

## **Proposed FxSMC Ordinance for Oversight of the SMC Sheriff's Office for the Creation of a Civilian Oversight Board and Office of the Inspector General**

Boards of supervisors are required to supervise the official conduct of all county officers and ensure that they faithfully perform their duties. In order to assist boards of supervisors with these duties as they relate to the sheriff, California Government Code Section 25303, *et seq.* (as amended by Assembly Bill ("AB") 1185) authorizes boards of supervisors to establish a civilian oversight board and inspector general office, both with the power to issue subpoenas.

Civilian oversight is intended to promote good government and fiscal responsibility, increase law enforcement transparency and accountability, support effective and lawful policing and corrections, to facilitate complete, impartial administrative investigations, and to aid in the Board of Supervisors' supervisory responsibility without interfering with the Sheriff's Office's criminal investigative functions.

To accomplish these aims and to build the public trust in county government and the San Mateo County Sheriff's Office (the "Sheriff's Office"), and in accordance with California Government Code Section 25303.7 (AB 1185), the County of San Mateo establishes an independent Civilian Oversight Board and an Office of Inspector General, both with the power to issue subpoenas.

### **1) Sheriff's Civilian Oversight Board**

#### **a) Establishment**

Pursuant to Section 25303.7 of the California Government Code (AB 1185), an independent Sheriff's Office Civilian Oversight Board ("COB") is hereby established. The COB is not associated with, or part of, the Sheriff's Office.

#### **b) COB Membership**

- i) The Board of Supervisors shall appoint the members of the COB. The Board of Supervisors shall also appoint the Chair of the COB.
- ii) COB Members will reside in the County and represent the demographics and diversity of perspectives of the population of San Mateo County including but not limited to racial, ethnic, linguistic, cultural, immigration status, age, gender, sexual orientation, socio-economic, and geographic diversity, and include people impacted by policing, the criminal justice system, and incarceration (including the jail). COB members will not be current members of law enforcement.

#### **c) COB Powers and Duties.**

The COB shall:

- (1) Conduct community outreach and receive community input regarding Sheriff's Office patrol and jail operations, by holding public meetings and

receiving input from the community, and provide feedback and recommendations based on community outreach to the Sheriff's Office and/or the Board of Supervisors.

- (2) Have subpoena power to question witnesses and demand documents and authority to independently investigate issues.
- (3) Prepare and submit public reports regarding its outreach, findings, and recommendations.

## **2) Office of Inspector General**

### **a) Establishment**

Pursuant to Section 25303.7 of the California Government Code (AB 1185), an independent Office of Inspector General ("OIG") is hereby established. The OIG shall be headed by the Inspector General appointed by the Board of Supervisors.

### **b) OIG Powers and Duties**

#### **i) The OIG shall:**

- (1) Receive and review complaints and investigate issues, including, but not limited to use of force, deaths in custody, constitutional and civil rights violations, matters of public concern, and allegations of misconduct against persons working for, or on behalf of, the Sheriff's Office, including but not limited to bias, racial profiling, use of force, sexual harassment/assault, dishonesty, or abuse of power. The OIG shall have subpoena power to question witnesses and demand documents and authority to independently investigate issues. The OIG shall refer evidence of alleged criminal misconduct to the District Attorney.
- (2) Monitor the Sheriff's Office's operations, including the provision of services to incarcerated individuals, through audits and investigations, to ensure compliance with applicable laws and policies.
- (3) Advise if investigations conducted by, or on behalf of the Sheriff's Office appear incomplete, biased or otherwise deficient and recommend further review as deemed necessary.
- (4) Analyze racial profiling data and trends.
- (5) Assess and make periodic recommendations regarding the Sheriff's Office's policies and practices and legislative actions and law enforcement audit trends.

iii) Nothing in this Section is intended to or shall be interpreted to abrogate, interfere with, or obstruct the independent and constitutionally and statutorily designated duties of the Sheriff's Office.

### **3) Coordination and Cooperation; Public Reporting**

The COB and OIG will develop written agreements and protocols to coordinate with each other and the Sheriff's Office, and will ensure transparency by regularly reporting their findings and recommendations publicly.

### **4) Budget**

The annual budget of the COB and OIG shall be set at a minimum of 1% of the total annual budget of the Sheriff's Office. This allocation should not reduce the Sheriff's Office budget. The budget must be sufficient to allow the COB and OIG to effectively do its work.

### **5) Implementation**

On or before enactment of this Ordinance, the Board of Supervisors will form a subcommittee of stakeholders including community groups to work expeditiously to develop the operational and administrative details, including the selection of the COB and OIG, staffing, policies and procedures. The subcommittee will complete its work within 6 months of passage of this ordinance.