyers about the case of Andrew Hogan, a mentally ill man who suffered a brain injury while in custody in August of

**"I found the report and the video as disturbing as anything I have seen or read in my 30-year career as a public official."**

County Supervisor Joe Simitian

## JAIL

2018. The county paid \$10 million last year to settle the case but kept the report about the case confidential. Simitian watched 38 video and audio recordings from the case, which amount to over four hours of content, when he voted to settle. The report and videos are usually kept confidential in a civil suit, but Simitian said the public should see them so they can make an informed vote in next year's race for sheriff.

"I found the report and the video as disturbing as anything I have seen or read in my 30-year career as a public official," he said.

He is presenting seven other ideas to improve transparency to the Santa Clara County Board of Supervisors for a vote on Tuesday.

"It has become painfully clear that there needs to be a change in management and leadership and organizational culture," he said.

Simitian recruited Supervisor Otto Lee to co-endorse the changes. Lee served on a blue-ribbon commission after three officers beat inmate Michael Tyree to death in August of 2015, resulting in a \$3.5 million settlement and three murder convictions.

The Board of Supervisors has limited authority over Smith because she is an elected official, so Simitian is asking his colleagues to refer the matters to other legal bodies that can provide oversight: the Office of the Attorney General, the Fair Political Practices Commission and the Office of Correction and Law Enforcement Monitoring.

Hogan, 27, was awaiting transfer in the back of a van, with his arms and legs restrained by shackles but no seatbelt. He battered his head against the metal grating until he fell unconscious, and he was then left unattended and bleeding, his family said.

It wasn't the only instance of a mentally ill patient claiming he was injured in custody and suing the county.

Simitian is also looking to release information about a lawsuit against the county from Martin Nunez. In psychiatric distress, Nunez ran head first into the metal door of his cell and injured his spine in August 2019. His complaint filed in January said he was left in his cell for an extended period of time, and officers moved him roughly, exacerbating his spinal injuries despite his screams. He still requires "substantial ongoing care" for his injuries, and his claim against the county is unresolved.

### Sheriff calls for mental health treatment

Sheriff Laurie Smith responded in a statement shared by a spokesman.

"These incidents were tragic and the impact to them and their families cannot be understated," she said. "Both were in custody for minor charges and should have been placed in treatment facilities, not a jail. I have long been a proponent of mental health treatment for individuals suffering from mental illness, not incarcerating them in a jail environment."

Facilities have been improved for those with disabilities and modified with suicide prevention construction, she said.

The jail is severely understaffed, making it difficult to operate in a safe and secure manner, she said. The sheriff's office was reduced by 266 positions since 2019.

Simitian said the issues at the jail are not from a lack of funding or resources. The department of corrections had a \$160 million budget in 2012 and a \$232 million budget this year.

Smith, 69, began her career with the sheriff's office in 1973. She was elected in 1998 and re-elected five times since. She took over operation of the jail in 2010.

Smith has not announced she is running next year. Simitian said only one candidate, Sgt. Christine Nagaye, has announced she will challenge Smith, and she faces an uphill battle.



# SFGATE

August 31, 2021

## Supes Unanimously Approve No Confidence Vote For Sheriff

By Jana Kadah

Santa Clara County Supervisor Joe Simitian asked his colleagues to sincerely reflect and answer this question: "Does our board believe it can have confidence in the administration of the sheriff's department by current incumbent Sheriff Laurie Smith?"

The answer, through an unanimous vote by the Board of Supervisors on Tuesday, was no.

The vote of no confidence, while symbolically quite powerful, does not have any authority to force the six-term sheriff out of office, but it sends a message to the public that Smith, whose budget is controlled by the board, does not have their support or belief that she can ethically, faithfully and effectively perform her duties of the role.

"If we do not share what we know and communicate with the public, the public cannot hold their elected officials accountable," said Simitian, who co-authored the resolution.

The call of no confidence comes after what supervisors allege to be 23 years of jail mismanagement, sluggish reforms and several scandals which have resulted in millions of dollars in settlements, death and serious injuries of inmates, inhumane living conditions for those in county custody and a grave lack of transparency.

Supervisors Susan Ellenberg and Simitian detailed Smith's wrongdoings in a seven-page memo and pointed to 37 different elements to justify a vote of no confidence.

It's a memo Smith said was riddled with false accusations and misleading information.

While Smith maintained she has some blame and responsibility for jail conditions, her accusatory tone indicated that systemic problems in mental health services and the criminal legal system were unfairly placed on her.

"You tasked me with being your bandaid and now you're placing blame and not taking

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responsibility," Smith said to the board ahead of the vote.

In her opinion, most of the mismanagement and horrible conditions were the fault of the Board of Supervisors and their "inaction or inability to know" how to address such systemic issues.

Smith said at least a quarter of the county's jail population were those with mental health problems and emphasized they were thrown in jail by the District Attorney's Office because no other alternatives exist.

"Currently, we have 47 people in custody who will stay in jail until a treatment bed becomes available. This is a low number, sometimes that number is as many as 100," Smith said.

She pointed to a 2018 study by the California Hospital Association that found, of the nine counties with 1 million-plus population, Santa Clara County had the third-lowest number of acute care inpatient beds per 100,000 residents.

"How do you expect us to deal with people with mental health illness in the criminal justice system when we do not have alternatives?" Smith asked the board. "You (the board) are responsible first in acknowledging there's a problem and then understanding that you must deal with the problem. It's a public health crisis, not a criminal justice crisis."

She instead threw her support behind reinvesting funding sources into building a new psychiatric hospital or mental health facility instead of a new jail -- a call echoed by many of the same coalitions, social justice organizations and residents who spoke during public comment who ironically also supported the vote of no confidence.

"If you don't address the real problem here of mental health, we do need a new jail, but enough is enough," Smith said. "The estimate for a new jail is a staggering amount of \$390 million for 535 beds. Do not build a jail."

Smith said the \$390 million could instead build 960 beds in a psychiatric hospital that the county desperately needs.

The call was a stark contrast to Smith's support for a new jail two weeks ago at a news conference she held after San Jose Mayor Sam Liccardo called for her resignation.

Despite the shift, Simitian called Smith's calls to address the mental health crisis in the county to be disingenuous.

"I am disappointed and frankly somewhat offended by the fact that folks with such great need would be used in a way to conflate and confuse the issue ... in an effort to divert and deflect and deny responsibility," Simitian said.

He continued that while Smith's read on mental health services, or lack thereof, is correct, it is not an excuse for the case of mentally ill resident Michael Tyree, who was beaten to death by three officers while in county custody, "and that our county taxpayers were obliged to approve a \$3.6

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million settlement, presumably because there was negligence and liability on the part of the institution."

Simitian also pointed to a couple of scandals the sheriff is allegedly involved in, including pay-to-play allegations that gun permits were provided to those who contributed to her campaign, and a scheme to evade the provisions of the Political Reform Act involving tickets at the Shark Tank at the SAP Center.

"It is not a mental health issue that a member of the sheriff's own department testified under oath at a criminal grand jury hearing of (the Shark Tank) scheme," Simitian said. "It is not a mental health issue that three people have already pled guilty to participating in a contributions-for-gun-permit scheme, as is documented in the resolution."

And Smith's "repeated and widespread refusal" to participate and testify during investigations of the scandal is also not a reflection of systemic issues, Simitian said.

Part of the no confidence vote also outlines a retirement and succession plan for Smith -- a last minute addition by Supervisor Otto Lee that was opposed by Smith.

"There's serious significant contributions from our Sheriff having worked with us for 47 years and I think that needs to be recognized," Lee said.

A well-planned transition from Smith to her successor would also "minimize the interruptions, animosity, and enhance the continual building relationships and instill trust," Lee's memo read. The no confidence vote comes two weeks after the board unanimously approved local, state and federal investigations of the Sheriff's Office. If those investigations reveal any illegal activity, that is how the sheriff can lose her position.

In response, a confident Smith said to bring on the investigations because it would clear her name. Simitian said it can take three to four years before investigations reveal any wrongdoing, which is why the board took this vote Tuesday.

Until then, Smith's term is expected to end December 2022.

September 14, 2021

## **Santa Clara County wants to know who quashed jail investigation**

by **Eli Wolfe**

SEPTEMBER 14, 2021



Santa Clara County Sheriff Laurie Smith speaks with other personnel at the Sheriff's Office in the aftermath of the May 26 shooting at a VTA light rail yard. Photo by Vicente Vera.

Santa Clara County officials have charged a law enforcement watchdog with finding answers to two questions: Who halted an internal affairs investigation into the injury of an inmate at the jail, and why.

During Tuesday's Board of Supervisors meeting, Supervisor Joe Simitian drilled the Office of Correction and Law Enforcement Monitoring on the main objective of its investigation of the Santa Clara County Sheriff's Office and its leader, Sheriff Laurie Smith.

"There's a rather obvious pair of questions here, colleagues: who authorized the suppression of the internal affairs investigation and for what reason?" Simitian said. "Those are the two questions I think we need to get an answer to."

Simitian was addressing a report recently produced by the independent monitor on circumstances surrounding the case of Andrew Hogan, a mentally ill inmate who suffered a severe head injury during transport between jail facilities in 2018.

The board threw its support behind Simitian's referral from a month ago requesting investigations of the sheriff's office by federal and state law enforcement over alleged mismanagement of the jail system. The board also recently also voted no confidence in the sheriff.

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Santa Clara County Sheriff Laurie Smith speaks at a news conference on Aug. 17. Photo by Tran Nguyen.

The sheriff's office launched an internal affairs investigation of the circumstances surrounding the incident shortly after it happened. But the investigation was halted weeks later, said County Counsel James Williams.

Simitian strongly hinted he believes Smith is responsible for closing the internal affairs investigation, and that the motives were political. He said one of the individuals being investigated was an officer with a correctional officers association who helped raise hundreds of thousands of dollars for Smith's reelection campaign in November 2018.

"The election is completed in the first week of November, and in the first couple weeks of December, the internal affairs investigation is mysteriously called to a halt," Simitian said. The item ended after Simitian was satisfied the investigators had clear direction on the scope of their inquiry.

Williams told Simitian the investigation could have been initiated and ended by Smith or someone she designated with that authority. But neither he nor Michael Gennaco, project manager of the Office of Correction and Law Enforcement Monitoring, could answer Simitian's two most pressing questions.

Gennaco said in the thousands of investigations he's performed in his 20-year career, it's rare to see internal affairs investigations closed without findings.

"To close an investigation without a completion of the fact-gathering process and the review process in itself is highly irregular," Gennaco said. He said he plans to subpoena the sheriff's office for records of the internal investigation that are being withheld.

Smith, who did not appear at the meeting, previously told San José Spotlight that subpoenaing the information is the appropriate avenue for the monitor. But she was not without her defenders. Brian Hedley, who works with Paula Canny, the attorney who represents the Hogan family, condemned the board's actions.

"It is shameful to use the Hogan case as a sword against Sheriff Smith now, when for the past three years you would not give the Hogans or the issue of mass incarceration for mentally ill people the time of day," Hedley said. "You are still engaged in Machiavellian machinations to attack the sheriff instead of really addressing the issue of the insanity of placing mentally ill people in jail

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instead of hospitals. You all should be ashamed—we are not fooled.”

The Hogan case plays a central role in the broad inquiry Simitian initiated last month into Smith’s office. Hogan received a \$10 million settlement from the county for alleged negligence—a record for this kind of case, according to Williams.

“There certainly has not been a case of that size in my tenure,” Williams said. “I don’t believe there’s been one in that range for quite some time, if ever, in the county’s history.”

Supervisor Susan Ellenberg said the lack of training doesn’t absolve the correctional officers who allegedly neglected Hogan. But she noted that blame rests on many shoulders.

“The Board of Supervisors is ultimately responsible for providing services and resources for people in our county who are struggling with a wide variety of issues,” Ellenberg said, adding the county needs to focus on ways to reduce the jail population and improve access to services for vulnerable inmates. “We must ensure that people who come into contact with the criminal legal system are not met with the horrific treatment with which Andrew Hogan was met.”

# The Mercury News

November 4, 2022

SANTA CLARA COUNTY

## Ex-sheriff found guilty of corruption

Smith convicted on all six civil counts; DA says she still could face criminal charges

By Robert Salonga  
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**SAN JOSE** » A jury reached guilty verdicts on all counts in the civil corruption trial of now former Santa Clara County Sheriff Laurie Smith, capping a monthlong trial that Smith sought to upend with her abrupt resignation from

office, though a judge ultimately ordered the case to continue. The six guilty verdicts were delivered Thursday afternoon and came at the end of juror deliberations that began Oct. 28.

Smith, who was originally elected in 1998, was on trial for accusations of corruption and willful misconduct filed by the



Smith

county civil grand jury last year. The grand jury alleged that she illicitly steered concealed carry weapons and permits to donors and supporters, and undermined state gift-reporting laws, and stifled a civilian auditor's probe into a high-profile jail-injury case.

It was a dramatic denouement

for the state's first female sheriff once considered among the county's most popular politicians but more recently a magnet for charges of corruption and mismanagement. Smith could be seen wiping away tears after the verdict was read, and at one point a man working with her defense team grabbed tissues to give to her. She left the courtroom clad in a face mask and sunglasses.

Neither Smith nor her attorney Allen Ruby offered any comment

outside the courtroom at the Old Courthouse in downtown San Jose following the verdict. San Francisco Assistant District Attorney Gabriel Markoff, who prosecuted the case because the county declared a conflict, also declined to comment.

It remains unclear what legal effect, if any, a guilty verdict could have on Smith because she already has stepped down. Undersheriff Ken Binder was in-

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# Sheriff

stalled as interim sheriff after Smith's abrupt retirement this week, and a permanent successor will be selected by voters Tuesday in a race between retired sheriff's captain Kevin Jensen and retired Palo Alto police chief and former Los Angeles County sheriff's captain Robert "Bob" Jensen.

Binder said in a statement Thursday that his office respects the jury's decision and that "the actions of a few people are not a reflection of the great work that our deputies do every day. The men and women of the Sheriff's Office are looking forward to new beginnings, with the sheriff election coming up next week."

Smith will return to court Nov. 16 when San Mateo County Superior Court Judge Nancy Fineman — presiding over the trial be-

cause the local judiciary recused itself — is likely to issue the formal removal order for Smith.

The only other instance in which a public official in Santa Clara County was taken to trial based on a civil corruption accusation came in 2002 when then-Mountain View council member Mario Ambra was ousted after a jury found him guilty of one count of misconduct, based on accusations he ordered city employees to do favors for him in violation of the city charter.

The trial jury, an ethnically diverse assembly of six men and six women, was impaneled in late September and heard from more than 40 witnesses throughout the month of October.

Much of the trial retraced the crux of separate criminal bribery indictments against two of her trusted advisers, former undersheriff Rick Sung and Capt. James Jensen, regarding the sheriff's of-

ice CCW issuing practices. Sung quietly retired last month. Smith to date has avoided criminal prosecution, after she invoked her Fifth Amendment rights in refusing to testify to a criminal grand jury panel.

District Attorney Jeff Rosen praised Thursday's verdict and thanked Markoff for his work on the trial, which relied heavily on the criminal investigations by Rosen's office.

"We're gratified that the jury considered the evidence from our comprehensive and detailed investigation and found all the allegations against the sheriff to be true," he said. "I want to emphasize this is a very sad day when a law-enforcement leader has been found to have committed terrible misconduct."

Rosen said it's still possible that Smith could face criminal charges but insisted that decision would not be influenced by the outcome of the civil trial.

The criminal trials

"will occur in the next few months," Rosen said. "There may be evidence that comes to light from those trials which leads to further indictments against others, including the sheriff. ... We'll see. The investigation continues."

Two of the civil corruption counts accused Smith and her office of prioritizing high-profile figures and political supporters by fast-tracking their applications for concealed gun permits while ignoring ordinary residents and flouting statutory response deadlines. Three counts alleged Smith illegally accepted the use of a San Jose Sharks luxury suite from a donor and gun permit recipient, then disguised it by buying cheaper tickets to the same game.

The last count, which alleged willful misconduct, accused Smith of withholding information from a county law enforcement monitor's probe into the case of former jail inmate Andrew Hogan, who in

2018 severely injured himself in a jail-transport van during a psychiatric emergency and whose family later received a \$10 million county settlement.

Monday, on the second day of jury deliberations, Smith resigned via a one-sentence letter sent to the clerk of the Board of Supervisors, which laid the groundwork for the current trial with a literal agenda of criticism and calls for outside investigations into Smith's management and operation of the county jails. That scrutiny included a no-confidence vote and led to promised investigation by the state Attorney General and the now-fateful investigation by the county civil grand jury.

Hours after she resigned, Ruby asked Fineman to dismiss the case, given that the sole penalty of a guilty verdict, removal from office, was now off the table. Fineman ultimately rejected Ruby's dismissal motion, stating that a res-

ignation is not the equivalent of removal from office through the court process.

"Eventually, the system worked," county Supervisor Joe Simitian, one of Smith's chief critics, said Thursday.

Still, Smith was not without her defenders Thursday. Richard Alexander, an attorney who has practiced in the Bay Area for several decades, asserts that the jury would have decided differently had they gotten a look at emails between Smith and county counsel attorneys he says would have been exculpatory but were excluded from trial because they were deemed privileged correspondence.

"The verdict would have been different. And these are not felonies. They are minor transgressions that nobody should prosecute," Alexander said. "This woman has had a brilliant career. ... This isn't over. This will be reviewed on appeal, and she will be vindicated."