

PUBLIC PROTECTION COMMITTEE

Alameda County Board of Supervisors



Wendy Still

Special Advisor to the Public Protection Committee

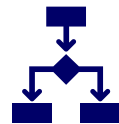
Agenda



Today's Objective



**Overview of AB 1185
Efforts To Date**



**Draft Ordinance Decision
Points**



Questions

TODAY'S OBJECTIVE

- To provide the Public Protection Committee with an update on activities conducted to date related to the potential establishment of a Sheriff's Oversight Board and/or Office of the Inspector General
- To obtain the Public Protection Committee's feedback on decision points requiring further direction



AB 1185: **COUNTY BOARD OF SUPERVISORS –** **SHERIFF'S OVERSIGHT**

- Authorizes each of the 58 California counties,
- Either by board of supervisor action or vote of county residents,
- To create civilian oversight bodies over their elected sheriffs, and
- To vest them with the power of subpoena.



OVERVIEW OF AB 1185 EFFORTS TO DATE

- **Collaboration & Information Gathering Strategy**
 - **Meetings:**
 - ✓ Community Outreach & Engagement
 - ✓ External Stakeholder & Focus Groups
 - ✓ Academia & National Experts
 - ✓ Jurisdictions with Existing Oversight Bodies
 - Community Surveys & Public Comments
 - Use of Technology to Enhance Communication & Outreach
 - Educational Seminar & Resources
 - Research & Analysis



COLLABORATION & INFORMATION GATHERING MEETINGS

- **Virtual Community Engagement Meetings**
 - December 2021
(3 Meetings – all 5 Districts)
 - January 2022
(3 Meetings – all 5 Districts)
- **Focus Group Meetings**
 - Faith in Action – East Bay
 - League of Women Voters of Oakland
 - Community Advisory Board
 - Business Representatives
 - Justice-Involved Individuals



COLLABORATION & INFORMATION GATHERING MEETINGS (Continued)

- **Meetings with Jurisdictions with Active Oversight Bodies**
 - Sonoma Independent Office of Law Enforcement Review & Outreach
 - Oakland Police Commission
 - Los Angeles Civilian Oversight Commission
 - Los Angeles County Inspector General
 - Bay Area Rapid Transit Police Citizen Review Board
 - City & County of Denver Citizen Oversight Board
 - City of San Diego, Commission on Police Practices
 - City & County of San Francisco, Department of Police Accountability
 - City & County of San Francisco, Police Commission



COLLABORATION & INFORMATION GATHERING MEETINGS

(Continued)

- **Academic & National Experts**
 - **Professor Sharon Fairley, Juris Doctorate, University of Chicago Law School**
 - **Professor Michele Deith, Juris Doctorate, University of Texas at Austin, Law School**
 - **Cameron McElhiney, Director of Training & Education, National Association for Civilian Oversight of Law Enforcement**



COLLABORATION & INFORMATION GATHERING MEETINGS

(Continued)

- **Local Government Partners**
 - **Public Protection Committee**
 - **Alameda County Sheriff
& Undersheriff**
 - **Alameda County Counsel**
 - **County Administrator's Office**
 - **Alameda County Human Resource
Services Department**



COLLABORATION & INFORMATION GATHERING MEETINGS

(Continued)

- **Community Surveys (On the Spot & Online)**
- **Feedback/Comments from the Public**
- **General Survey Themes:**
 - **The Alameda County Board of Supervisors should establish the following:**
 - ✓ **Sheriff's Oversight Board and an Office of the Inspector General**
 - ✓ **Hybrid system that is tailored to the needs of Alameda County**
 - ✓ **Sheriff's Oversight Board that is diverse, inclusive and reflective of the socio and economic demographics of the community**



INFORMATION SHARING & EDUCATION

- AB 1185 Dedicated Website
- Dedicated Email
- National Association for Civilian Oversight of Law Enforcement Educational Webinar for the Community



LITERATURE REVIEW

- Academic reports and publications from experts
- Case studies
- Articles and periodicals
- Oversight agency reports, data and other materials from practitioners and academic experts



DRAFT ORDINANCE DECISION POINTS

- County Counsel -- Participation & Guidance
- Oversight System
 - Model Options
 - Authority
 - Structure
- Sheriff Oversight Board
 - Disqualifying Factors
 - Selection Panel Options
- Oversight Board Legal Counsel
 - Discussion & Options
- Inspector General Designation as Special Counsel
- Budget Options



COUNTY COUNSEL

PARTICIPATION & GUIDANCE

- **County Counsel's Role**
- **Participation in Proposed Ordinance Language**



OVERSIGHT SYSTEM MODEL OPTIONS

- Review-Focused
- Investigative-Focused
- Monitor/Audit-Focused
- Hybrid



4 Categories of Civilian Oversight Models



Review-Focused

- ✓ Often focus on reviewing the quality of completed law enforcement internal affairs investigations
- ✓ May make recommendations to law enforcement executives on findings or request further investigation
- ✓ Commonly headed by a review board composed of citizens
- ✓ May hold public meetings to collect community input and facilitate communication

Investigation-Focused

- ✓ Routinely conduct independent investigations of complaints against law enforcement
- ✓ May replace or duplicate the law enforcement's internal affairs process
- ✓ Staffed by non-law enforcement, "civilian" investigators

4 Categories of Civilian Oversight Models



Monitor/Auditor Focused

- ✓ Often focuses on examining broad patterns in investigations
- ✓ Some may actively participate in or monitor open investigations
- ✓ Often seek to promote broad organizational change by conducting systematic reviews of law enforcement policies, practices or training and making recommendations for improvement

Hybrid-Focused

- ✓ Contain elements from one or more of the three models and are becoming more common
- ✓ Have been developed to address the needs of a specific community and conform to state or local laws
- ✓ May be modifications of a previous oversight agency
- ✓ May review completed internal affairs investigations

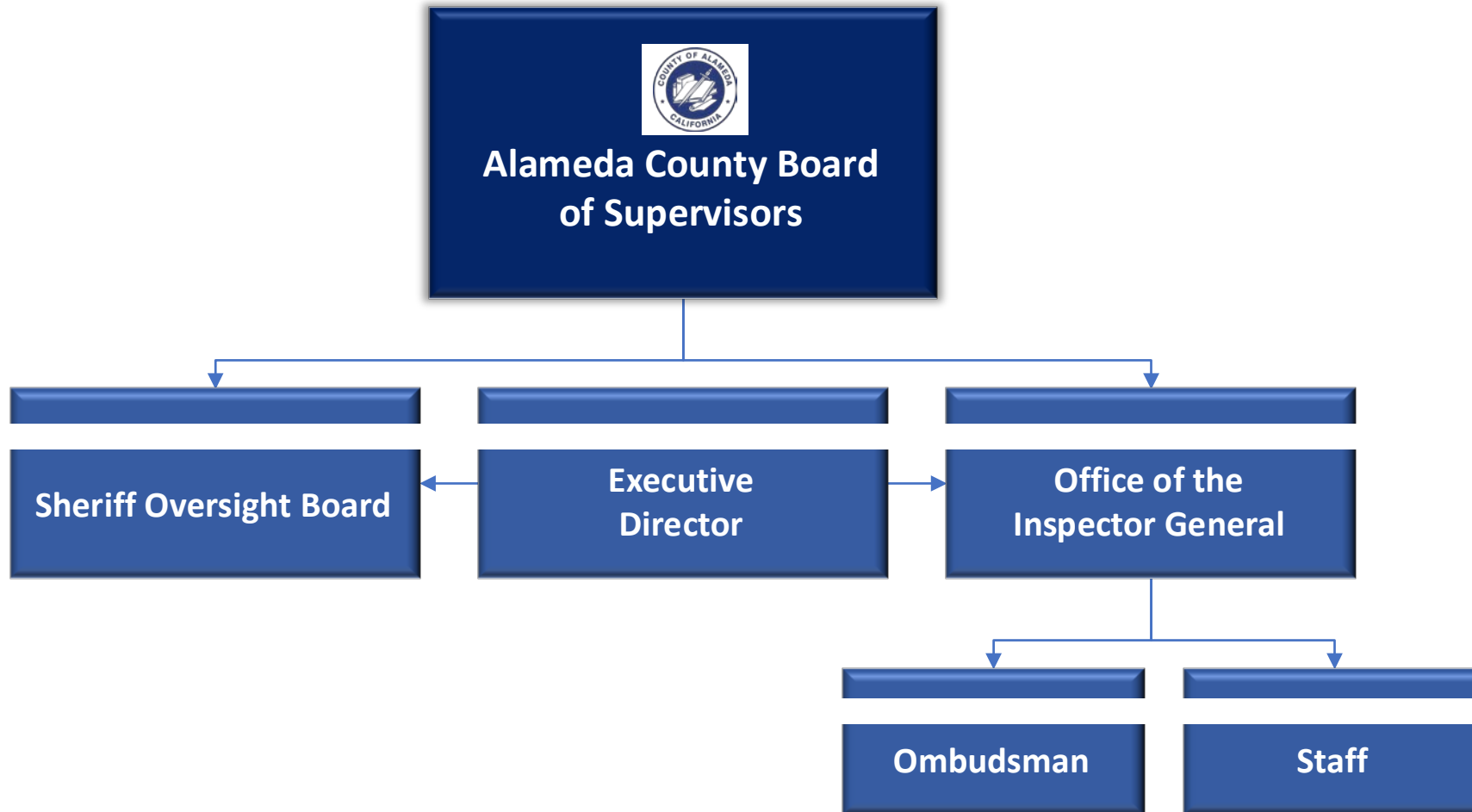
PROPOSED HYBRID OVERSIGHT SYSTEM AUTHORITY

- **Independent Oversight & Monitoring**
- **Audit, Investigate & Inspect Operations**
- **Review Policies, Procedures & Trends**
- **Prevent Civil Right Violations & Litigation by Proactively Identifying Patterns & Practices**



ASSEMBLY BILL 1185

PROPOSED OVERSIGHT SYSTEM STRUCTURE



POTENTIAL SHERIFF OVERSIGHT BOARD MEMBERSHIP DISQUALIFYING FACTORS

- Should non-residents living in the following neighboring counties, but employed in Alameda County, be disqualified?
 - San Francisco
 - Santa Clara
 - San Mateo
 - Contra Costa
 - San Joaquin
 - Stanislaus



POTENTIAL SHERIFF OVERSIGHT BOARD MEMBERSHIP DISQUALIFYING FACTORS (Continued)

- **Current employee of Alameda County**
- **Current employee of contractors of Alameda County**
- **Anyone involved in active litigation against the ACSO or serving in the role of court-appointed monitor**
- **Practicing attorneys who handle or are members of firms or entities that currently handle criminal or civil matters involving Alameda County**



POTENTIAL SHERIFF OVERSIGHT BOARD MEMBERSHIP DISQUALIFYING FACTORS (Continued)

- **Current sworn employee of any law enforcement agency, including local, county, state or federal agencies**
- **Retired sworn employee of the Alameda County Sheriff's Department within 3 years**
- **Individuals currently on active probation or parole**



POTENTIAL SELECTION PANEL OPTIONS

- The same standard application process would apply to all applicants.
- One (1) direct appointment from each of the Supervisorial Districts
- Two (2) remaining at-large appointments to be filled via an Advisory Selection Panel (Panel), with the final consent and approval of the Board of Supervisors. The Panel would be responsible for the following:
 - Providing the Board of Supervisors with a comprehensive list of all applicants
 - Canvassing and recruiting nominees, reviewing applications, and submitting a designated number of nominees to the Board of Supervisors for interview and selection
 - Panel expected to meet as a group, prior to the submission of their selections to the Board of Supervisors, to ensure nominees are diverse, inclusive and reflective of the socio and economic demographics of the residents of Alameda County



POTENTIAL SELECTION PANEL OPTIONS

- As at-large seats become vacant, they would be filled using the original application process. However, final appointments could be made through 1 of 3 ways:
 1. Utilizing the same process that was made to fill the initial two seats.
 2. The Oversight Board would administer the original selection review process and make a recommendation(s) to the Board of Supervisors, where approval of the candidate chosen would be made via a majority vote of the Board of Supervisors.
 3. The President of the Board of Supervisors would receive recommendations from the Panel or Oversight Board and make the final decision.



POTENTIAL OVERSIGHT BOARD PARAMETERS

- **Staggered Terms**
 - Initial 4 & 2 year terms
 - ✓ 4 members would be appointed to a 4-year term
 - ✓ 3 members would be appointed to a 2-year term
- **Meeting frequency -- 1 mandatory meeting per month**
- **Additional meetings at the discretion of the Oversight Board**
- **Stipend**
 - \$100 per meeting per member
 - Maximum of \$2,400 per year



OVERSIGHT BOARD LEGAL COUNSEL

DISCUSSION & OPTIONS

- Government Code 25303 outlines the Board of Supervisors duty to supervise all county officers, and to ensure they faithfully perform their duties.
- Government Code 25303.7 codifies AB 1185 in which a county may *“create a sheriff oversight board, either by action of the board of supervisors or through a vote of county residents...”*



OVERSIGHT BOARD LEGAL COUNSEL

DISCUSSION & OPTIONS

- Government Code 27640 mandates County Counsel to provide legal services in civil matters to the County and all of its departments and agencies.
- Alameda County Administrative Code 2.06.030, indicates *“The county counsel shall perform civil legal work for all departments, boards, commissions, officials and special districts as prescribed by state law, the Charter, and ordinances not inconsistent therewith.....”*



OVERSIGHT BOARD LEGAL COUNSEL

DISCUSSION & OPTIONS

- Community perception of conflict of interest
- Sheriff Oversight Board is not an independent body – but rather, a body under the jurisdiction of the Board of Supervisors
- Legal Counsel Options
 - Contracted Independent full-time legal counsel
 - ✓ Potential impact to other Boards/Commissions
 - Assigned Senior County Counsel – Ethical Wall
 - Case by case access to independent legal counsel
 - ✓ Conflict Counsel (when determined appropriate by the Board of Supervisors and County Counsel)
 - ✓ Pro Bono Counsel (utilizing a list preapproved by the Board of Supervisors, County Counsel and the Oversight Board)
 - Inspector General could provide legal assistance

INSPECTOR GENERAL AS SPECIAL COUNSEL OPTION

- **Inspector General should be:**
 - **An attorney licensed to practice law in California, and**
 - **Designated as Special Counsel to the Board of Supervisors.**
- **The Special Counsel designation would allow for an attorney-client relationship with the Board of Supervisors.**
- **The Special Counsel designation could be used by the Board of Supervisors to provide privileged legal advice pertaining to a claim, lawsuit, or matter giving rise to significant exposure to litigation arising out of the actions of the Sheriff's Department.**



BUDGET OPTIONS

- Year 1 Startup
- Year 2 Budget
 - .5 to 1% of the Sheriff's Budget (adjusted annually) or
 - Based on Demonstrated Need
 - ✓ Future Years -- Based on Maintenance of Effort Budget



QUESTIONS?



THANK YOU!

