



# County of Alameda

**Public Protection Committee**

**Sheriff Oversight Board and Office of Inspector General**

**AB 1185 Implementation**

**Thursday, July 8, 2021**

# OVERVIEW

## In this presentation we will provide:

- Brief discussion of Board authority over the Sheriff
- Brief summary of Assembly Bill (“AB”) 1185
- Open Issues and Direction for structure, duties and role of a Sheriff Oversight Board (“OB”)
- Open Issues and Direction for structure, duties and role of an Office of Inspector General (“OIG”) and Inspector General (“IG”)



# BOS AUTHORITY OVER THE SHERIFF- Government Code § 25303

Government Code § 25303 sets forth the authority of the Board of Supervisors over county officials, and the Sheriff specifically. It provides:

“The board of supervisors shall supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county, and particularly insofar as the functions and duties of such county officers and officers of all districts and subdivisions of the county relate to the assessing, collecting, safekeeping, management, or disbursement of public funds. It shall see that they faithfully perform their duties, direct prosecutions for delinquencies, and when necessary, require them to renew their official bond, make reports and present their books and accounts for inspection.

***This section shall not be construed to affect the independent and constitutionally and statutorily designated investigative and prosecutorial functions of the sheriff and district attorney of a county. The board of supervisors shall not obstruct the investigative function of the sheriff of the county nor shall it obstruct the investigative and prosecutorial function of the district attorney of a county. [Emphasis added.]***

Nothing contained herein shall be construed to limit the budgetary authority of the board of supervisors over the district attorney or sheriff.”



# AB 1185

- AB 1185 adds Section 25303.7 to the Government Code.
- In concert with the Board's authority in Government Code Section 25303, AB 1185 authorizes the creation, either by board of supervisors action or vote of county residents, a sheriff oversight board and/or an office of the inspector general.
- AB 1185 grants subpoena powers to the chair of the sheriff oversight board and the inspector general.



# What Is the Role of an Oversight Board?

- Government Code § 25303.7 defines the contours of the Oversight Board:
  - **To assist** the board of supervisors with its duties required pursuant to Section 25303 that relate to the sheriff.
  - The members of the sheriff oversight board shall be **appointed** by the board of supervisors.
  - The Oversight Board is comprised of **civilians** (i.e., not sworn or law enforcement personnel).
  - The board of supervisors shall designate one member to serve as the **chairperson** of the board.
  - The chair of the sheriff oversight board shall issue a subpoena or subpoena duces tecum whenever the board deems it necessary or important to examine the following:
    - Any person as a witness upon any subject matter within the jurisdiction of the board.
    - Any officer of the county in relation to the discharge of their official duties on behalf of the sheriff's department.
    - Any books, papers, or documents in the possession of or under the control of a person or officer relating to the affairs of the sheriff's department.
  - Compliance with oversight board subpoenas is enforced by Superior Court action.



# Limitations on Oversight Boards

- AB 1185 (Government Code Section 25303.7) provides that:

“The exercise of powers under [section 25303.7] or other investigative functions performed by a board of supervisors, sheriff oversight board, or inspector general vested with oversight responsibility for the sheriff shall not be considered to obstruct the investigative functions of the sheriff.” (emphasis added)

- It remains to be seen how courts may harmonize the above language with the following in Section 25303:

“This section shall not be construed to affect the independent and constitutionally and statutorily designated investigative and prosecutorial functions of the sheriff and district attorney of a county. The board of supervisors shall not obstruct the investigative function of the sheriff of the county nor shall it obstruct the investigative and prosecutorial function of the district attorney of a county.”



# What Is the Role of the Office of Inspector General?

Government Code § 25303.7(c) defines the role of the Office of the Inspector General:

- **To assist** the board of supervisors with its duties required pursuant to Section 25303 that relate to the sheriff.
- The inspector general shall have the independent authority to issue a subpoena or subpoena duces tecum whenever the inspector general deems it necessary or important to examine the following:
  - Any person as a witness upon any subject matter within the jurisdiction of the board.
  - Any officer of the county in relation to the discharge of their official duties on behalf of the sheriff's department.
  - Any books, papers, or documents in the possession of or under the control of a person or officer relating to the affairs of the sheriff's department.
- Compliance with subpoenas is enforced by Superior Court action.



# Best Practices?

- The National Association for Civilian Oversight of Law Enforcement (NACOLE), established in 1995, is a non-profit entity and the largest civilian oversight organization in the United States.
- NACOLE's on-line "Guidebook for Implementation of New or Revitalize Police Oversight" provides the following insight on police oversight:

"There is no one-size-fits-all approach to police oversight. There are more than 200 oversight entities across the United States. No two are exactly alike. There are civilian review boards, monitors, auditors, and inspector general, among other models. The "best" approach continues to be a subject of debate. In part, this is because so many different factors influence what particular agencies and communities need and can sustain."

- NACOLE suggests that you "first consider a series of important questions and make key decisions" with each decision guiding and informing the next set of questions.
- NACOLE's Guidebook contains 14 key steps and decision points.





# NACOLE KEY STEPS AND DECISION POINTS

- I. *Goal Setting*: what outcomes do you hope to achieve?
- II. *Coalition Building*: who do we need to bring together in our community to begin this process?
- III. *Engagement of Community and Government Actors*: from whom do we gather input and how to ensure that we have all the information needed to recommend the appropriate oversight mechanism that addresses the needs of our community?
- IV. *Making Decisions Regarding the Model of Oversight Used*: what information will we need to determine the appropriate accountability model for our community?
  - A. Structure
  - B. Duties, Powers, Authority
  - C. Funding Mechanism/Budget
- V. *Crafting the Ordinance Establishing Oversight*: what are the things that we need to include in the ordinance to establish an effective oversight mechanism?
- VI. *Establishment of Policies and Procedures*: how will we carry out the day-to-day operations of the oversight entity? Do the policies and procedures help to achieve the goals outlined in Step I?



# NACOLE KEY STEPS AND DECISION POINTS (continued)

- VIII. *Gathering and Analyzing Data*: what information can/should we gather and analyze that will allow us to better understand the law enforcement misconduct and need for continued accountability measures in our community? How can we use this data to make recommendations for effective changes?
- IX. *Goal Measurement*: what information can/should we gather and analyze to allow us to measure our impact (such as complaint sustain rates, levels of community satisfaction, levels of community trust, litigation, settlements, use of deadly force, policy changes, compliance rates, or early warning system indicators)?
- X. *Writing Reports*: what reports will the oversight entity produce to sustain a level of transparency regarding law enforcement misconduct and the work being done by the oversight entity?
- XI. *Conducting Outreach and Communicating with the Public*: what steps will be taken to communicate and engage with the community that will allow continued understanding of our needs and allow them to know what work is being done by the oversight body?



# NACOLE KEY STEPS AND DECISION POINTS (continued)

- XII. *Building Relationships with Key Stakeholders:* what steps will be taken to continue to build the relationships necessary for effective oversight?
  - ❑ A. Law enforcement entity that is being overseen
  - ❑ B. Local government
  - ❑ C. Law enforcement labor unions
  - ❑ D. Public
- XIII. *Ongoing Training and Professional Development:* what steps will be taken to build on and enhance staff and volunteer skills, knowledge, and abilities? Will training be required? Who will provide the training and how often?
- XIV. *Identifying and Addressing Challenges and Opportunities:* what challenges will the new entity need to address right now? What challenges will there be in the near-term or will they be on-going? What opportunities exist for the entity to advance its mission and provide effective oversight?



# County of Alameda Sheriff Oversight Board

- ❑ **Mode of creation** – Section 12(e) of the County of Alameda Charter authorizes the Board of Supervisors “to provide, by ordinance, for the creation of offices, boards and commissions other than those required by constitution and laws of the State, and for the appointment of persons to fill such offices, boards and commissions, and to prescribe their powers and duties and fix their compensation.” (emphasis added)
  
- ❑ **Code of Ordinances** – draft ordinance to codify a new Chapter 2.134 establishing the “Alameda County Sheriff Oversight Board”.
  
- ❑ **Open Issues:**
  - ❑ Number of Oversight Board members
  - ❑ Term and term limits of Oversight Board members
  - ❑ Stipend for Oversight Board members
  - ❑ How to break a tie vote of the Oversight Board
  - ❑ Eligibility requirements for membership on the Oversight Board
  - ❑ Removal of members from the Oversight Board
  - ❑ Training (mandatory or discretionary) program for Oversight Board members
  - ❑ Reporting and Self-Evaluation by the Oversight Board



# Office of the Inspector General

- ❑ **Code of Ordinances** – the draft ordinance proposes to codify a new Chapter 2.135 establishing the “Alameda County Office of the Inspector General” or “OIG”.
- ❑ **Inspector General** – The Inspector General or “IG” would be the executive officer of the OIG.
- ❑ **Open Issues:**
  - ❑ What is the organizational structure for the OIG?
  - ❑ Where is the OIG housed within the County?
  - ❑ Is OIG staffed by employees or independent contractors?
  - ❑ What are the qualifications of OIG staff?
  - ❑ What is the budget for the OIG?
  - ❑ What is the relationship between the OIG and the Oversight Board?
  - ❑ What are the duties of the OIG?



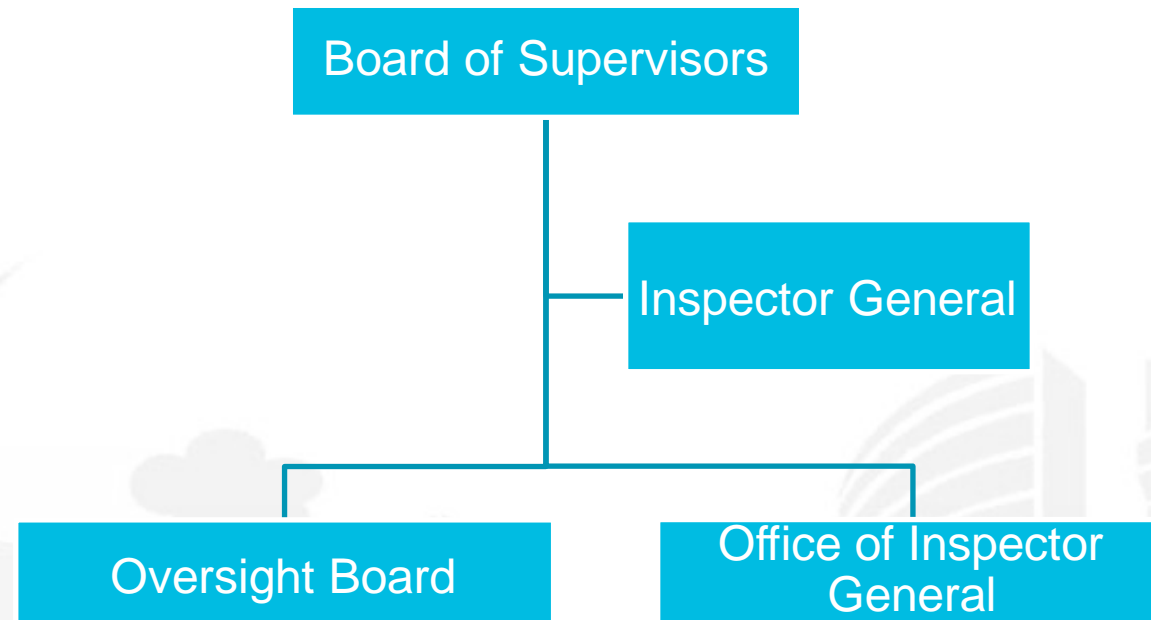
# The Inspector General

- ❑ Government Code Section 25303.7(c)(2) provides that the “inspector general” (not the office of the inspector general) has independent authority to issue subpoenas.
- ❑ The Inspector General either holds or operates the Office of the Inspector General.
- ❑ Pursuant to Government Code Section 25303.7(c)(1) the Inspector General is appointed by the Board of Supervisors.
- ❑ Open Issues:
  - ❑ Is the Inspector General an employee or an independent contractor?
  - ❑ To whom does the Inspector General report?
  - ❑ What are the qualifications of the Inspector General?
  - ❑ What are the duties and powers of the Inspector General?
  - ❑ What is the relationship between the Inspector General and the Oversight Board?

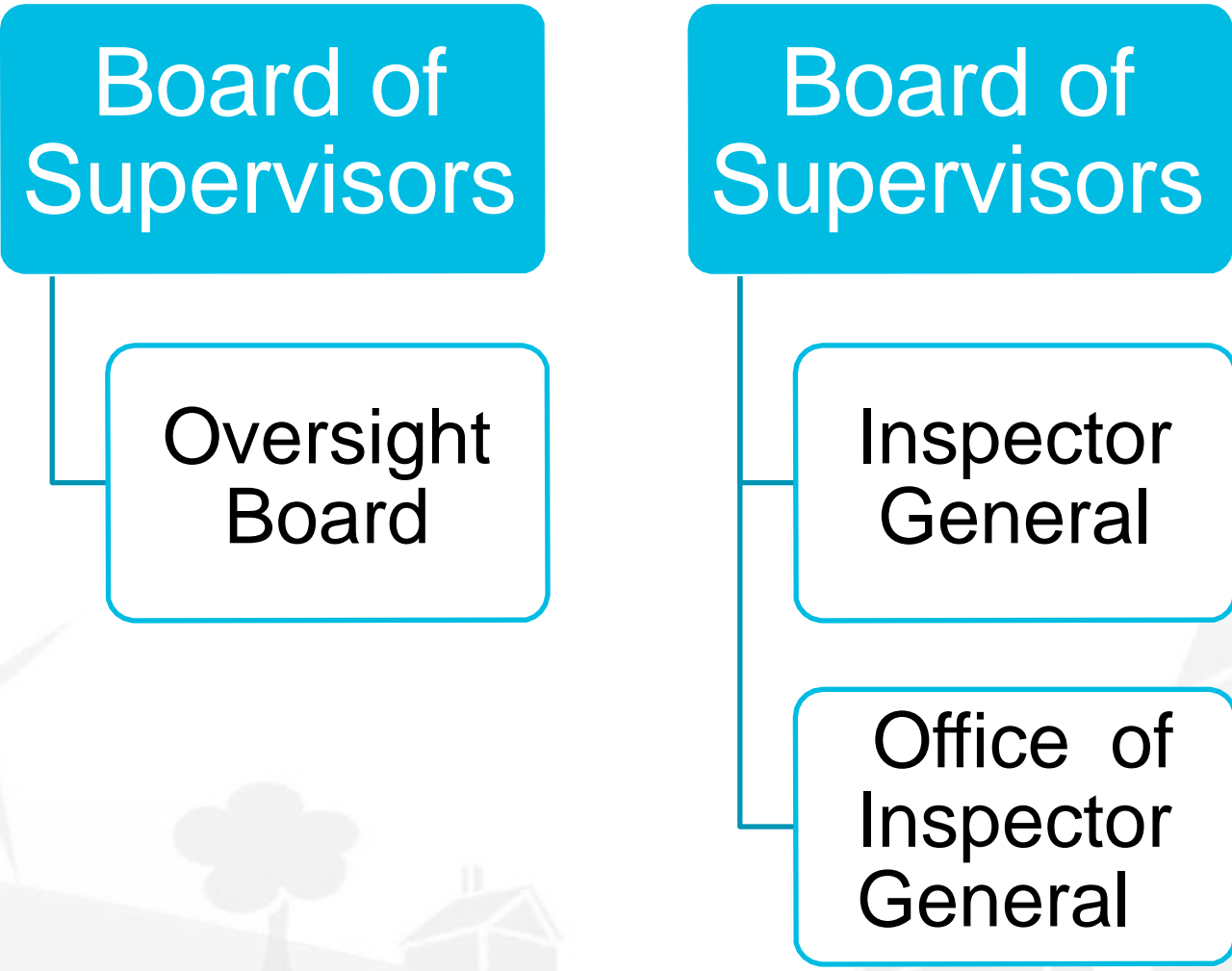


# Relationship Between the Oversight Board and Office of Inspector General

- ❖ Government Code Section 25303.7(a) and (c) allow an oversight board and office of inspector general to be established “to assist the board of supervisors with its duties required pursuant to Section 25303 that relate to the sheriff.”
- ❖ The statutes do little to inform the structure of the relationship between the oversight board and the office of inspector general, except that the members of the oversight board, the OIG and IG are appointed by the Board of Supervisors.
- ❖ Assuming your Board decides to establish both an Oversight Board and OIG, there are multiple alternatives organizational structures. Examples (in no particular order) include:

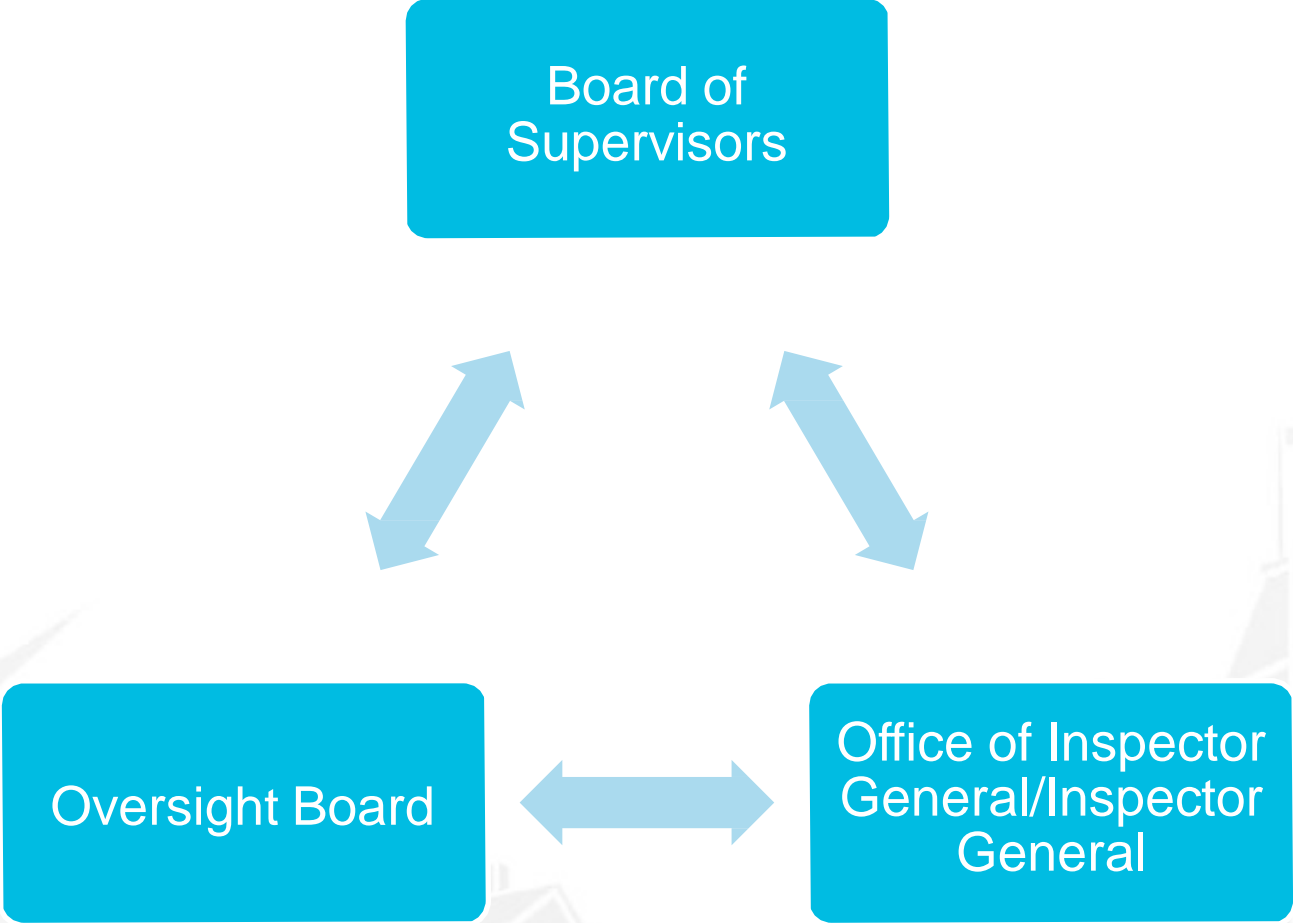


# Relationship Between the Oversight Board and Office of Inspector General (continued)

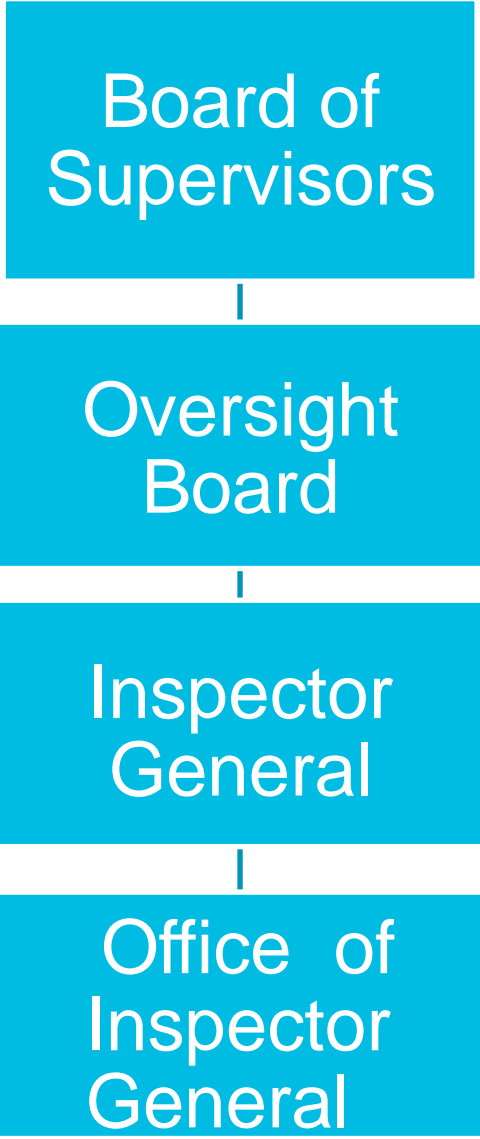




# Relationship Between the Oversight Board and Office of Inspector General (continued)



# Relationship Between the Oversight Board and Office of Inspector General (continued)



# Next Steps

- Public Protection Committee provides direction to staff (today, June 10, 2021).
- Staff performs additional research, drafting and analysis -- informed by the Committee's direction.
- Staff returns to the Public Protection Committee on July 8, 2021.



# QUESTIONS?





ORDINANCE NO. 2021-\_\_\_\_

AN ORDINANCE OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, ADDING CHAPTERS 2.134 AND 2.135 TO THE ALAMEDA COUNTY ORDINANCE CODE, ESTABLISHING THE ALAMEDA COUNTY SHERIFF OVERSIGHT BOARD, AN OFFICE OF INSPECTOR GENERAL, AND AN INSPECTOR GENERAL.

WHEREAS, state law establishes in each county an elected sheriff with authority to preserve the peace and to participate in crime prevention, rehabilitation of persons convicted of crimes, and the suppression of delinquency; and

WHEREAS, state law mandates each sheriff to take charge of and be the sole and exclusive authority to keep the county jail and the prisoners in the county jail; and

WHEREAS, state law mandates that the Board of Supervisors supervise the official conduct of all county officers, including the elected sheriff, particularly as the functions and duties of county officials relate to the assessing, collecting, safekeeping, management, or disbursement of public funds; and

WHEREAS, the Board of Supervisors must see that county officials, including the sheriff, faithfully perform their duties and, when necessary, require them to make reports and present their books and accounts for inspection; and

WHEREAS, state law provides that the Board of Supervisor's oversight duties shall not be construed to affect the independent and constitutionally and statutorily designated investigative function of the sheriff and expressly prohibits the Board of Supervisors from obstructing the sheriff's investigative functions; and

WHEREAS, state law also provides that nothing in the statutes recognizing the sheriff's independent authority shall be construed to limit the budgetary authority of the Board of Supervisors over the sheriff; and

WHEREAS, state law authorizes the Board of Supervisors to establish a sheriff oversight board and an office of the inspector general to assist the Board of Supervisors with its duties as they relate to the sheriff; and

WHEREAS, Section 12(e) of the Charter of the County of Alameda imposes upon the Board of Supervisors the duty to provide, by ordinance, for the creation of offices, boards and commissions, to appoint persons to fill such offices, boards and commissions, and to prescribe their powers and duties and fix their compensation;

NOW, THEREFORE, the Board of Supervisors of the County of Alameda ordains as follows:

## SECTION I

Chapter 2.134 of the Alameda County Ordinance Code is added as follows:

### Chapter 2.134 – Sheriff Oversight Board

#### 2.134.010 - Sheriff Oversight Board.

- A. There is established an Alameda County Sheriff Oversight Board, referred to in this chapter as the “Oversight Board”.
- B. The Oversight Board shall consist of [ ] ( ) members appointed by the board of supervisors. The Board of Supervisors shall designate one member to serve as chair of the Oversight Board. A majority of the members shall constitute a quorum and a majority vote of the members shall be required for the Oversight Board to act. In the event of a tie vote [how to resolve?].
- C. The members of the Oversight Board shall be residents of the county. No person may be appointed if they are a current employee of the County, a current employee of a law enforcement agency, or an employee of such an agency within the previous year.
- D. Each member may serve a term of [ ] ( ) years. No member may serve more than [ ] full consecutive terms [tied to County limit of 12 years] unless the term limitation is waived by the Board of Supervisors. [terms to be staggered, based on number of members and duration of terms; staggering by random selection]
- E. Oversight Board members shall serve at the pleasure of the Board of Supervisors and may be removed by a majority vote of the Board of Supervisors.
- F. The position of any member who fails to attend, in succession, [ ] or more regular meetings of the Oversight Board shall automatically become vacant, and a replacement shall be appointed by the Board of Supervisors. A vacancy shall also exist if the member ceases to be a resident of Alameda County.
- G. Any vacancy on the Oversight Board shall be filled by the Board of Supervisors in the same manner as the original appointment. Any person appointed to fill a vacancy shall serve for the unexpired term of the member he or she succeeds.
- H. The Oversight Board shall meet at least once a month, at a time and location to be established by the Oversight Board. The Oversight Board shall hold an annual organizational meeting during the month of [ ]. At each annual meeting, the Oversight Board shall elect a vice chair and a secretary and such other officers as it deems appropriate.
- I. The Oversight Board shall, with the advice and assistance of County Counsel, prepare and adopt rules and regulations for the conduct of its business.
- J. The Oversight Board shall comply with the Ralph M. Brown Act, the California Public Records Act, the Peace Officer’s Bill of Rights, and all other applicable California and federal laws.

- K. Members of the Oversight Board shall receive a stipend of [\$ ] per [month/meeting], but not exceeding a total of [\$ ] per year.
- L. Each Oversight Board member must complete a training and orientation program within [ ] months of appointment. Failure to complete the training may result in disqualification of the member. The training program shall cover constitutional policing including such topics as use of force, firearms, custody, patrol, and mental health issues.
- M. The Sheriff, or a senior ranking member of the Sheriff's Office, designated by the Sheriff, may attend and participate in all the meetings of the Oversight Board, but shall not have voting rights.
- N. TBD

**2.134.020 – Powers and Duties of the Sheriff Oversight Board.**

The Oversight Board shall, on its own or at the request of the Board of Supervisors or the Sheriff, without interfering with the Sheriff's independent constitutional and statutory authority, including the Sheriff's investigative functions:

- A. Review, analyze, and where appropriate solicit input, and make recommendations to the Board of Supervisors and the Sheriff on the Sheriff's Office's operational policies and procedures that affect the community or make recommendations to create additional operational policies and procedures affecting the community and request a response from the Sheriff.
- B. Investigate through the Office of Inspector General ("OIG"), analyze, solicit input and make recommendations to the Board of Supervisors and the Sheriff on systemic Sheriff-related issues or complaints affecting the community.
- C. Review policy recommendations made by outside entities, at the request of the Board of Supervisors or the Sheriff, or recommendations made in other reports that in the judgment of the Oversight Board merit its analysis, and report to the Board of Supervisors or the Sheriff whether or not the recommendations should be implemented by the Board of Supervisors or the Sheriff or, if the recommendations are being implemented, the status of implementation. The Oversight Board's reports shall contain an analysis supporting its recommendations and shall seek the input of the Sheriff before implementing or publishing its reports.
- D. Function as a liaison, or at the request of the Board of Supervisors, the Sheriff, and/or community groups or organizations involved, serve as a mediator to help resolve ongoing disputes between the Sheriff's Office and members of the community, or organizations within the Alameda County.
- E. Obtain community input and feedback on specific incidents involving the use of force, detention conditions, or other civil rights concerns regarding the Sheriff's Office, convey to the Board of Supervisors and the Sheriff community complaints, concerns or positive feedback received by the Oversight Board, and where appropriate, make recommendations.
- F. Work with and assist the OIG in soliciting community input and feedback on issues being investigated by the Inspector General, and supervise and evaluate all work performed by the Inspector General that is done at the request of the Oversight Board.



- G. Function as a bridge between the Sheriff's Office and the community by providing the community an additional means of giving input to the Sheriff, obtaining answers from the Sheriff to community concerns about the Sheriff's Office's operations, practices and activities, bringing an additional perspective to the Sheriff's Office's decision-making to ensure an ongoing balance between the sometimes competing factors of ensuring public safety and constitutional, civil and human rights, and communicating community concerns to the Sheriff that otherwise might not be as clear or might go unnoticed.
- H. Seek the input of the Sheriff prior to completing any of its recommendations made pursuant to the duties defined in this section.
- I. Serve only in an advisory capacity to the Board of Supervisors and the Sheriff, and without the authority to manage or operate the Sheriff's Office or direct the activities of Sheriff's Office employees, including imposition of discipline.
- J. Receive and consider requests for inspections of jail facilities operated by or within the jurisdiction of the County and direct the OIG to conduct such inspections.
- K. Transmit forthwith to the OIG and the Sheriff any complaint received by the Oversight Board.
- L. The Oversight Board is not authorized to take any action that affects the wages, hours, or working conditions of any County employee represented by a recognized employee organization, as defined under Government Code Section 3501(b).
- M. **TBD**

**2.134.030 – Subpoena Power; Confidential Information**

- A. The Board of Supervisors authorizes the chair of the Oversight Board, with the advice of the County Counsel, to issue a subpoena or a subpoena duces tecum in accordance with Sections 1985 to 1985.4 of the Code of Civil Procedure when the Oversight Board deems it necessary or important to examine the following:
  - 1. Any person as a witness upon any subject matter within the jurisdiction of the Oversight Board.
  - 2. Any officer of the county in relation to the discharge of their official duties on behalf of the Sheriff's Office.
  - 3. Any books, papers, or documents in the possession of or under the control of a person or officer relating to the affairs of the Sheriff's Office
- B. Prior to issuing any subpoena, the Oversight Board shall make good faith efforts to obtain the required information on a voluntary basis and shall consider alternatives proposed by the holder of the information.
- C. The confidentiality of peace officer personnel records, inmate medical and mental health records, other protected health information of inmates, and all other privileged or confidential information received by the Oversight Board in connection with the discharge of its duties shall be safeguarded and maintained by the Oversight Board as required by law.
- D. The Oversight Board shall work with County Counsel to establish a process that enables the sharing of confidential information with appropriate County officials and entities in

accordance with applicable law, when it is determined by the oversight board that there is a need to share such information. Except as otherwise required by law, neither the Oversight Board nor any of its members shall disclose to any non-County entity or individual any confidential or privileged information.

**2.134.040 - Cooperation and Assistance from County Agencies**

The Board of Supervisors directs all officers and employees of the County of Alameda to cooperate with the Oversight Board in the lawful discharge of its duties and, to the extent permitted by law, promptly to supply copies of requested documents and records to the Oversight Board so that the Oversight Board may fully and properly perform its duties.

**2.134.050 – Annual Report; Self-Evaluation.**

A. The Oversight Board shall prepare and submit to the Board of Supervisors and make available to the public, subject to applicable privileges and protections, an annual report of the previous fiscal year. The annual report will be prepared and submitted no later than [redacted] of each year. The annual report shall contain background information about the Oversight Board, identify the Oversight Board members, and detail the activities of the Oversight Board during the previous year.

B. At the end of the [third] year of the Oversight Board’s creation and every [three] years thereafter, the Oversight Board shall undertake a detailed self-evaluation. This self-evaluation shall include a candid assessment about the strengths, weaknesses, successes and failures of the Oversight Board. The self-evaluation shall be submitted to the Board of Supervisors and made available to the public, subject to applicable privileges and protections.

**2.134.060 – [redacted]**

**SECTION II**

Chapter 2.135 of the Alameda County Ordinance Code is added as follows:

**Chapter 2.135 – Office of Inspector General**

**2.135.010 – Office of the Inspector General; Inspector General.**

A. There is established an Alameda County Office of the Inspector General, referred to in this chapter as the “OIG”. [report to ?; housed where? What structure?]

B. Establishment of the OIG does not change any reporting structures and the OIG shall not exercise administrative oversight or authority, or otherwise manage or direct operations of any agency, department, office or entity subject to its monitoring.

C. The executive officer of the OIG shall be the Inspector General, referred to in this chapter as the “IG”. The IG shall be selected and appointed by the Board of Supervisors. [Is the IG an employee or contractor? How selected?]

D. The Board of Supervisors shall determine, in consultation with the IG and the County Administrative Officer, the appropriate staffing of and budget for the OIG.

**2.135.020 – Powers and Duties of the Office of the Inspector General.**

The Office of Inspector General shall, on its own or at the request of the Board of Supervisors or the Sheriff, without interfering with the Sheriff's independent constitutional and statutory authority, including the Sheriff's investigative functions:

- A. Monitor the Sheriff's Office detention and law enforcement operations, conditions of confinement in the jail, the provision of health services in the jail, the use of force in the jail and in law enforcement operations, compliance with civil rights laws, and the Sheriff's Office's response to inmate and public complaints related to law enforcement, jail operations, or conditions of confinement, including the provision of services to inmates and the conduct of employees, contractors, volunteers, and others who provide such services.
- B. Monitor matters relevant to jail health services policies and procedures that directly affect the medical and behavioral assessment and treatment of inmates.
- C. Regularly conduct research and make policy recommendations to the Board of Supervisors, the Sheriff, and the Sheriff Oversight Board, all as determined by a Board approved annual work plan.
- D. Periodically review the Sheriff's Office use of force patterns, trends, and statistics, the Sheriff's investigations of use of force incidents and allegations of misconduct, and the Sheriff's Office's disciplinary decisions.
- E. As it pertains to sworn personnel, the OIG shall monitor and review investigations of incidents involving, but not limited to: any shooting involving sworn personnel, whether duty-related or not; any in-custody death; any duty-related incident during which, or as a result of which, a person dies or suffers serious bodily injury; any incident, whether or not duty-related, in which uniformed personnel are under investigation for, or charged with, homicide, assault, kidnapping, or unlawful sexual behavior; or any incident, whether duty-related or not, in which sworn personnel are under investigation for, or are charged by any jurisdiction with, a crime or violation in which a use of force or threatened use of force is an element of the offense.
- F. As it pertains to in-custody medical health services, monitor and review investigations involving: any in-custody death; any duty-related incident during which, or as a result of which, anyone dies or suffers serious bodily injury; or any serious neglect of inmates as it pertains to their mental and physical health.
- G. Review the quality of audits and inspections conducted by the Sheriff's Office, and conduct its own periodic audits and inspections of the Sheriff's Office consistent with professional guidelines for the conduct of such audits. It is the intent of the Board of Supervisors that the OIG should supplement and not supplant internal auditing and monitoring conducted by the Sheriff's Office.
- H. Regularly communicate with the public, the Alameda County Sheriff Oversight Board, the Board of Supervisors, and the Sheriff's Office regarding the operations of the Sheriff's Office.
- I. Investigate specific incidents involving Sheriff's Office personnel when requested by, or with the authorization of, the Sheriff.

- J. Accept complaints, including anonymous complaints, and consider all such complaints in evaluating policies and practices, developing recommendations, and making reports under this Chapter. The OIG shall inform the public of its policies and procedures regarding anonymous complaints.
- K. With the permission of the complainant (other than an anonymous complainant), refer complaints relating to specific conduct of sworn Sheriff's personnel to the Sheriff's Office for action pursuant to Penal Code § 832.5.
- L. Recommend mechanisms to provide positive recognition and incentives to employees who perform duties in an exemplary fashion (for example, property and appropriate use of force, integrity, professionalism, and other matters that frequently may be the subject of complaints).
- M. TBD

**2.135.030 – Powers and Duties of the Inspector General.**

As executive officer of the OIG, the Inspector General shall

- A. In consultation with the County Counsel, establish rules and regulations for the conduct of the Office of the Inspector General.
- B. TBD
- C. TBD
- D. TBD
- E. Establish a form and maintain a log for all complaints received, including the name, address, and telephone number of the complainant (unless anonymous) as well as a copy of the complaint and the date of referral to the Sheriff's Office and other relevant County agency or department head.
- F. Notify in writing any complainant of the disposition of his or her complaint.

**2.135.040 – Subpoena Power; Confidential Information**

- A. The Board of Supervisors authorizes the IG, with the advice of the County Counsel, to issue a subpoena or a subpoena duces tecum in accordance with Sections 1985 to 1985.4 of the Code of Civil Procedure when the IG deems it necessary or important to examine the following:
  - 1. Any person as a witness upon any subject matter within the jurisdiction of the OIG.
  - 2. Any officer of the county in relation to the discharge of their official duties on behalf of the Sheriff's Office.
  - 3. Any books, papers, or documents in the possession of or under the control of a person or officer relating to the affairs of the Sheriff's Office.

- B. Prior to issuing any subpoena, the IG shall make good faith efforts to obtain the required information on a voluntary basis and shall consider alternatives proposed by the holder of the information.
- C. The confidentiality of peace officer personnel records, inmate medical and mental health records, other protected health information of inmates, and all other privileged or confidential information received by the OIG and IG in connection with the discharge of their duties shall be safeguarded and maintained by the OIG and IG as required by law.
- D. The OIG and IG shall work with County Counsel to establish a process that enables the sharing of confidential information with appropriate County officials and entities in accordance with applicable law, when it is determined by the IG that there is a need to share such information. Except as otherwise required by law, neither the IG nor the OIG shall disclose to any non-County entity or individual any confidential or privileged information.

**2.135.050 – Cooperation and Assistance from County Agencies**

The Board of Supervisors directs all officers and employees of the County of Alameda to cooperate with the OIG and the IG in the discharge of their duties and, to the extent permitted by law, promptly to supply copies of requested documents and records so that other public officers, the OIG, and the IG may fully and properly perform their respective duties.

**2.135.060 – Conformity with Applicable Law**

- A. Neither the OIG nor the IG shall have any supervisory, administrative, managerial, operational, or other authority over the functions or personnel in the Sheriff's Office or any other agency, department, or entity that are subject to monitoring.
- B. At no time shall the OIG or the IG interfere with the independent constitutional and statutory authority of the Sheriff, including the Sheriff's investigative functions. Notwithstanding any provision of this Chapter to the Contrary, all provisions of this Chapter shall be interpreted to be consistent with this subsection and all applicable federal, state, and local laws, including the Charter, governing such conduct, including provisions regarding the confidentiality of peace officer and health records.

**SECTION III**

Before the expiration of 15 days after its adoption by the Board of Supervisors, this ordinance shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

This ordinance was adopted by the Board of Supervisors of the County of Alameda, State of California, on the \_\_\_ day of \_\_\_\_\_, 2021, by the following called vote:

AYES:

NOES:

EXCUSED:

ABSTAINED:

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President of the Board of Supervisors  
County of Alameda, State of California

ATTEST:  
Clerk of the Board of Supervisors

By: \_\_\_\_\_

APPROVED AS TO FORM:  
DONNA R. ZIEGLER, COUNTY COUNSEL

By: \_\_\_\_\_

DRAFT