

Civilian Oversight of Law Enforcement

Overview

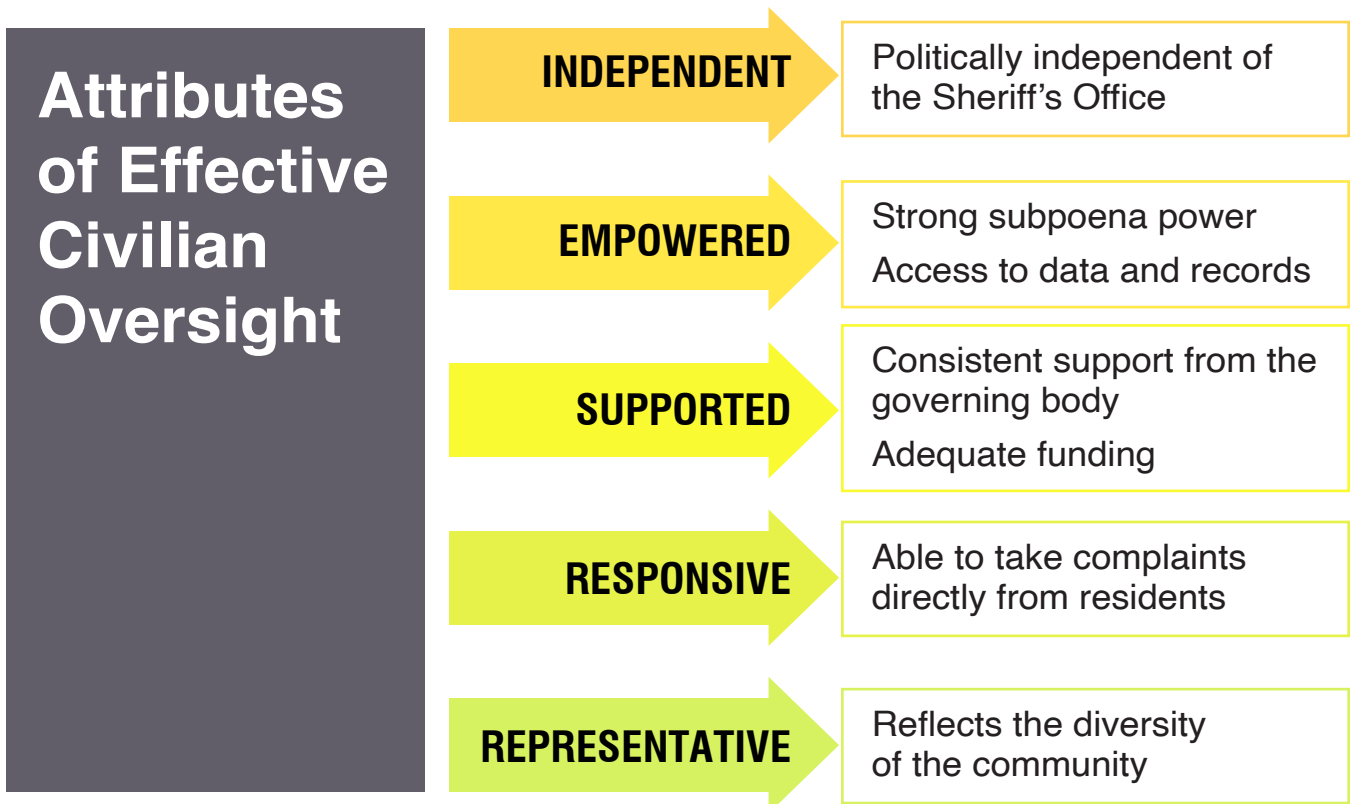
Civilian oversight is a common sense, good government approach to promote fiscal responsibility, transparency, and accountability, and to help the public better understand local law enforcement. It supports public safety by offering input from the public, recognizing community concerns about the disparate impact of policing in historically marginalized communities, and working with local law enforcement to make the community safe for all residents. This brief synopsis provides a summary of some of the key characteristics of oversight in other jurisdictions, with a special focus on California counties.

“If we can stand up a program of meaningful civilian oversight, we can help restore trust and confidence in law enforcement.”

— Santa Clara County Supervisor
Joe Simitian, [The San Mateo Daily Journal](#), 10/18/21

Requirements for Effective Oversight¹

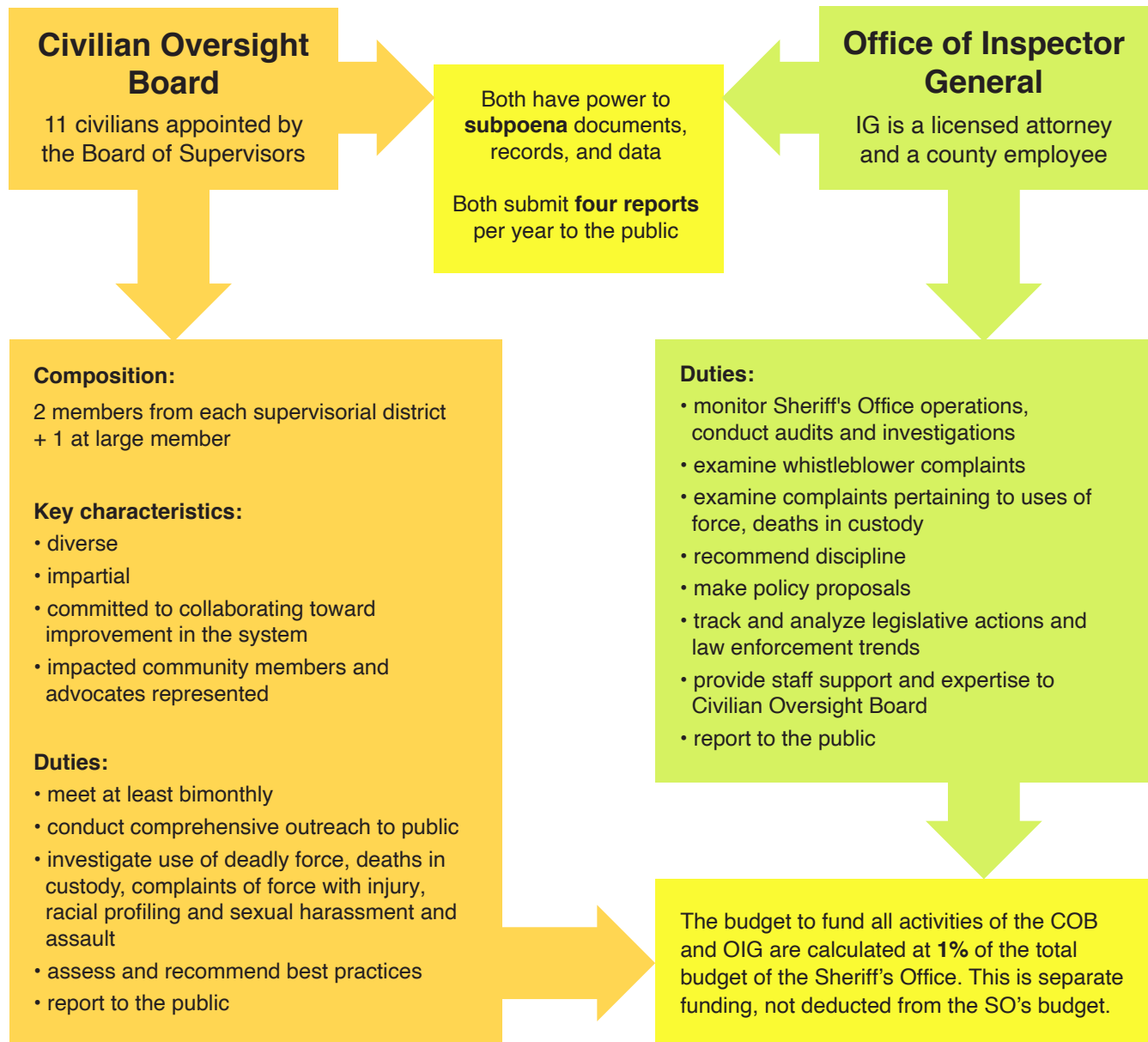
To be effective, oversight must be independent, legally empowered, well-supported, and responsive to and representative of the community:



Fixin' SMC Proposal for Oversight of San Mateo County Sheriff's Office

The [draft ordinance](#) proposed by FxSMC includes a Civilian Oversight Board and an Inspector General, both with the power to subpoena data and records:

Oversight Structure



Other Jurisdictions

Santa Clara County

Santa Clara's Office of Correction and Law Enforcement Monitoring (OCLEM) works closely with a civilian commission, the Community Correction and Law Enforcement Monitoring Committee (CCLEM). These two organizations work together to investigate complaints, recommend disciplinary action and suggest best practices for law enforcement. OLCLEM is staffed by the outside contractor [OIR Group](#) and holds the majority of investigative power. The diverse civilian committee serves as an advisory body to OCLEM through review of current policies and outreach to community members.

Sonoma County

Sonoma County began the process of developing its Independent Office of Law Enforcement Review and Outreach ([IOLERO](#)) in 2015 in the wake of the tragic shooting death of 13-year-old Andy Lopez by a Sonoma County Sheriff's Deputy. The agency was able to both expand its powers in 2020 with overwhelming voter support and reach an agreement that satisfied labor unions in 2022. IOLERO consists of an Inspector General as well as a Community Advisory Council of diverse backgrounds. Members cannot have served in law enforcement for at least three years before appointment. Duties of IOLERO include: investigating complaints, use-of-force incidents and illegal conduct. It also looks for potential bias in officer conduct, recommends policies and discipline, and engages in community outreach. **Budget:** minimum 1% of Sheriff's Budget.

Sacramento County

Sacramento County initiated sheriff oversight in 2015 and strengthened it in 2018 following Mikel McIntyre's death after deputies fired 28 shots at him on a freeway, and further strengthened by the Board of Supervisors in 2021. The County has an [Inspector General](#) and [Community Review Commission](#), both with subpoena power. Two members are appointed by each of the five supervisors and one by the County Executive. The Inspector General reviews policies, audits investigative and disciplinary practices and investigates complaints, uses of force, and deaths in custody. The Commission provides reviews of community complaints, analyzes and solicits public input on Sheriff's Department policies, and acts as a bridge to the community.

Los Angeles County

The Los Angeles County Supervisor first created a Civilian Oversight Commission in 2014. In 2020, LA voters passed a ballot measure that enhanced the Commission's powers (including subpoena power) with 72% of the vote. Five members are appointed by supervisors, and 4

are at large selections from impacted community groups. In the model of oversight used by Los Angeles, the Civilian Oversight Commission is responsible for community engagement, facilitates transparency, and provides analysis of policies and practices but does not investigate complaints. The Inspector General investigates use of force, officer-involved shootings, jail conditions, and racial disparity trends. **Budget:** \$8.6M.

San Francisco County

The City of San Francisco has a well-established police oversight system; no such structure existed for the corresponding County Sheriff's Department until Supervisor Walton proposed and voters overwhelmingly approved a charter amendment in November 2020. Once fully staffed, the Sheriff's Department Oversight Board (SDOB) will appoint an Inspector General. Both have subpoena power and issue quarterly reports. Four of the SDOB's members are appointed by the Board of Supervisors and three by the Mayor. The Board's functions include evaluating the Inspector General's work, assessing and recommending best practices, and community outreach. The Inspector General's duties include investigating complaints and in-custody deaths, monitoring operations, making discipline and policy recommendations, and conducting trend analysis. **Budget:** one staff investigator for every 100 deputies.

San Diego County

San Diego County voters established the Citizens' Law Enforcement Review Board ([CLERB](#)) in 1990 to independently receive and investigate citizen complaints against deputies and probation officers. CLERB's members are appointed by the Board of Supervisors. Members must not be peace officers, and they cannot be affiliated with the Sheriff, Probation or the County. CLERB meets monthly to investigate complaints of misconduct by current Sheriff deputies or probation staff. CLERB members discuss the investigations and decide by majority vote whether an allegation is sustained, not sustained, unfounded, or the action taken was justified. Their work is supported by an executive officer and a team of investigators. **Budget:** \$1.5M in 2021.

Orange County

The Office of Independent Review ([OIR](#)) was established in 2008 following the widely-publicized beating death of Jason Gomez while in custody in the Orange County Jail. In 2015, the OIR's authority was expanded to include oversight of the Offices of the Sheriff-Coroner, Probation, District Attorney, Public Defender, and Social Services. The OIR investigates both individual incidents and systemic issues and includes reviews of in-custody deaths, complaints about use of force, discrimination, sexual harassment, obstruction of justice, and other misconduct. **Budget:** \$1.1M.

Comparison of county oversight structures in California

County	Year operational	Supoena power	Inspector General	IG is county employee	Civilian oversight board	Board members
Santa Clara	2020	✓	✓	X	✓	9
Sonoma	2015	✓	✓	✓	✓	11
Sacramento	2015	✓	✓	X	✓	11
Los Angeles	2014	✓	✓	✓	✓	9
San Francisco	2021	✓	✓	✓	✓	7
San Diego	1990	✓	X	X	✓	11
Orange	2008	✓	✓	X	X	-

Conclusion

Civilian oversight is a well-established and increasingly common tool to maintain checks and balances and establish transparency in law enforcement. Communities that have adopted oversight have found it so successful that many continue to strengthen it over time.

Oversight provides greatly needed transparency and accountability, but is not a panacea for every issue that arises in a law enforcement agency. The Sheriff is a constitutional office, elected by and accountable to the voters. Oversight can recommend, but cannot require, Sheriff policy nor impose discipline. The Public Safety Officers Procedural Bill of Rights Act (POBAR), local collective bargaining agreements, and other legal restrictions act as constraints on oversight bodies' authority. Inadequate budgets and uncooperative sheriffs are a challenge in some jurisdictions, although San Mateo County benefits from an incoming Sheriff who is a champion of transparency and good governance.

While no system will fix every problem associated with law enforcement, the need for oversight in San Mateo County is urgent; demonstrated through multiple deaths of unarmed civilians and publically released data that suggests racial profiling. The absence of oversight is a breeding ground for law enforcement transgressions, lack of transparency and accountability, and profound distrust.

- In 2018 [Chinedu Okobi](#), an unarmed Black man, was killed when Sheriff's deputies in Millbrae deployed their Tasers at him seven times. Despite immense public outcry, none of the deputies involved faced charges.
- In 2020, the Sheriff's Office secretly contracted with Clearview AI to conduct [thousands of facial recognition searches](#) without keeping records, in violation of its own policies.

- In 2021, the Sheriff’s Office contracted with Smart Communications in Florida to process [personal mail](#) to incarcerated people, who can no longer receive paper personal mail. Families are required to mail letters, birthday cards, and photos to Florida to be scanned; they are then viewed on shared tablets at the jail, depriving incarcerated people of a personal connection with their children and families.
- The Sheriff currently is [under investigation](#) for sending four deputies to Indiana to raid a business, seize assets, arrest the shop owner, and freeze his bank account, allegedly as a favor to a wealthy donor to the Sheriff’s campaign. Strong, independent oversight could have been invaluable in this situation, by offering the public credible assurance that it was a legitimate law enforcement operation or affirming the impropriety of the Sheriff’s actions.

In these moments, oversight could have positively impacted investigative rigor, transparency, and public trust.

Civilian oversight benefits not just the community at large but law enforcement as well. “In increasing numbers, police chiefs, sheriffs and government officials are recognizing that oversight is not about bad cops, but about good government.”² They are appreciating that oversight can lend crucial validation to internal investigations of misconduct. Moreover, “professional civilian oversight of law enforcement agencies can transform organizational culture in a positive way,” as a means to “regain legitimacy, boost morale, increase the hiring of diverse candidates and improve public safety.”³

The trend toward the implementation of Sheriff oversight is gaining momentum across the region. San Mateo County joins Santa Cruz, Marin and Monterey Counties, in conducting thorough analyses of how to create effective oversight in their communities.

At its best, oversight and law enforcement work in concert toward the common good:
“We appreciate the mission of the [Citizens Law Enforcement Review Board] and look forward to continuing to support our mutual goal of instilling trust between the Sheriff’s Department and the communities we serve.”

—San Diego Sheriff’s Department News Release 2/14/2022

Congresswoman Anna Eshoo says it best: “The people of San Mateo County deserve the best law enforcement. The efforts of Fixin’ San Mateo County to establish a Civilian Oversight Commission and Inspector General with subpoena power for the Sheriff’s Office will ensure transparency and accountability for citizens. I support the initiative and look forward to its implementation.”

Endnotes

1 <https://www.nacole.org/principles>

2 <https://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1755&context=plr>

3 <https://www.policechiefmagazine.org/can-professional-civilian-oversight-improve-community-police-relations/>