RACIAL JUSTICE TASK FORCE
October 9, 2018
2:00 p.m. to 4:00 p.m.
900 Ward Street, Community Room, Martinez

Special Meeting of the Task Force

Agenda Items:

1. **Introductions**

2. **Public comment** on any item under the jurisdiction of the Task Force and not on this agenda.
   *(Speakers may be limited to three minutes.)*

3. **Update on Racial Justice Oversight Body Recruitment**

4. **Presentation from Office of Reentry and Justice on Oversight Models and Their Justification**

5. **Selection of Working Group Members to Review Recommendations #18 & #19 with Office of the Sheriff**

6. **Set Next Meeting Date**

7. **Adjourn**

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The Office of Reentry & Justice will provide reasonable accommodations for persons with disabilities planning to attend Racial Justice Task Force meetings. Contact the person listed below at least 72 hours before the meeting.

Any disclosable public records related to an item on a regular meeting agenda and distributed by the County to a majority of members of the Racial Justice Task Force less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.

Public comment may be submitted via electronic mail on agenda items at least one full workday prior to the published meeting time.

**For Additional Information Contact:**

Lara DeLaney, Director of Office of Reentry & Justice
Phone (925) 335-1097 Fax (925) 335-1098
Lara.DeLaney@cao.eccounty.us
Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
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</thead>
<tbody>
<tr>
<td>AB</td>
<td>Assembly Bill</td>
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<tr>
<td>ABAG</td>
<td>Association of Bay Area Governments</td>
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<tr>
<td>ACA</td>
<td>Assembly Constitutional Amendment</td>
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<tr>
<td>ADA</td>
<td>Americans with Disabilities Act of 1990</td>
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<td>AFSCME</td>
<td>American Federation of State County and Municipal Employees</td>
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<td>AICP</td>
<td>American Institute of Certified Planners</td>
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<td>AIDS</td>
<td>Acquired Immunodeficiency Syndrome</td>
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<td>ALUC</td>
<td>Airport Land Use Commission</td>
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<tr>
<td>AOD</td>
<td>Alcohol and Other Drugs</td>
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<td>ARRA</td>
<td>American Recovery and Reinvestment Act</td>
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<td>BAAQMD</td>
<td>Bay Area Air Quality Management District</td>
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<td>BART</td>
<td>Bay Area Rapid Transit District</td>
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<td>BCDC</td>
<td>Bay Conservation &amp; Development Commission</td>
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<tr>
<td>BGO</td>
<td>Better Government Ordinance</td>
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<td>BOS</td>
<td>Board of Supervisors</td>
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<td>CALTRANS</td>
<td>California Department of Transportation</td>
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<td>CalWIN</td>
<td>California Works Information Network</td>
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<td>CalWORKS</td>
<td>California Work Opportunity and Responsibility to Kids</td>
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<td>CAER</td>
<td>Community Awareness Emergency Response</td>
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<td>CAO</td>
<td>County Administrative Officer or Office</td>
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<td>CCHP</td>
<td>Contra Costa Health Plan</td>
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<td>CCTA</td>
<td>Contra Costa Transportation Authority</td>
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<td>CDBG</td>
<td>Community Development Block Grant</td>
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<td>CEQA</td>
<td>California Environmental Quality Act</td>
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<td>CIO</td>
<td>Chief Information Officer</td>
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<td>COLA</td>
<td>Cost of living adjustment</td>
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<td>ConFire</td>
<td>Contra Costa Consolidated Fire District</td>
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<td>Certified Public Accountant</td>
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<td>Consumer Price Index</td>
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<td>County Service Area</td>
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<td>California State Association of Counties</td>
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<td>CTC</td>
<td>California Transportation Commission</td>
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<td>dba</td>
<td>doing business as</td>
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<td>EBMUD</td>
<td>East Bay Municipal Utility District</td>
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<td>EIR</td>
<td>Environmental Impact Report</td>
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<td>EIS</td>
<td>Environmental Impact Statement</td>
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<td>EMCC</td>
<td>Emergency Medical Care Committee</td>
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<td>EMS</td>
<td>Emergency Medical Services</td>
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<td>EPSDT</td>
<td>State Early Periodic Screening, Diagnosis and treatment Program (Mental Health)</td>
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<td>et al.</td>
<td>et al. (and others)</td>
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<td>FAA</td>
<td>Federal Aviation Administration</td>
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<td>FEMA</td>
<td>Federal Emergency Management Agency</td>
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<td>F&amp;HS</td>
<td>Family and Human Services Committee</td>
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<td>First 5</td>
<td>First Five Children and Families Commission</td>
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<td>FY</td>
<td>Fiscal Year</td>
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<td>Geographic Information System</td>
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<td>(State Dept of) Housing &amp; Community Development</td>
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<td>HHS</td>
<td>Department of Health and Human Services</td>
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<td>HIPAA</td>
<td>Health Insurance Portability and Accountability Act</td>
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<td>HIV</td>
<td>Human Immunodeficiency Syndrome</td>
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<td>High Occupancy Vehicle</td>
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<td>United States Department of Housing and Urban Development</td>
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<td>Inc.</td>
<td>Incorporated</td>
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<td>Internal Operations Committee</td>
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<td>Industrial Safety Ordinance</td>
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<td>JPA</td>
<td>Joint (exercise of) Powers Authority or Agreement</td>
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<td>Lamorinda</td>
<td>Lafayette-Moraga-Orinda Area</td>
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<td>LAFCo</td>
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<td>LLP</td>
<td>Limited Liability Partnership</td>
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<td>Public Employees Union Local 1</td>
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<td>LVN</td>
<td>Licensed Vocational Nurse</td>
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<td>MAC</td>
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<td>Minority Business Enterprise</td>
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<td>M.D.</td>
<td>Medical Doctor</td>
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<td>M.F.T.</td>
<td>Marriage and Family Therapist</td>
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<td>Management Information System</td>
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<td>MOE</td>
<td>Maintenance of Effort</td>
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<td>MOU</td>
<td>Memorandum of Understanding</td>
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<td>Metropolitan Transportation Commission</td>
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<td>NACo</td>
<td>National Association of Counties</td>
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<td>Obstetrics and Gynecology</td>
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<td>O.D.</td>
<td>Doctor of Optometry</td>
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<td>OES-EOC</td>
<td>Office of Emergency Services-Emergency Operations Center</td>
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<td>OSHA</td>
<td>Occupational Safety and Health Administration</td>
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<td>Psy.D.</td>
<td>Doctor of Psychology</td>
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<td>RDA</td>
<td>Redevelopment Agency</td>
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<td>Request For Information</td>
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<td>Request For Proposal</td>
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<td>RFQ</td>
<td>Request For Qualifications</td>
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<td>SB</td>
<td>Senate Bill</td>
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<td>SBE</td>
<td>Small Business Enterprise</td>
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<td>SWAT</td>
<td>Southwest Area Transportation Committee</td>
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<td>TRANSPAC</td>
<td>Transportation Partnership &amp; Cooperation (Central)</td>
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<td>TRANSPLAN</td>
<td>Transportation Planning Committee (East County)</td>
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<td>TRE</td>
<td>Trustee</td>
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<td>TWIC</td>
<td>Transportation, Water and Infrastructure Committee</td>
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<td>UCC</td>
<td>Urban Counties Caucus</td>
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<td>VA</td>
<td>Department of Veterans Affairs</td>
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<td>vs.</td>
<td>versus (against)</td>
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<td>WAN</td>
<td>Wide Area Network</td>
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<td>WBE</td>
<td>Women Business Enterprise</td>
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<tr>
<td>WCCTAC</td>
<td>West Contra Costa Transportation Advisory Committee</td>
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Referral History:

On June 6, 2018, the Racial Justice Task Force (RJTF) voted to present a set of 20 Recommendations to the Board of Supervisors (BOS) for adoption. On June 25, 2018, the Public Protection Committee (PPC) considered these Recommendations, and a Report describing the work and findings of the RJTF, and recommended the BOS adopt both in their entirety. Prior to these two items being considered by the BOS at its July 24, 2018, meeting, the Sheriff wrote the Supervisors to oppose two of the Recommendations.

The Sheriff opposed recommendation #18 (for a grievance process for conditions of confinement that operates independent of the Sheriff’s Office), and recommendation #19 (for a body to monitor and report on conditions of confinement) based on his belief the recommendations exceeded the RJTF’s scope of responsibility, would serve to usurp the independent authority of the Sheriff, and were unnecessary given the various forms of oversight the Sheriff’s operations are subject to. Based on the Sheriff’s objections, the BOS adopted the RJTF Report and Recommendations without the two challenged Recommendations included. These two Recommendations were then referred back to the PPC separately to received further input from the Sheriff and RJTF prior to the BOS making a final decision.

On September 5, 2018, the Racial Justice Task Force (RJTF) met to discuss providing input to Public Protection Committee on the challenged recommendations to help them better understand how they might implement the recommendations being made. The RJTF decided to recommend that PPC allow it to continue its work until a Racial Justice Oversight Body is formed, and that the work of the Task Force include the continued review and study of Recommendations #18 and #19.
Referral Update:
The PPC considered the RJTF recommendation to continue its work at the PPC meeting on September 10, 2018. After considering the matter, PPC gave staff the following direction:

1. Convene the Task Force to:
   a. consider additional oversight and monitoring models that exist to further inform their discussion and consideration of Recommendations #18 and #19, and
   b. establish a small working group between the RJTF and Office of the Sheriff to address the two Recommendations above.

2. INVITE Sheriff to participate in the RJTF discussions and working group.

Recommendation(s)/Next Step(s):
1. ACCEPT the update and presentation from staff.
2. SELECT, preferably up to four, Task Force Members to participate on a working group with the Office of the Sheriff.
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Contra Costa County
County Administrator’s Office • 651 Pine Street • Martinez, CA 94553 • www.contracosta.ca.gov

Press Release

FOR IMMEDIATE RELEASE
Tuesday, September 18, 2018

Contact: Donte Blue, Deputy Director
Phone: (925) 335-1997
Email: donte.blue@cao.cccounty.us

County Seeks Applicants for Racial Justice Oversight Body

The Contra Costa County Board of Supervisors is seeking residents who may be interested in being part of the County’s efforts to reduce racial and ethnic disparities within the local criminal justice system.

Beginning in April 2017, the County’s Racial Justice Task Force worked to identify racial and ethnic disparities in the County’s local justice system and develop a set of recommendations aimed at reducing those disparities. On July 24, 2018, the Board of Supervisors accepted their report, which included a recommendation to create a Racial Justice Oversight Body.

Public Protection Committee Chair, Supervisor John Gioia, commented on the process, “We value diversity, inclusion and racial equity in Contra Costa County, and we welcome interest from residents all across our County who want to serve the community in the cause of racial justice.”

The Racial Justice Oversight Body will be composed of the following 18 representatives:

- A representative from the Superior Court, as a non-voting member;
- The Sheriff or his designee;
- The Chief Probation Officer or his designee;
- The Public Defender or her designee;
- The District Attorney or her designee;
- A representative from a local law enforcement agency, nominated by the Contra Costa County Police Chiefs’ Association;
- A representative from the Contra Costa County Office of Education;
- A representative from a Local School District;
- A representative from Contra Costa County Health Services Department; and
- Nine community-based representatives, including:
  - Two members of the Contra Costa Racial Justice Coalition,
  - Two individuals with prior personal criminal or juvenile justice system involvement,
o Three representatives from community-based organizations (CBO) that work with justice involved populations, including at least one person who works directly with youth,
o One representative from a faith-based organization, and
o One representative that is either a school age young person, or from a CBO who provides services to school age youth.

This Oversight Body will be tasked with the periodic review and reporting of racial and ethnic disparities in the local criminal and juvenile justice systems, as well as the ongoing support and monitoring of efforts to implement recommendations to reduce the disparities.

The Board is now seeking applications for seven (7) of the seats identified above:

✓ two (2) individuals with prior personal criminal or juvenile justice system involvement;
✓ one (1) representative from a community-based organization that works with justice involved youth;
✓ two (2) representatives from community-based organizations that work with justice-involved populations of any age;
✓ one (1) representative from a faith-based organization; and
✓ one (1) representative that is either a school age youth, or from a community-based organization who provides services to school age youth.

Appointments to the Racial Justice Oversight Body will be for a term of two years.

Applicants will be interviewed by the Board of Supervisors’ Public Protection Committee: Supervisors John Gioia, District I, and Federal Glover, District V. The nominations for the Racial Justice Oversight Body will then be forwarded to the full Board of Supervisors for action.

Below is a timeline of the recruitment process for the seven vacancies:

• September 18, 2018: First Day of the Application Period
• November 2, 2018: Final Day of the Application Period, due by 5:00 p.m.
• November 13, 2018: Public Protection Committee Meeting: Interviews
• December 4, 2018: Board of Supervisors Consideration of Nominees

Application forms can be obtained from the Clerk of the Board of Supervisors by calling (925) 335-1900 or by visiting the County webpage at http://www.co.contra-cost.ca.us/3418/. Applications should be returned to the Clerk of the Board of Supervisors, Room 106, County Administration Building, 651 Pine Street, Martinez, CA 94553. Applications can also be emailed to ClerkoftheBoard@cob.cccounty.us.

###
Other County Oversight/Monitoring Bodies

1. **Santa Clara County** (April 2018)
   a. Office of Corrections and Law Enforcement Monitoring

2. **Los Angeles County** (August 2014)
   a. Office of Inspector General
      i. Civilian Oversight Commission

3. **Sacramento County** (October 2007)
   a. Inspector General
      i. The function of the Office of Inspector General is to conduct fact finding, audits, and other inquiries pertaining to administrative or operational matters of the Sacramento County Sheriff’s Department.
      ii. The Inspector General Office may also:
          1. Conduct fact finding pertaining to select allegations of Sheriff employee behavior
          2. Audit investigations and conduct systemic reviews of the disciplinary system
          3. Provide complainants with timely updates on the status of investigations
          4. Make recommendations for process changes to Board of Supervisors and public

4. **San Diego County** (1991) [*11 members]*
   a. Citizens' Law Enforcement Review Board
      i. To increase public confidence in government and the accountability of law enforcement by conducting impartial and independent investigations of citizen complaints of misconduct concerning Sheriff's Deputies and Probation Officers employed by the County of San Diego.
ii. Conducts an annual inspection of county adult detention facilities and files an annual report of such visitations together with pertinent recommendations with the Board of Supervisors

5. Sonoma County (9/15/15)
   a. Independent Office of Law Enforcement Review and Outreach
      i. To conduct independent reviews of investigations alleging law enforcement misconduct, including excessive use of force, and to engage the community in the review and possible recommendation of policy changes to the Sheriff’s Office and the Board of Supervisors.
      ii. For improved transparency and accountability to the community
      iii. Community Advisory Council [11 member body]
           1. To act as a bridge between the many communities of Sonoma County and law enforcement, especially the Sheriff’s Office.
           2. By holding public meetings and make recommendations on Sheriff’s Office policies, including, but not limited to, use of deadly force, community orientated policing, and other significant policies.

6. Other Resources
      Available at: http://digitalcommons.pace.edu/plr/vol30/iss5/21
Contra Costa County
Office of Reentry and Justice

Racial Justice Task Force

Donté Blue, ORJ Deputy Director
October 9, 2018

Today’s Presentation

1. Terms to Know
2. Types of Oversight Bodies
3. County Comparisons
   a) Santa Clara
   b) Sonoma
   c) San Diego
4. Understanding the Process
**Terms to Know**

1. **Independent**
   Operates outside of law enforcement hierarchy, and funding is not dependent on decisions of law enforcement

2. **Oversight**
   Investigation and reporting on alleged wrongdoing or monitoring of detention conditions

3. **Audit**
   A performance management review process that rarely touches treatment of the incarcerated

4. **Access**
   Ability to gain information from places, people, and records

5. **Authority**
   Power to make decisions and enforce rules (generally not part of independent monitoring)

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**Types of Oversight Bodies**

1. **Governmental Agency or Commission**

2. **Ombudsperson**

3. **Inspector General**

4. **Legislative Committee with Inspection Responsibilities**

5. **Advocacy Group with Formal Right of Access**

6. **Citizens’ Board or Advisory Committee**

7. **General Government Auditing Body**

8. **Protection and Advocacy Organization**
   (mental illness and physical disabilities)
Oversight Models

Investigation Focused

> Characteristics
> 1. Independent investigations of complaints
> 2. May duplicate an internal affairs agency
> 3. Staffed by “non-sworn” civilians

> Strengths
> 1. May reduce bias of investigating complaints
> 2. Professional civilian investigators
> 3. Opportunity to increase community trust in investigations

> Concerns
> 1. Most expensive and complex model
> 2. May face resistance from law enforcement personnel
> 3. Challenge managing public expectations for change

Review Focused

> Characteristics
> 1. Often review quality of completed investigations
> 2. Make recommendations to law enforcement executives
> 3. Often a review board with citizen volunteers
> 4. Public meetings to collect community input

> Strengths
> 1. Allows community input into the process
> 2. May increase public trust
> 3. Usually least expensive model

> Concerns
> 1. Limited authority and under resourced
> 2. Volunteers have significantly less expertise
> 3. May be less independent than other models

Joseph De Angeles, et al., Civilian Oversight of Law Enforcement: A Review of the Strengths and Weaknesses of Various Models, National Association for Civilian Oversight of Law Enforcement (2016)
OVERSIGHT MODELS

Auditor/Monitor Focused

Characteristics
1. Generally examines broad pattern in investigation processes
2. May do their own internal investigations
3. Often focused on change in policies, practices, and training

Strengths
1. Usually have more robust reporting practices
2. Median cost level
3. May be more effective at promoting systemic change

Concerns
1. Not usually focused on individual incidents
2. Significant expertise is required to be effective
3. Usually limited to making a series of recommendations

Joseph De Angeles, et al., Civilian Oversight of Law Enforcement: A Review of the Strengths and Weaknesses of Various Models, National Association for Civilian Oversight of Law Enforcement (2016)

NATIONAL ASSOCIATION FOR CIVILIAN
OVERSIGHT OF LAW ENFORCEMENT

Reasons for Independent Oversight:
1. Place to voice concerns outside of law enforcement
2. Help improve community relations by fostering better communication between law enforcement & community
3. Reduce public concern about high profile incidents.
4. Help increase public understanding of law enforcement policies and procedures.
5. When the oversight agency confirms a complainant’s allegation(s), complainants may feel validated.
6. And similarly, when the oversight agency exonerates the officer, the officer may feel vindicated.
Reasons for Independent Oversight (continued):

7. Improved accountability and transparency in the discipline process.
8. Oversight agencies can improve department policies and procedures, and help identify areas of concern.
9. Assist in liability management to reduce chance of costly litigation by identifying issues and corrective measures early lawsuit is filed.
10. Public officials given opportunity to demonstrate their desire for increased accountability and elimination of misconduct.
11. Can help improve the quality of the department’s internal investigations of alleged misconduct.
12. Oversight can help hold the law enforcement departments accountable for officer’s actions.

Discussion and Questions.
Santa Clara County Jail Grievance and Complaint Process:

Expert Consultant’s Review and Recommendations for the Blue Ribbon Commission on Improving Custody Operations

February 27, 2016

Aaron B. Zisser, J.D.
www.civilrightsconsulting.com
aaronzisser@civilrightsconsulting.com
628.400.1203
Oakland, CA
ACKNOWLEDGEMENTS

I wish to acknowledge Judge LaDoris Cordell, Chairperson of the Blue Ribbon Commission for Improving Custody Operations, as well as the other commissioners. Their serious attention to inmates’ concerns and operations at the Jail is admirable and likely to spur important reforms. Judge Cordell facilitated my review by seeking full access to documents, personnel, and facilities. The Board of Supervisors is to be commended for convening the Commission, and President Cortese’s recent State of the County address highlighted the Jail.

Jail staff and administrators also made themselves available for often-lengthy interviews on relatively short notice. Requested documentation was produced on an expedited timeline. I wish to thank all of the staff and administrators who were involved in my review. In particular, Captains Hoyt and Sepulveda were especially generous with their time and, along with Assistant Sheriff Beliveau, coordinated my visits and access to information and staff. Both the Sheriff and the Undersheriff were attentive and supportive. The Office of County Counsel, particularly Donald Larkin, and the Board of Supervisors, particularly Megan Doyle, both worked closely with me and the Jail to make the review go as smoothly as possible.

Attorneys Scott Emblidge and Jodie Smith and their outstanding team conducted interviews with 944 Jail inmates. The importance and breadth of this work simply cannot be overstated.

Most importantly, I want to acknowledge Michael Tyree and other human beings who have suffered or continue to suffer as a result of their confinement. I hope this report represents a small contribution in a larger effort to ensure Mr. Tyree’s death was not in vain.

EXECUTIVE SUMMARY

This report addresses the process in place in the Santa Clara County Department of Correction (“DOC”) and Santa Clara County Jail (“Jail”) for addressing (1) uses of force that may be excessive or unnecessary and (2) allegations of serious staff misconduct. The report includes ten findings and 19 additional sub-findings. The report identifies ten corresponding recommendations and 20 sub-recommendations. The findings and recommendations are addressed under each relevant section of the report and are also listed together in Appendix 1 and Appendix 2, respectively.

FINDING 1 addresses the Jail’s conflation of grievances and complaints, which results in Jail staff and administrators – at every stage of the grievance and complaint process – minimizing serious grievances that allege staff misconduct and treating such grievances as though they were any other run-of-the-mill grievance. This culture of disregard for serious inmate concerns finds a parallel in the Jail’s handling of self-reported uses of force.

FINDINGS 2-7 address the flaws at each stage of the grievance and complaint process and, where relevant, the Jail’s handling of use-of-force reports. The stages of the process – each infected with serious flaws – are as follows:
1. Inmate education
2. Filing methods
3. Review of and response to grievances
4. Referral for investigation
5. Investigation
6. Internal oversight

**FINDING 8** addresses other related serious concerns, such as restrictive housing, staffing levels, the Jail’s measures for preventing and responding to sexual misconduct, and crowding.

**FINDING 9** addresses the lack of rigorous independent oversight.

**FINDING 10** addresses the need for immediate implementation of the recommendations of the Blue Ribbon Commission.

A variety of acronyms are used throughout this report:

- ADA: Americans with Disabilities Act
- DOC: Santa Clara County Department of Correction
- DOJ: U.S. Department of Justice
- IAU: Internal Affairs Unit
- JOP: Jail Observer Program
- PREA: Prison Rape Elimination Act

**QUALIFICATIONS**

As an attorney with the U.S. Department of Justice (“DOJ”), Civil Rights Division (2009-2015), I led numerous system-reform investigations and compliance monitoring, including “pattern or practice” cases with the Special Litigation Section (2009-2013). These cases – of both individual facilities and statewide systems – involved conditions of confinement in correctional facilities and psychiatric hospitals and addressed a wide range of issues, including mental health treatment, restrictive housing, and use of force. As part of those investigations and compliance monitoring, I reviewed not only the pattern of conduct or treatment but also the underlying systems, including policies and procedures, grievance and complaint processes, training, internal investigations, and quality assurance and developed recommendations for remedial action. I led and conducted similar system-reform investigations and compliance monitoring, and developed detailed remedies, involving statewide disability services and mental health systems.

My work at DOJ and in other legal and advocacy positions has involved enforcement primarily of the U.S. Constitution and the Americans with Disabilities Act (“ADA”). I have specialized training to become a DOJ-certified auditor for jail and prison compliance with the comprehensive Prison Rape Elimination Act (“PREA”) Standards.

I currently work as a consultant on systems reform and oversight. Appendix 3 to this report includes my complete C.V., and further information is available on my website, listed on the cover of this report.
METHODOLOGY AND SCOPE OF REVIEW

Methodology

My review, which began January 12, 2016, involved site visits, review of documents and records, and interviews. I spent a full day at Main Jail and a full day at Elmwood touring the facilities, speaking with officers and inmates, observing notices and postings, and reviewing documentation. I submitted detailed information requests and reviewed policies; inmate rule book; forms; a sample of grievances, use-of-force reports, and investigations; data; videos; training materials; external audits; and other materials. I also reviewed the testimony and materials presented to the Blue Ribbon Commission.

I conducted more than 20 formal interviews, almost all of them in person, of deputies; several grievance coordinators and other staff responsible for maintaining data; three PREA managers; the PREA coordinator, who also oversees the Internal Audit Unit; both facility commanders; three mental health supervisors; the head of the Internal Affairs Unit (“IAU”); the Captain who heads criminal investigations; the Assistant Sheriff; the Undersheriff; and the director of the Jail Observer Program (“JOP”). I also interviewed deputies and inmates during my site visits. I opted not to conduct formal interviews with inmates in light of the enormous undertaking by attorney Scott Emblidge and his team. I note that the information reported in those interviews find consistent support in my review.

To be clear, I always sought to corroborate, through interviews with staff and administrators and through review of policies, initial findings that resulted from my review of documentation.

Scope

I did not seek to – and I did not in fact – make determinations regarding the merit of any individual grievance, complaint, or use of force. This review instead addresses the Jail’s policies and practices for receiving and responding to such allegations and incidents.

My review focused on the most serious types of grievances, those that essentially rise to the level of complaints, or allegations of staff misconduct. I also reviewed the Jail’s response to uses of force, as these, like grievances and complaints, should be investigated for potential misconduct. I did not specifically review, but did make findings regarding, other serious issues that I came across in the course of my review. Some of these issues, such as staffing and cameras, relate somewhat to the focus of the review. Others, such as restrictive housing, were natural areas of inquiry – for example, to determine how inmates in such housing access the grievance system – but stood out for reasons unrelated to the focus of the review.

I devote a lengthy discussion to PREA because sexual misconduct is among the most serious types of misconduct that staff can perpetrate and because the PREA Standards are new and provide clear guidance regarding grievance and complaint procedures. If the Jail does not even take PREA seriously, that says something about how it approaches other types of misconduct.
BEST PRACTICES

I was asked to evaluate the Jail’s policies and practices relative to best practices. I drew on written standards – the U.S. Constitution, American Bar Association standards, American Correctional Association standards, PREA Standards, and others – as well as research, DOJ settlement agreements, my own experience reviewing a variety of facilities, policies in other adult correctional facilities, and practices in place at Santa Clara County’s juvenile detention facilities, which I visited for this review.

I reviewed research and examples of independent oversight and interviewed the inspector general for California’s prisons and a former deputy inspector general for Los Angeles’ Sheriff’s Office, who now serves as the Independent Police Auditor for the San Jose Police Department. Of course, DOJ’s compliance monitoring, and the monitoring conducted by others in DOJ cases, constitute a form of independent oversight.

COMMENDABLE PRACTICES

I observed a number of commendable practices that provide a reasonable basis for further refining the Jail’s practices.

- The PREA video shown to inmates is very high quality and is comprehensive in its content.
- The Jail provides grievance forms in triplicate to ensure inmates have a receipt of their submission, and the Jail is now installing grievance boxes in various areas of the facilities.
- Despite a policy that permits the Jail to impose restrictions on inmates’ access to the grievance process, the Jail does not impose such restrictions.
- The Jail responds to and seeks to resolve grievances, regardless of whether the grievances are submitted by the formal deadline.
- Many responses to grievances are respectful and transparent. Some go out of their way to reassure the inmate or provide substantial information.
- Staff take measures to track and ensure timely responses to grievances.
- IAU is thorough and comprehensive in many of its investigations.
- The Internal Audit Unit is now partially staffed and serves essential functions involving updating policies and measuring policy compliance.
- Administrative staff, at the direction of the facility commanders, take extraordinary initiative and exercise admirable creativity and dedication in making sense of otherwise
incomplete and inadequate data. These workarounds provide their bosses with meaningful data that aids in their ability to analyze patterns and trends.

• The primary PREA manager is committed and hard-working. Deputies seek opportunities to solve problems with inmates and take their jobs seriously. Nearly every individual I interviewed, at every level, was thoughtful and committed. There is a great deal of potential for collaborative reform.

• The Jail Observer Program is a critically important resource for inmates and families and benefits from creative, dedicated, and collaborative direction.
FINDING 1: Conflation of ordinary and serious grievances

The Jail permits inmates to file a “grievance” regarding any issue or concern. While the Jail’s approach is appropriate in this regard, the Jail has failed to ensure that this breadth does not swallow or mask the most serious types of grievances. Instead, the Jail has in other ways perpetuated the conflation of ordinary grievances and grievances regarding staff misconduct, which the Jail calls “complaints” but seldom treats as such.

Background

Under policy, an inmate may use the grievance process to address “any conditions of confinement.” (Policy 14.05, Sec. I.F.) A grievance is defined as “an inmate complaint arising from circumstances or conditions relating to his or her confinement.” (Policy 14.05-1.)

The use of the term “complaint” in the grievance policy is confusing in light of the fact that the Jail has a formal definition of “complaint.” A “complaint” is an allegation of staff misconduct (Policy 1.19-1) and can be made to staff through the grievance process or other means or directly to IAU. (Policy 1.19, Sec. IV.)

In fact, it is the grievance process inmates use most often for addressing misconduct, and the Jail specifically encourages use of the grievance system. Yet, once the inmate resorts to this process to lodge a complaint – that is, allegations of misconduct – the complaint is almost never treated as a complaint and is instead handled like any other grievance.

Best practice versus actual practice

The Jail has 23 categories of grievances. But in fact only two major categories of grievances exist, and it is this straightforward distinction that should guide the Jail’s approach. The first of these two categories includes grievances that address concerns regarding programs, services, and general policies and conditions. The other category addresses allegations of staff misconduct. These two categories must be handled differently at each and every stage.

The Jail already treats different categories of grievances differently, routing grievances regarding medical and mental health to Custody Health for response. In the same manner, grievances that in reality constitute “complaints” should be routed to IAU. Policy also provides for “emergency” grievances, though in practice staff do not identify any grievances in this manner. (See, e.g., Policy 14.05, Sec. VI.B.)
Instead, the Jail’s process for handling grievances is, to a large extent, a mess, as will become apparent in the discussion below regarding each stage of the grievance and complaint process and the equivalent stages of use-of-force review. All grievances are handled as grievances, even if they are in fact “complaints.”

Discussion

What explains this fundamental failure to properly distinguish between the two types of grievances and, in many cases, to identify some uses of force as serious enough for closer scrutiny? A number of explanations exist, including a policy that fails to clearly set out the fundamental distinctions between less serious and more serious incidents and allegations and that fails to list, among the purposes of the grievance system, identifying serious misconduct, as well as a culture of minimization that arises at least in part from a combination of understaffing, lack of guidance, and the enormous number of grievances that bury the most serious ones.

Policy: The policy on grievances identifies several purposes or goals of the grievance system (Policy 14.05-1; 14.05, Sec. I.A):

- Internal problem-solving
- Due process and access to the administration
- Continuous review of policy and procedure / monitoring problem areas
- Written documentation of inmate concerns

Not specifically listed is the goal of identifying and prioritizing potential serious abuses, although it should be. The PREA standards, for example, specifically contemplate that inmates may submit allegations of serious misconduct through the grievance process and that such allegations should be handled differently than other less serious complaints. While this goal may

1 Other grievances should also be considered urgent or serious, though they may not require referral for investigation because they do not constitute allegations regarding a specific staff member’s misconduct. For example, grievances regarding personal safety, e.g., failure to protect an inmate from violence, should be addressed urgently. Similarly, grievances alleging that an inmate receives very little out-of-cell time should be handled with serious attention to the potential impact of such restrictions.

Additionally, grievances regarding programs or medical care or other issues may in fact be allegations against a particular staff member. For example, an inmate may allege that she has been denied access to programs or medical care out of retaliation or for some other inappropriate purpose. This would constitute a complaint regarding misconduct and should be handled as such.
be implied in the identified purposes, it does not come through clearly. Jail leadership therefore may not be attuned to actions that undermine this key function of the grievance process.

Similarly, the PREA policy and other PREA materials tend to minimize the less serious forms of PREA misconduct, namely, sexual harassment. That even very serious misconduct covered in the rigorous PREA standards is not taken seriously in policy is emblematic of the broader failure to handle serious allegations as such.

**Culture:** Inmates submit hundreds of grievances each year, and they complain about conditions through other means, as well, including verbally, request forms, and medical requests. It becomes a “boy who cries wolf” phenomenon, in which the Jail simply lumps all grievances together and does not always distinguish between run-of-the-mill grievances and serious complaints. Officers see inmates complaining about insignificant issues; feel, as the front-line staff, as though the grievances are largely directed at them; and react to nearly every complaint as though it is presumptively unjustified. Nor does the Jail have adequate staffing and other resources, such as data systems, to adequately ensure that serious complaints rise to the top. In short, there emerges an “us versus them” mentality, and serious concerns simply are not taken seriously.

This approach also reflects a culture of non-transparency or non-accountability, in which officers believe they are entitled to escape blame for what they perceive as minor complaints. This leads inevitably to a culture of impunity for even the more serious allegations. It cannot be up to the accused to determine the merit of the accusation. This is how the worst kinds of abuses can end up happening.

Culture takes hold only if leadership perpetuate it, and key personnel among the Jail’s leadership held attitudes that undoubtedly promote this culture of minimization or disregard of inmate allegations. I have no reason whatsoever to believe that any malice underlies leadership’s attitudes. Rather, they are products of the same culture. For example:

- A high-level Jail official repeatedly referred to the inmates as “offenders,” despite the fact that the large majority of inmates are in the Jail for pre-trial detention and have not been convicted of their charges. As perceived offenders, inmates lack credibility and are simply trying to cause trouble for the staff by lodging complaints.

- Another high-level official did not understand that verbal comments referring to an inmate’s perceived homosexuality or an inmate’s sexual behavior should be considered sexual harassment and handled pursuant to PREA.
• A third high-level official specifically endorsed the practice of grievances accusing a specific officer of misconduct being handled by – including receiving a response from – that accused officer.

• As discussed in Findings 2-7, this mentality pervades through the entire process, appearing at each stage, including decision points at which the Jail leadership are the decision makers, such as whether to refer a grievance for investigation and whether to concur with a deputy’s response to a grievance. The approach parallels the approach to the handling of uses of force – leadership minimize serious incidents by not referring them for investigation.

To be clear, none of this is to say that the leadership fail in all ways to identify serious issues. As discussed above, the facility commanders have made efforts to cobble together data to identify trends in serious incidents, have identified and addressed inappropriate staff responses to grievances, and of course have referred a number of serious incidents for investigation. One facility commander acknowledged the failure to properly distinguish between ordinary and serious grievances. The Undersheriff acknowledged the need for clearer guidance regarding what types of incidents or complaints should be automatically referred for investigation. The Jail is currently undertaking efforts to enhance the confidentiality of inmate grievances.

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<tr>
<th>FINDING 1: The Jail fails to properly distinguish between the two categories of grievances – ordinary grievances regarding conditions and grievances alleging staff misconduct, or “complaints.”</th>
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**Finding 1a:** A culture of disregard of, or minimization of, serious complaints and serious incidents, perpetuated by the Jail leadership and supported by ambiguous policies, has taken hold in the Jail.

**Finding 1b:** The culture of conflation pervades through the entire grievance and complaint process, creating serious flaws at each stage. The entire process for addressing potential uses of excessive force and allegations of serious misconduct therefore requires revision and ongoing internal and independent oversight.

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<th>Recommendation 1: The critical distinction between the two basic types of grievances should guide the Jail’s approach at every stage, as well as the scope of independent oversight.</th>
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**Recommendation 1a:** Staff and inmates should be trained on the distinction, and policy should clarify the distinction, though inmates should be able to submit complaints through the grievance process.

**Recommendation 1b:** Grievance procedures must be viewed as a means of oversight of inmates’ rights and of Jail and staff accountability.
FINDING 2: Inmate education

Inmates must receive information regarding the avenues available to them for lodging complaints. Generally speaking, inmates are aware of the grievance process, and inmates file many grievances. However, providing accurate information and providing information in a manner that makes inmates more likely to access it accomplishes several additional aims:

1. Conveying to inmates that the Jail welcomes grievances and takes them seriously
2. Pointing inmates to other available avenues, such as reporting misconduct directly to IAU
3. Ensuring due process by, for example, providing information about deadlines and the requirement to exhaust administrative remedies
4. Clarifying the scope of topics that a grievance may include

Discussion

While the Jail makes a gesture to provide information in a variety of ways, each method suffers from significant problems. The Jail provides inmates with an “orientation,” but the orientation is composed of a disorganized, incomplete, and outdated rulebook and other incomplete materials; and two videos, both of which are screened for inmates in a manner and setting that make it unlikely that the inmates will view the videos in their entirety or absorb the information, neither of which is accompanied by an opportunity for inmates to ask questions, and one of which is outdated and incomplete. The Jail also posts various notices in the housing units and other areas of the facilities, but the notices often are incomplete, outdated, missing altogether, or placed in inconvenient locations. The grievance form itself provides another opportunity for information regarding the grievance process and other means of submitting complaints, but the grievance form contains no such information.
**Videos:** The Jail shows inmates two videos: a general orientation video and a video on PREA. The PREA video is produced by the PREA Resource Center, which oversees PREA implementation nationally on behalf of DOJ. The video is therefore of very high quality and complete in its content. The orientation video appears to be quite old, is very slow, has outdated music, and lacks any production value. It is unlikely to inspire focus or attention from its viewers. The content is cursory regarding grievance procedures and does not discuss other methods of lodging complaints.

Both videos are shown under circumstances in which the inmates are likely to be distracted and are unlikely to view the videos in their entirety. Specifically, the Jail screens the video in the intake areas, where there is often a great deal of activity. Inmates are not taken to a specific area to view the video, and staff do not ensure that inmates watch the video from beginning to end.

The orientation does not include an opportunity for inmates to ask questions of staff based on the video presentation or other information. This opportunity for a Q and A is a best practice and is employed in Santa Clara County’s juvenile detention facilities. Different inmates have different paces of learning and education levels, different familiarity with the rules and resources, and different language skills. An opportunity to ask questions allows inmates to fill in the gaps and address these varying skill levels. The videos are also screened on the housing units one day each week, but the screens are small and difficult to see from some of the cells and there is no way to ensure inmates are watching or understanding the information.

**Rule books:** During my site visits, in some housing units staff could not quickly locate copies of the rule books. More crucially, the rule books omit a lot of important information. Among the omissions are the following:

1. Information regarding PREA. While the rule book explains what type of staff conduct is prohibited and describes various reporting methods, it has not been updated to identify or explain the PREA Standards or include a crisis hotline, though a pamphlet and speed dial lists posted in housing units provide the hotline information.

2. Jail Observer Program. The rule book does not identify or describe the JOP, an important outside resource for inmates to report concerns.

3. A complete and updated speed dial list. The Jail posts “speed dial” lists, that is, lists of two-digit numbers inmates can dial from the phones in the housing units to reach various outside agencies or organizations. While the list refers to Human Relations, it does not specifically identify the JOP and does not indicate which calls are monitored.

4. “Complaint” procedure / IAU. While the rule book identifies IAU, it does not explain its purpose or scope.

5. Deadlines. The rule book does not advise inmates of the deadline for submitting a grievance, the consequences for a late submission (e.g., failure to exhaust administrative remedies), or the deadline for the Jail to provide a response to the grievance.

6. Table of contents. Without a table of contents, the rule book may be difficult for some inmates to navigate. The JOP has created a table of contents and made its existence public, yet the Jail has not incorporated it into the rule book or otherwise distributed it.
The rule book also provides confusing information. It indicates that an inmate “should first direct your complaint to the Officer in charge of your housing unit” and subsequently turn a grievance form in to any officer. This language risks being interpreted to require verbal submission before resorting to a written grievance form.

**Other materials:** A pamphlet provides information about sexual assault, the crisis hotline, and other ways to report sexual assault, but it does not cover sexual harassment. Yet another handout, which is also posted in some of the housing units, also contains information about how to report sexual abuse or sexual assault, but once again it does not cover harassment.

**Postings:** The postings in the housing units and other areas are a mess. They are not posted with any discernable organization in mind and instead create a cluttered and haphazard array of various types of information. Some of the notices, such as some of the PREA information and the ADA notices, are posted in some but not all the units (Policy 13.11, Sec. I.A.1 requires ADA postings in every housing unit). The grievance procedure is posted in only a small fraction of the units. Information about IAU and JOP is not posted in the housing units.

When information is posted, it is often outdated and/or incomplete. The ADA notices often included the name of a contact person who has been deceased for several years. The PREA information is contained in several different postings. The main posting, which has some design elements that make it more likely for inmates to review it and includes information in three languages, addresses sexual abuse but not harassment, even though PREA covers both types of misconduct – an omission that repeats itself throughout the Jail’s PREA policies and procedures, as discussed in more detail below. The Jail could improve the design of the posting with color and images or symbols – the County’s juvenile detention facilities employ very effective designs that make the posters easy to spot and highlight their importance. The U.S. Marshals Service requested that its PREA notice be posted, but the contact information provided is that of the federal government. While it does address sexual harassment, it is not clear whether such conduct is punished. Unfortunately, the policy does not help matters, as it requires only that “[e]ach housing unit has posted signs containing information for inmates to report sexual abuse,” but not harassment. (Policy 14.15, Sec. XV.B.)

In some units, PREA information was posted in locations or in a format that made it unlikely for inmates to view it. In some areas of Main Jail-South, the information was posted in a hallway, but the inmates at either end of the hallway would only view it as they passed it on their way in or out of the unit. In such cases, the activity involved in moving inmates or the fact that the inmates are in motion make it unlikely the inmates would have enough time or focus to view or understand the material. In other cases, the print was so small and the posting placed so far away from the cell that the inmates simply could not read the information.

I observed that speed dial lists were often torn, outdated, or placed somewhere other than next to the phones.

Other random postings contribute to the disorganization and may distract inmates from more important information. For example, contact information for the 2014 PREA audit was still posted in a number of areas, and a 1993 inmate rule book was posted in one of the units.
FINDING 2: The Jail provides grossly inadequate information to inmates regarding the options they have for addressing staff misconduct and other serious concerns, such as sexual misconduct by other inmates. Information is disjointed, haphazard, and incomplete.

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<td>IAU and JOP</td>
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<td>Speed dial lists</td>
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Recommendation 2: The Jail should make complete and accurate information readily available and should routinely update such information.

Recommendation 2a: The Jail should revise and update the orientation video, rule book, and many of the postings to ensure accuracy and completeness. The rule book should address information in a number of areas that is currently omitted.

Recommendation 2b: Postings should be complete, accurate, organized, properly located, and difficult to tear or remove. PREA information should address both abuse and harassment and should be contained in easy-to-identify and attractively designed posters. The Jail should post information regarding IAU and JOP.

Recommendation 2c: The Jail should screen the orientation and PREA videos free from distraction and should provide an opportunity for inmates to direct questions to staff.
FINDING 3: Filing methods

Inmates have a number of ways to file a grievance or complaint, including verbally, with a grievance form, through a call or a letter to IAU, and other methods. The Jail does not reject grievances for technical reasons or because they are outside of the deadline for filing. While policy inappropriately permits the Jail to place restrictions on access to the grievance process, including even emergency grievances, under some circumstances (Policy 14.05, Sec. VI), the Jail, commendably, has not enforced its policy since at least a couple years ago.

The Jail already acknowledges the need for confidential grievance procedures – it has confidential letters in its policies, and it is installing grievance boxes. But many staff seem resistant to the use of grievance boxes and believe instead that grievances should be resolved at their level. This belief represents a fundamental failure to appreciate the distinction between grievances and complaints and the inappropriateness of a subject officer handling the grievance that is filed against him or her. Moreover, inmates should continue to be encouraged to submit grievances verbally or in writing to an officer where the grievance can properly be resolved through those methods.

Other reasons exist for the need for confidentiality. In at least one unit, I encountered a situation in which inmates’ grievances reportedly encountered vetting by other inmates before reaching staff.

**Grievance boxes:** In particular, the Jail has been without grievance boxes that provide the best option to ensure confidentiality. While “confidential letters” to the facility commander are another means, this method is seldom utilized – grievance forms are the default mechanism in the Jail – and, under policy, may in fact be referred back down the chain of command for response. It is remarkable that the Jail has lacked grievance boxes until now – the Jail began installing them this month. The County’s juvenile detention facilities employ boxes, and this is standard practice in many facilities around the country – indeed, it is probably among the most obvious best practices. The Jail reports that it is likely to distribute computer tablets to inmates and that one of the functions may be to facilitate the filing of grievances. While that is a promising approach, I received no documentation or plans regarding the tablets, and it appears that their use as a means of filing grievances is a recent proposal.

I received conflicting reports regarding specific procedures the Jail contemplates for the boxes.

- Different personnel reported different impressions regarding whether the Jail will require inmates to use the grievance boxes or will also continue to permit inmates to submit grievances to staff. The best practice is to maintain all available filing methods and to use the grievance boxes as an additional option, not as a substitution.
• I also received conflicting reports about how often staff would collect the contents of the grievance boxes. Some understood that inmates may use the boxes for urgent grievances, thus necessitating collection every shift. Other staff indicated that a sergeant would collect the grievances from the boxes once each day.

• I received conflicting reports about where the Jail planned to place boxes. Some reports indicated the boxes would be placed only in the housing units, while others indicated inmates would have access to grievance boxes in other areas of the facility, as well. It is critical that the Jail place boxes in both housing units and other areas, as inmates seeking confidentiality may feel reluctant to submit a grievance in front of the housing unit staff, even if the staff cannot see the grievance itself. (Supervisors should not open on the housing unit the grievances that inmates have placed in the boxes. This would defeat the purpose of preserving confidentiality.)

Consistent with a theme I observed, the lack of a written plan for placement of and procedure for the grievances boxes indicates the reactive nature of their use. A plan helps to avoid confusion on the part of inmates and staff, which would diminish the confidence inmates have in what should be a confidential and reliable method for submitting grievances.

Other submission methods: In addition to bringing in boxes, the Jail should firm up its existing mechanisms. Many staff and inmates currently believe that inmates should submit grievances to housing unit staff. As discussed above, some of the materials provided to inmates may contribute to this confusion. Some even believe that inmates are supposed to submit their grievance to the shift that is the subject of the grievance. Policies indicate this is not the case, as do various other materials, but the Jail has not effectively communicated this message and some of the policies are ambiguous. Indeed, grievance forms were not uniformly readily available in some areas of the facilities. This belief may also deter inmates from filing grievances, particularly given the harsh nature of some of the responses by officers who are the subject of the grievance, as discussed below.

The Jail should provide inmates with better information regarding their option to report complaints directly to IAU. As discussed above, the Jail should cover this topic in orientation materials and postings. But inmates will only use this option if they have confidence that IAU will take their complaints seriously. As discussed below, that is currently not the case.

**FINDING 3:** The Jail has not made readily available to inmates a sufficiently confidential means of submitting grievances. No clear plan exists for the grievance boxes’ proper placement or use, and many staff are unclear on the procedure and purpose. It remains to be seen whether computer tablets will facilitate the filing of grievances or complaints.

**Finding 3a:** Confidential letters are not really confidential and are not as convenient as other methods.

**Finding 3b:** There exists at the Jail, among both inmates and staff, the belief that grievances must be submitted to officers. Ambiguous policies reinforce this belief. Grievance forms are not available in some key areas.
**Finding 3c:** Confidentiality is essential in light of the widespread practice of subject officers responding to grievances regarding misconduct, the inappropriate and intimidating nature of some such responses, and the screening in some cases of grievances by other inmates.

**Recommendation 3:** Inmates should have ready access to confidential means of submitting grievances and complaints.

**Recommendation 3a:** The Jail should develop clear plans for the placement of boxes and other filing methods; inmates should participate in the planning process.

**Recommendation 3b:** The Jail should clarify – in staff training, inmate education, and policy – that inmates may submit grievances to any staff member.

**Recommendation 3c:** The Jail should make grievance forms available in medical units and any other areas where inmates may be.
FINDING 4: Review and response

The Jail’s failure to provide guidance to staff on the critical distinction between ordinary grievances and complaints that should end up with IAU is that staff whom an inmate accuses of misconduct in a grievance often respond to the grievance and, unsurprisingly, do so in a manner that risks creating the perception of retaliation or intimidation. Another less serious but still important concern is timeliness of responses to inmate grievances.

**Staff responses:** It is the most serious grievances that are rife with potential for retaliation. That is because accused staff understandably feel the urge to respond and defend themselves. Staff may not realize, however, that it is precisely for these reasons that the accused staff member must not address this type of grievance herself. Nor may staff realize that an inmate may perceive a well-intentioned and genuine response as containing implicit retaliatory messages or an intimidating tone. By responding to such grievances, staff risk deterring further complaints.

Unfortunately, not only is it rather common for accused staff to respond to the grievance making the allegation; it is a sanctioned response. Jail leadership endorse this approach because of the conflation of ordinary and serious grievances: all grievances should be handled in the same manner. Officers receive only limited training regarding the grievance process, and it does not include instruction on proper handling of grievances that in fact constitute complaints, or allegations of misconduct. Because policy and practice encourage officers to seek to resolve grievances, officers assume that even grievances alleging misconduct should be addressed and resolved at the lowest level possible. Of course, it is not possible to resolve such a grievance without an investigation. Standard principles of due process simply do not permit the accused to adjudicate – or resolve – the accusation an inmate has made against him or her. There must be independent review. Accordingly, there is absolutely no need for the grievance to even pass through the officer; indeed, allowing that to happen compromises confidentiality and confidence in the process and creates risk of actual or perceived retaliation.

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<tr>
<th>Issue</th>
<th>Best Practice</th>
<th>Jail’s Practice</th>
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<td>Can accused officer review, respond, “resolve”?</td>
<td>No</td>
<td>Yes</td>
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<tr>
<td>Written guidance?</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>Training for officers?</td>
<td>Yes</td>
<td>No</td>
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<td>Timely response?</td>
<td>Yes</td>
<td>Yes/No</td>
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<tr>
<td>Inmates notified of delay?</td>
<td>Yes</td>
<td>No</td>
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In addition to many examples of an officer personally addressing grievances directed at that officer, I saw in the sample documentation I received examples of responses that, not
surprisingly, came off as intimidating or accusatory. Documentation indicated that the chain of command either actively or tacitly approved of the response. A number of examples from Main Jail are illustrative:

- In one example from July 2015, an officer indicates on the grievance form – in the space made available for the officer’s response – “Attitudes and slamming door are not grievable offense.” The supervisor indicates that he or she “concurs” with the officer’s response. Of course, all conditions or conduct is grievable, and the officer and supervisor’s indication to the contrary is likely to discourage the inmate – and potentially other inmates whom the inmate shares the information with – from submitting grievances.

- In September 2015, an inmate submitted a grievance in which the inmate alleged: “I … was placed into a holding cell and strapped inside of a chair … . The sergeant … came into the cell choked me, and grabbed my penis (he was alone). … He stated, ‘who’s going to believe you over me?’ He laughed at me and left.” The officer’s response was, “You are falsifying information for personal gain.” This accusatory and unsupported response to a very serious allegation risks deterring the inmate from further recourse to the grievance process. Investigative procedures are in place to address such accusations.

- Though not pertaining to alleged misconduct, in October 2015, an officer indicated a classification issue was “not grievable.” The supervisor concurred. This is especially troubling, given that classification is among the examples given in policy of grievable issues.

- In December 2015, an inmate at Main Jail submitted a grievance alleging that a deputy twice called him “faggot/maggot.” The deputy’s response on the grievance form included the following: “The above false accusations did not occur.” As a PREA-covered allegation, this grievance should go directly to investigators. The tone of the response risks coming off to the inmate as aggressive.

If inappropriate responses to grievances risk discouraging inmates from continuing to use the grievance process, supervisors’ mishandling of use-of-force reports can create a sense of impunity on the part of staff, who may feel less inclined to properly report uses of force (or to refrain from improper uses of force in the first place, though I do not evaluate whether there exists a pattern of excessive or unnecessary use of force). I saw numerous examples of use-of-force reports that did not entail interviews by the supervisor.

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Inmates reported to Mr. Emblidge’s team that Custody Input forms can be used as retaliation for filing grievances. The Jail confirmed that, in these forms, officers make observations about inmates’ behavior, and officers submit the forms to Classification, which can then refer to such forms when making decisions about classification level. However, because this information came to me very late in the review process, I did not have an opportunity to review samples of these forms or speak with Classification about whether the forms are in fact sometimes used by officers as a way to retaliate. But the format of the form lends itself to very subjective determinations. The lack of process or input from the inmate makes use of the forms a convenient way for officers to retaliate. Best practice clearly counsels against the use of such forms and instead encourages objective re-classification determinations.
**Title:** Actions from the November 5, 2013 Discussion on Community Healing following the Andy Lopez tragedy

**Recommended Actions:**

Receive report and consider actions for Board, staff, and community task force.

**Executive Summary:**

This item synthesizes the comments heard during the November 5, 2013 discussion on community healing following the Andy Lopez tragedy. The actions for your Board are summarized in three categories: actions specifically for the Board; actions the Board wishes a community task force to carry out; and actions the Board directs staff to complete.

The ideas included in this staff report are representative of the input received. Recommendations are based on the comments and input from departments. Where possible staff has provided estimates of cost (in the fiscal impact section) and duration for the recommended actions. The full transcript of the November discussion is attached as is a draft charter for the recommended Community and Local Law Enforcement Task Force.

**Background**

During the morning session of the Board of Supervisors on November 5, 2013 the Board heard from over 30 members of the community addressing the questions of what kind of community do we want to be, how can we as a community heal after the tragedy of losing Andy Lopez, and how can we, as a community work to ensure that similar tragedies never happen again.

The Board requested that staff return on December 3, 2013 with a synthesis of the suggestions heard during the discussion organized into recommendations for direct Board action; recommendations for a Board appointed task force to complete; and recommendations for staff to complete directly. The Chair also identified a fourth track to include the formation of a Board ad hoc committee to work with the City of Santa Rosa on Southwest Santa Rosa Annexation issues. The formation of the ad hoc committee is
included in today’s recommended actions for the Board. Staff will work with the ad hoc committee to develop its charter and return with a separate report on the activities and plans thus far on Southwest Santa Rosa Annexation after meeting with the ad hoc committee.

Recommendations for Board Actions

1. Create and appoint members to a Community and Local Law Enforcement Task Force

There were many suggestions for this task force’s charges and these are discussed in more detail below. The make-up of this task force is recommended to be 3 members to be appointed by each Board member, 3 recommended for appointment by the Sheriff, 2 appointed by the Mayor of the City of Santa Rosa, and 1 recommended for appointment by the District Attorney. The goal is to represent our diverse community demographically, geographically, and from all walks of life. The Board may wish to make specific appointment recommendations at today’s meeting and then complete appointments at the December 10 meeting to ensure the representation as a whole achieves the desired diversity and community inclusion.

2. Conduct town hall meetings throughout the County over the next year, engaging underserved communities, in a variety of dialogues aimed at inclusion, healing, and learning what is needed to address disparity in services in the communities.

Topics suggested were: community violence, social equity and justice, community grief, diversity, inequitable policies and practices across communities, how to rebuild community trust, trust in law-enforcement, what trust do you have in law enforcement and the agencies they work for, how to reach people who might not be engaged and include them in the discussions, and what types of educational programs are needed to assist the community in understanding the rights, resources, services (including grief counseling and support sessions but also the broader array of services), and ways that they can engage in community and governance.

Suggestions regarding facilitation of these conversations included conducting these meetings in Spanish and providing English translation; using a Restorative Justice model of circle conversations with the community; and a method without talking but the use of written word contributions from the participants. Staff recommends that the Board begin with the town hall meeting model, conducted in Spanish and English and other languages depending on the specific setting and community, with alternative formats evaluated further and utilized on an ongoing basis.

3. Support state and federal legislation on gun and replica weapon control.

4. Intentionally engage and appoint more Latino and youth leadership to serve on policy making and advisory boards serving the County. Recommendations related to this activity will be included in the County’s Community Engagement Strategy, anticipated for Board consideration in January.

5. Create and appoint two members of the Board to the Southwest Santa Rosa Annexation Ad Hoc
Committee.
Recommendations for Directions to Staff

1. **Community Park** - Report back in 60 days with plan and financing recommendations to create a park in the Moorland Avenue neighborhood dedicated to Andy Lopez.

   Depts: Agricultural Preservation and Open Space District; Regional Parks; CAO

2. **Weapons Programs** - Report back in 90 days with program options to: buyback real weapons; buyback or exchange toy and replica weapons for non-violent toys; educate and encourage parents to paint and otherwise distinguish toy and replica weapons from real ones; and educate and promote awareness in the community regarding the dangers of guns and community violence.

   Depts: Sheriff’s Office; Human Services; Health Services; CAO

3. **Cultural Diversity Recruitment & Training Programs** – Report back in 60 days on current recruitment, retention, and training programs for law enforcement and other staff regarding cultural diversity, include current and historic staff demographic data and trends, and options for additional efforts to be considered going forward.

   Depts: Human Resources; Sheriff’s Office; District Attorney; Probation; CAO

4. **Lethal Force and Alternatives Training** – Report back in 90 days on current and recommended training programs on the use of lethal force and alternatives.

   Depts: Sheriff’s Office; Probation; Human Resources

5. **Lapel Cameras** – Report back in 60 days on feasibility and costs for providing law enforcement officers with lapel cameras.

   Depts: Sheriff’s Office; ISD; Human Resources; CAO

6. **Rapid Response Team for Youth Involved Events** – Report back in 60 days on potential programs similar to the mental health response team to be deployed in emerging situations involving youth to diffuse tensions.

   Depts: Health Services; Human Services; Sheriff’s Office; CAO

7. **Annual Report** – Incorporate accomplishments and challenges related to community building activity, key initiatives, and policy issues of community interest for Sheriff’s office and all involved departments in County Annual Report.

   Depts: CAO
8. **Bilingual Small Business Development Assistance** – Return in 60 days with proposal and actions necessary to add a bilingual small business development assistance program in the Economic Development Department to be targeted to underserved communities.

Depts: Economic Development; CAO

9. **Infrastructure and Services Investments** – Report in 90 days on needed strategic infrastructure and services investments for underserved communities in alignment with the County Strategic Plan including at a minimum: plaza/community centers, libraries, community clinic/wellness centers, access, education, self sufficiency, partnership, quality and efficiency and identify a portion of Reinvestment and Revitalization funding for potential use in beginning to address these needs.

Depts: CAO, General Services, Library, Health Services, Human Services, Community Development Commission

10. **Community Engagement** – Report back in 60 days as a part of full presentation on a Community Engagement Plan. The Plan will move to implementation the County’s recently completed Best Practices in Community Engagement report, and include items highlighted as supporting the efforts indicated in this agenda item. Specific actions will include building internal capacity to understand effective engagement strategies and practices, as well as moving to establish more systemic cultural competency within the County organization. Externally focused activities will create new and leverage ongoing County efforts, and leverage existing community and other jurisdictional efforts. These include identifying “store fronts” in various communities throughout the county, establishing community ambassadors to provide a direct link between residents and their government, expanding youth placement on boards of partner non-profit and private organizations, deploying ongoing mechanisms for community input – particularly via emerging technology – and establishing more planned media engagement.

Depts: CAO

11. **Community Healing and Resiliency Funding** – Report back as a part of the FY 14-15 Budget Hearings with options for a financing mechanism for supporting any ongoing approved recommendations from today’s list, recommendations from the Community Healing Task Force and the Board led Town Hall meetings. This includes investments in infrastructure, services, and specifically the replication of successful current programs for youth and public safety programs throughout the community where needed.

Depts: CAO

As the Board also heard from a number of individuals and organizations on November 5, 2013 who are ready and willing to assist in the suggestions above (including but not limited to the City of Santa Rosa, Los Cien, La Luz, Social Advocates for Youth, Restorative Resources and many more) staff recommends Board authorization to reach out and utilize these individuals and organizations in developing and implementing the recommendations approved by the Board in today’s session.
Recommendations for the Task Force (likely Task Force Member commitment of at least 2-4 hrs per week, for first 4 months)

1. Charge the Task Force with first reviewing options for and ultimately recommending within 60 days a model for an independent citizen review body. The options should include the range of composition and powers vested in similar bodies in other communities from the current status quo in Sonoma County (Grand Jury), to using the existing Grand Jury differently, and the four separate models noted in the attached charter. The review should also look at legal constraints and best practices involved in constituting and using such bodies. Further, the Task Force is specifically directed to explore and develop definitions of transparency for any investigations or reviews to be conducted by the body.

2. Charge the Task Force with next reviewing and recommending by April 30, 2014 options for community policing to be considered with the FY 14/15 budget process.

3. Charge the Task Force with next reviewing and recommending by June 1, 2014 whether the Office of Coroner should be separately elected from the Office of Sheriff.

4. Finally, charge the Task Force with bringing to the Board of Supervisors any additional feedback from the community on these issues that merits County attention periodically and by the end of 2014.

More details with respect to these charges and the Task Force in general are included in the draft charter included as an attachment to this item.

Prior Board Actions:

November 5, 2013 – Morning Session devoted to Community discussion regarding healing following Andy Lopez tragedy.

Strategic Plan Alignment

| Goal 1: Safe, Healthy, and Caring Community |
## Fiscal Summary - FY 13-14

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### Narrative Explanation of Fiscal Impacts (If Required):

Estimates of costs for Board actions are: approximately $350,000 for support of the task force, based upon 3-4 dedicated FTE, additional occasional or specific expertise support from staff or consultants, space, and other logistics; and approximately $75,000 for logistics costs for the town hall meetings. The other Board action item costs will be nominal and can be included in existing operations. Estimates of costs for actions to be carried out by staff still need to be developed and will be brought back individually as needed. Fiscal changes will be included in consolidated budget adjustments or future budgets when approved by the Board. Some costs may be provided in kind through partnerships with community organizations.

### Staffing Impacts

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### Narrative Explanation of Staffing Impacts (If Required):

### Attachments:

- Transcript of November 5, 2013 Morning Session.
- Community and Local Law Enforcement Task Force Charter

### Related Items “On File” with the Clerk of the Board:

None.
1. **Background: The Need**

Sonoma County recently experienced a tragedy in the shooting death of Andy Lopez by a Sonoma County deputy sheriff when he was seen carrying a BB gun designed as a replica assault rifle. An investigation process is underway currently, including potential federal investigation and civil legal proceedings on behalf of the Lopez family. However, Andy’s death has generated a need for community healing efforts addressing a wide range of issues. This Task Force is being created to address four important issues necessary for this healing through the convening of 21 representative members of the community and ultimately making recommendations to the Board of Supervisors.

2. **Task Force Charges (4):**

*First, the Task Force is charged with reviewing options for, and ultimately recommending within 60 days, a model for an independent citizen review body.*

The options should include the range of composition and powers vested in similar bodies in other communities from the current status quo in Sonoma County (Grand Jury), to using the existing Grand Jury differently, and the four separate models noted below. The review should also look at legal constraints and best practices involved in constituting and using such bodies. Further, the Task Force is specifically directed to explore and develop definitions of transparency for any investigations or reviews to be conducted by the body.

The following four models should be reviewed with the purpose of developing better relationships, and creating credible citizen oversight and involvement with law enforcement agencies:

- Citizen Review Board,
- Police Review/Citizen Oversight Review Board,
- Police Review/Citizens Police Appeal Board,
- Independent Citizen Auditor

In addition, among the powers to be reviewed are the ability to conduct investigations and reviews of citizen deaths resulting from interaction or custody by law enforcement agencies, the ability to subpoena witnesses or citizens to testify to the review body, the ability to review and make recommendations with respect to law enforcement training, including lethal force and cultural diversity training and related protocols used by law enforcement, the ability to review and make recommendations with respect to psychological support given for officers, the ability to make recommendations with respect to communication and education about protocols and training used by law enforcement officers, the ability to make recommendations with respect to education of
the community about their rights when interacting with law enforcement officers, and the ability to make recommendations with respect to overall militarization of local law enforcement agencies.

The goal for the first charge is to develop recommendations that can be adopted by all affected agencies in the county.

**Second, the Task Force is charged with reviewing and recommending by April 30, 2014 options for community policing to be considered with the FY 14/15 budget process.**

Specifically, the review should include definitions and best practices for community policing and measures of effectiveness used by other communities. Further the recommendations should take into account where such practices and programs would be most helpful in Sonoma County to rebuild trust and address disparities in law enforcement service delivery between communities. At a minimum, the review should look at practices associated with officers and communities getting to know one another, community input into interactions with law enforcement personnel, and various neighborhood educational programming.

**Third, the Task Force is charged with reviewing and recommending by June 1, 2014 whether the Office of Coroner should be separately elected from the Office of Sheriff.**

**Fourth, the Task Force is charged with bringing to the Board of Supervisors any additional feedback from the community on these issues that merits County attention by the end of 2014.**

The Task Force should collect additional feedback from the community on the issues discussed at the Community Healing session and related to the Andy Lopez tragedy over the course of the year and bring to the Board of Supervisors such feedback that merits County attention periodically and at a minimum at the end of the Task Force’s tenure in December 2014.

Specifically this feedback should look at whether a sense of accountability to the community has been enhanced and whether there are any additional programs to address community trust and well being that should be recommended.

**3. Approach to the work of the Task Force**

The Task Force is directed to work with all the law enforcement jurisdictions in the County and is directed to be open to public input. The Task Force may develop sub-committees and other guidelines for the conduct of its business but is expected to comply with the Brown Act as an advisory body appointed by the Board of Supervisors.
Staff from the County Department of Health Services, the County Department of Human Services and the County Administrator will be dedicated to support the Task Force in its efforts and logistics needs. In addition, staff from County Counsel and a wide variety of other County departments will be called on to provide information or other forms of support for this effort.

Staff will take draft recommendations for each of the charges to appropriate advisory groups and commissions, including but not limited to: the Health Action Council, the First 5 Commission, the Prevention Partnership, the Maternal, Child and Adolescent Health Advisory Board, the Advisory Board on Alcohol/other Drug Problems, the Mental Health Board, the Commission on AIDS, The Upstream Investments Policy Committee, the Police Chiefs’ Association in Sonoma County, a local Law Enforcement Union Council (or equivalent), and the Sheriff’s Latino Advisory Committee. The Task Force shall incorporate input from these bodies into their final recommendations.

4. Task Force Composition

Task Force Members: (to be named when appointed)

The make-up of this task force is recommended to be 3 members to be appointed by each Board member, 3 recommended by the Sheriff, 2 appointed by the Mayor of the City of Santa Rosa, and 1 recommended for appointment by the District Attorney; to represent our diverse community demographically, geographically, and from all walks of life.

Ideal task force members will have the ability and commitment to listen and weigh information with an open mind, engage and fully participate in the development of recommendations, and bring professional skills and expertise and/or the ability to articulate a perspective from their experience which represents the diversity of our community.

The attached matrix provides a framework for assisting to ensure representation as a whole achieves the desired diversity and community inclusion.

5. Timing

December 2013—Task Force Appointed and Convened for Kick Off Meeting

February 2014 – First set of recommendations due

April 30, 2014 – Second set of recommendations due

June 1, 2014—Third set of recommendations due

December 31, 2014 – Final set of recommendations due
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On December 3, 2013, the Board of Supervisors established the Community and Local Law Enforcement Task Force (Task Force). The Task Force was given four charges:

a. Review options for and ultimately recommend a model for an independent citizen review body;
b. Review and recommend options for community policing to be considered with the FY 14/15 Budget process;
c. Review and recommend whether the Office of Coroner should be separately elected from the Office of Sheriff; and
d. Bring to the Board of Supervisors any additional feedback from the community on these issues that merit County attention and discuss staff generated efforts on these issues.

On May 13, 2014, and October 21, 2014, the Board received a comprehensive update on the progress of the Task Force, as well as on several Board and Staff initiatives. The action today is to receive the final report from the Task Force, which includes the recommendations related to their four charges.

In order to complete their work, the 21-member Task Force divided itself into three Subcommittees, and reported out their recommendations at the Subcommittee level.
Final Recommendations

The recommendations were not voted on individually. In deference to the tremendous amount of work done by each Task Force member through the Subcommittee process, a significant majority of the Task Force members voted to forward the complete work of the Subcommittees to the Board of Supervisors.

The Law Enforcement Accountability Subcommittee reviewed the questions of the Civil Grand Jury as an oversight body, whether the Office of the Sherriff and Coroner should be separated, and law enforcement accountability/oversight models, and recommended or concluded the following:

LEA - 1) An independent office of civilian oversight based on an independent auditor model should be established.
LEA - 2) Civil Grand Jury is not feasible as oversight body; and
LEA - 3) Offices of Sheriff and Coroner should be separated;

The Community Policing Subcommittee reviewed and recommended models of community policing and developed seven individual recommendations:

CP - 1) Improved critical incident response model;
CP - 2) Enhanced law enforcement programs and activities;
CP - 3) Improved community outreach and engagement;
CP - 5) Develop a Moorland neighborhood pilot project;
CP - 6) Revise use of force policies and practices;
CP - 7) Improve hiring and training processes and practices; and
CP - 8) Revise County’s body worn camera policy.

The Community Engagement and Healing Subcommittee responded to the very broad question of programs and activities to heal the community, embraced the value of upstream investments, focusing on programs for youth to improve opportunities, and on programs of meaningful community engagement believed to reestablish trust and facilitate community healing, and developed the recommendations:

CEH - 1) Expand counseling and mental health services;
CEH - 2) Continue County-wide community engagement forums;
CEH - 3) Implement pilot mural program in Roseland;
CEH - 4) Investigate Sonoma County social action music center;
CEH - 5) Support and expand Student Congress;
CEH - 6) Support the expansion of School Resource Officers;
CEH - 7) Support and expansion of Community Services Officers;
CEH - 8) Support implementation of restorative justice models;
CEH - 9) Invest in infrastructure, public services and cultural awareness; and
CEH -10) Expansion of education on law enforcement practices/policies.
Additionally, this Subcommittee brought forth an Interim Recommendation in October 2014 that the Sheriff rethink and reconsider the decision to place Deputy Gelhaus back on patrol.

**Community Engagement Efforts**

Since the October 21, 2014, update to the Board, the Subcommittees reported out their draft recommendations to the full Task Force, followed by the Task Force undertaking community engagement efforts across the County to solicit feedback on the draft recommendations. Staff and Task Force members presented 15-30 minute presentations to the following cities and community organizations:

**Cities:** Cloverdale, Healdsburg, Petaluma, Rohnert Park, Santa Rosa, Sebastopol, Sonoma and Windsor

**Community Organizations:** Advisory Board on Alcohol and Drug Problems, First 5 Commission, Health Action Council, Los Cien, Maternal, Child and Adolescent Health Advisory Board, Santa Rosa City School District, Sonoma County Law Enforcement Chiefs’ Association, Sonoma County Office of Education, Violence Prevention Partnership, and Women in Law.

In addition to the questions raised by Council Members and feedback from the community organizations (Volume 3 – Appendix F), the Task Force received 224 pages of feedback directly from 57 individuals via the written correspondence and emails received (Volume 3 – Appendix G) and xx individuals spoke during Public Comments at Task Force and Subcommittee meetings (Appendix H).

**Next Steps**

Staff anticipates returning with implementation strategies, timelines and budget estimates based on the direction received as a result of this item.

**Prior Board Actions:**

- October 21, 2014 – Update report on Task Force and Staff activities
- May 13, 2014 – Update report on Task Force and Staff activities

**Strategic Plan Alignment**

**Goal 1: Safe, Healthy, and Caring Community**

The recommendations from the Task Force directly support a safe, healthy and caring community by improving relationships and trust between the community and law enforcement, and initiating or expanding programs to support youth development and community engagement.
### Fiscal Summary - FY 14-15

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**Narrative Explanation of Fiscal Impacts (If Required):**

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**Narrative Explanation of Staffing Impacts (If Required):**

None.

### Attachments:

- Attachment1: Summary of Task Force Recommendation
- On-File Documents:
  - Sonoma County Community and Local Law Enforcement Task Force Final Recommendations Report (Volume 1)
### Related Items “On File” with the Clerk of the Board:

<table>
<thead>
<tr>
<th>Sonoma County Community and Local Law Enforcement Task Force Final Recommendations Report (Volume 2) Appendices A-D</th>
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<tr>
<td>A: Task Force Charter</td>
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<td>B: Subcommittee Report Attachments</td>
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<td>C: Summary of Presentations</td>
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<td>D: Task Force Member Biographies</td>
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<th>Sonoma County Community and Local Law Enforcement Task Force Final Recommendations Report (Volume 3) Appendices E -G</th>
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<td>E: Community Engagement Questions and &amp; Feedback</td>
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<td>F: Written Feedback from the Community</td>
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<td>G: Public Comment Contributors</td>
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Summary of Task Force Recommendations

Law Enforcement Accountability Subcommittee Recommendations:

Independent Review of Law Enforcement
Establish an Office of Independent Auditor (OIA), OIA Citizens Advisory Committee and OIA Youth Council.

Feasibility of Grand Jury as Oversight Body
The Civil Grand Jury is not suited to provide the type of independent review of law enforcement determined to be needed by the LEA Subcommittee.

Separating the Office of Coroner from Office of Sheriff
The Office of the Coroner should be separated from the Office of the Sheriff. This change would result in the continuation of an elected Sheriff as specified in the Constitution of the State of California and the establishment of a new Office of the Coroner or Medical Examiner, a non-elected position.

Community Policing Subcommittee Recommendations:

Improve Critical Incident Response:
Critical incidents can have profound effects on the families of those involved and the communities they represent. Addressing the needs of these stakeholders in a personal and professional manner and understanding the impact these events have on their lives is critical to fostering trust and good will between law enforcement and the communities they serve.

Enhance Law Enforcement Programs and Activities
The Community Policing philosophy is based on the understanding that a strong and supportive relationship between law enforcement agencies and the communities they serve is critical to effective policing and community development. For some communities in Sonoma County, this relationship has been strained and trust has been eroded. In order to begin to bridge this gap and rebuild trust, new law enforcement programs and activities to engage and support communities are warranted.

Improve Community Outreach and Engagement
These recommendations focus on an active plan for developing and enhancing community stakeholder relationships between local law enforcement agencies and the communities they serve, with an emphasis on facilitating and improving community dialogue and interactions.

Develop a Moorland Neighborhood Pilot Project
These recommendations focus on creating a community policing, outreach and engagement plan, developed and agreed upon by residents and law enforcement, in the Moorland area in Southwest Santa Rosa. This project will serve to build trust, reduce crime and improve the quality of life of Moorland neighborhood residents. It will also act as a pilot project that may be replicated in other priority areas in the County.
Review Use of Force Policies and Practices

The use of deadly force by law enforcement agencies in Sonoma County is of deep concern to many of the communities they serve. Updating and clearly defining use of force policies, emphasizing de-escalation tactics and alternatives to use of force, along with better equipping officers to handle high-stress situations in a safe and non-lethal manner where deadly force may be an option, is one way to begin to rebuild trust in communities and to prevent further tragedies.

Improve Hiring and Training Processes and Practices

The Subcommittee strongly recommends that local law enforcement agencies commit to a broad and effective Community Policing philosophy with significant and meaningful involvement from the communities they serve. In keeping with the Community Policing philosophy, the Subcommittee also strongly encourages that all local law enforcement agencies make additional efforts to hire and maintain staff that are reflective demographically, culturally, and linguistically of the communities they serve.

Revise Body Worn Camera Policy

The Subcommittee found it necessary to include a recommendation on a policy for Body-Worn Cameras. The Sheriff’s Office has recently purchased Body Worn Cameras. It is recommended that the Sheriff’s Office and law enforcement agencies have policies on the use of Body Worn Cameras that ensure transparency and have safeguards in place to provide a check and balance.

Community Engagement and Healing Subcommittee Recommendations

Counseling and Mental Health Services

Expand current behavioral health counseling and mental health programs available to help students with social and emotional needs and effects of traumatic incidents. Their families’ needs also should be assessed and addressed. School counselors are trained to work with students, families, staff and agencies ensuring a holistic approach.

County-Wide Community Engagement Forums

Continue funding facilitated community engagement forums after the termination of the Task Force. It is recommended the forums be modeled on our current efforts to reinforce a respectful and non-threatening dialogue between law enforcement and all segments of the community.

Pilot Mural Program in Roseland

Implement a much-needed pilot public art program in Roseland, a neighborhood that is in need of the healing that public art can bring to a community. Then expand the program to other underserved areas identified in the 2014 Portrait of Sonoma County. Such a program will support the healing of the community by tapping into the great and diverse cultural resources available from these underserved areas.

Sonoma County Social Action Music Center

Convene a series of at least three meetings to establish an ongoing Exploratory/Advisory Group, charged with exploring the feasibility of the creation of a Sonoma County Social Action Music Center that would support the expansion of community-based music programs throughout Sonoma County.
Student Congress

Support expansion of a Student Congress, which is a youth-centered network and leadership program that allows for the reporting, distribution, and collection of critical information regarding social, health, financial, and academic capital. As a source of prestige and power, Student Congress is not only a viable alternative to joining a gang but also a pipeline to civic engagement in student and in local government.

School Resource Officers

Explore the need for School Resource Officers (SRO’s) in Sonoma County Schools and potentially expand upon existing resources. The intent is to identify areas within Sonoma County with the highest need for this service, how many officers would be needed, alternative resources available for collaboration, and the impact of associated costs on school districts, and applicable law enforcement jurisdictions.

Community Service Officers

To support the addition of a Community Service Officer (CSO) in the Roseland & Mooreland area.

Restorative Justice

Support an expanded version of the Restorative Justice program currently utilized in Santa Rosa for high risk secondary students who have committed serious violations of school discipline codes, potentially resulting in expulsion or suspension. This program helps turn students’ poor decisions into opportunities for learning and growth versus life-long consequences in the criminal justice system.

Investments in Infrastructure, Public Services and Cultural Awareness

The need to be accepted and belong to one’s community is within all of us - it is human nature. There are three areas of emphasis that can begin to address this problem with further investment by the County and other public and private agencies: investment in the cultural awareness of our communities, infrastructure and public services, and programs involving youth. Youth, families and community partners must work together to address this issue.

Education on Law Enforcement Practices and Policies

There is a widespread lack of knowledge with regard to law enforcement policies and procedures. The average community member does not necessarily have access to this information or cannot interpret what exists due to language barriers or agency jargon. Making this data readily available will help to close the gap between misinformation (often fueled by inaccurate media portrayals) and provide a realistic basis for appropriate interactions.

Interim Recommendation

This Subcommittee recommends to the Sonoma County Board of Supervisors that the Sheriff rethink and reconsider his decision to return Deputy Gelhaus back on patrol, and that in the interest of healing the community that Deputy Gelhaus be placed in another capacity.
County of Sonoma  
Agenda Item  
Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

To: Board of Supervisors of Sonoma County

Board Agenda Date: September 13, 2016  
Vote Requirement: Majority

Department or Agency Name(s): Independent Office of Law Enforcement Review and Outreach

Staff Name and Phone Number: Jerry Threet, 707-565-1534  
Supervisiorial District(s): Countywide

Title: Ordinance outlining the establishment, organization and the scope of authority of the Independent Office of Law Enforcement Review and Outreach.

Recommended Actions:

Adopt an Ordinance adding Article XXVII to Chapter 2 of the Sonoma County Code outlining the establishment, organization and the scope of authority of the Independent Office of Law Enforcement Review and Outreach (Second Reading – Ready for Adoption).

Executive Summary:

On August 30, 2016, your Board adopted a resolution introducing, reading the title of, and waiving further reading of a proposed ordinance outlining the establishment, organization and the scope of authority of the Independent Office of Law Enforcement Review and Outreach.

Currently, no ordinance exists to provide any detailed information about the establishment, organization and scope of authority of IOLERO. Adopting an ordinance which outlines these essential points will promote clarity, provide guidance and enhance understanding of IOLERO’s functions. Specifically, the proposed ordinance will outline when and how IOLERO was established, its mission, organizational structure, powers and duties, as well as its constitutional and statutory limitations.

Prior Board Actions:

August 30, 2016 – Adopted a resolution introducing, reading the title of, and waiving further reading of a proposed ordinance outlining the establishment, organization and the scope of authority of the IOLERO (First Reading).
August 9, 2016 – Approved the first year work plan of IOLERO
July 12, 2016 – Approved Legal Services Agreement with Director
March 15, 2016 – Approved Personal Services Agreement and Appointed first Director of IOLERO
August 18, 2015 – Created the Independent Office of Law Enforcement Review and Outreach (IOLERO)
SUMMARY OF SAN DIEGO COUNTY'S CITIZENS' LAW ENFORCEMENT REVIEW BOARD
BACKGROUND

In 1990, San Diego County put to the voters a Charter Amendment establishing the Citizens' Law Enforcement Review Board ("CLERB") and vesting it with subpoena power. The Charter Amendment required the Board of Supervisors to enact an ordinance that established CLERB and set forth its duties. The ordinance was enacted in 1991 and CLERB's duties are (1) to receive, review, and investigate citizen's complaints, (2) to review and investigate peace officer related deaths in the jail or on patrol, (3) to prepare reports on the results of any investigations including recommendations relating to the imposition of discipline, (4) to prepare annual reports to the Board of Supervisors, (5) to notify in writing any citizen who filed a complaint with CLERB of the disposition of his/her complaint, (6) to establish rules and regulations for the conduct of CLERB business, and/or (7) to review and make recommendations on policies and procedures of the Sheriff's Department.

The Charter Amendment was challenged in a taxpayer action alleging that the County did not have the authority to create CLERB or to vest it with subpoena power. In 1994, the California Supreme Court held that the County did have such authority, although the Court did recognize that CLERB could not interfere with the investigative function of the Sheriff. *Dibb v. County of San Diego.*

CLERB was initially not well received by Sheriff's Deputies. Every time CLERB staff tried to interview a Sheriff's Deputy as part of an investigation into a citizen's complaint, the Deputy refused to answer by asserting his/her Fifth Amendment rights. CLERB eventually began serving subpoenas on Deputies and they again asserted their Fifth Amendment rights and refused to testify. CLERB eventually filed with the Court a motion to compel a Deputy's response to questions on the basis that in a civil proceeding a witness may not refuse to testify based on the Fifth Amendment but must assert the Fifth on a question by question basis. At the hearing on the motion, the Judge made it clear to the Deputies' union and to CLERB that it was going to get very expensive for both sides to litigate these motions to compel on a regular basis and suggested in strong terms that the two sides reach a compromise, which they did. In lieu of the subpoena process, the union agreed that CLERB could submit written questions to Deputies and Deputies had 10 days to respond to the questions. That is still the process today. The Sheriff's Department reviews the responses to make sure they are complete, and then they are forwarded to CLERB. If CLERB finds that the responses are not adequate or responsive, it will send them back to the Deputy for more information.

CLERB AND ITS STAFF

CLERB is comprised of 11 volunteer Board members, a full time Executive Officer, two investigators, and one secretary. Any member of the public may apply to be a CLERB Board

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1 CLERB is also tasked with overseeing San Diego County's Probation Department but that is not applicable here.
member. All applications are submitted to San Diego's Chief Administrative Officer ("CAO") who reviews them and makes nominations from the applications. The nominations are provided to the Board of Supervisors who make the final appointments. Each CLERB member serves at the pleasure of the Board of Supervisors and serves no more than two consecutive three year terms. New CLERB Board members must go through training with the Sheriff's Department and the County Counsel's Office before they begin their term.

CLERB meets once a month in the County Administration Building and its staff posts the agendas. The results of all investigations are discussed in closed session under Government Code section 54957(b)(1), to hear complaints or charges brought against Sheriff’s employees and/or to deliberate regarding discipline recommendations.

The Executive Officer, who is a County employee, is selected by CLERB subject to Board of Supervisors' approval. The Executive officer selects the remaining staff, who are also County employees, subject to Board of Supervisors' approval.

**CLERB INVESTIGATIONS**

The two CLERB investigators conduct all of the investigations. They interview the complainant and/or any witnesses identified by the complainant or identified in the police reports, if there are any, they prepare written questions which are submitted to the involved Deputies, they review relevant Sheriff's policies and procedures as well as applicable law, and finally they make findings and/or recommendations. CLERB requests pertinent documents from the Sheriff and the documents are typically produced. While CLERB has the authority to issue subpoenas for witnesses and documents, they use their subpoena power only to subpoena Sheriff's homicide files. The Sheriff's Department provides homicide files to CLERB only after the homicide investigation is completed. According to the Executive Officer, because of the cooperation they have received from the Sheriff's Department, CLERB has not needed to subpoena any witnesses or any other types of documents for many years.

CLERB investigates citizen's complaints even if the Sheriff or the DA is conducting their own investigations. Neither the Sheriff nor the DA has objected to CLERB conducting a concurrent investigation. At the conclusion of an investigation, CLERB investigators make findings regarding the merits of the complaint. They can also summarily dismiss a complaint if CLERB lacks jurisdiction to investigate or the complaint clearly lacks merit.

The investigator prepares a summary of the investigation and recommended findings that are submitted to the CLERB Board at their monthly meetings. The cases are discussed in closed session and a majority of the CLERB Board carries the vote. CLERB will make public the various cases without using names or identifying information of the Deputies. However, CLERB does provide to the complainant the result of the investigation.

CLERB's decision is then forwarded to the Sheriff's Department and if a complaint is substantiated, CLERB makes a recommendation for discipline or policy change. CLERB's recommendations are advisory only and are not binding on the Sheriff.
CHARTER OF THE COUNTY OF SAN DIEGO

Section 606: Citizens Law Enforcement Review Board.

(a) The Board of Supervisors, by ordinance, shall establish a Citizens Law Enforcement Review Board consisting of not less than nine (9) nor more than fifteen (15) members nominated by the Chief Administrative Officer and appointed by the Board of Supervisors. Members of the Citizens Law Enforcement Review Board shall serve without compensation for terms not to exceed three years as established by ordinance, and members shall be appointed for not more than two consecutive full terms. County employees and persons employed as peace officers or custodial officers shall not be eligible to be members of the Citizens Law Enforcement Review Board.

(b) Members of the Citizens Law Enforcement Review Board shall serve at the pleasure of the Board of Supervisors, and they may be removed at any time by a majority vote of the Board of Supervisors.

(c) Vacancies on the Citizens Law Enforcement Review Board shall be filled for the balance of the unexpired term in the same manner as the position was originally filled.

(d) The Citizens Law Enforcement Review Board shall have the power to subpoena and require attendance of witnesses and the production of books and papers pertinent to its investigations and to administer oaths.

(e) The Citizens Law Enforcement Review Board may appoint in accordance with its established procedures such personnel as may be authorized by the Board of Supervisors. Notwithstanding any other provision of this Charter, any authorized executive director and investigators of the Citizens Law Enforcement Review Board shall be in the classified or the unclassified service as determined, by ordinance, by the Board of Supervisors.

(f) The Board of Supervisors, by ordinance, shall establish the duties of the Citizens Law Enforcement Review Board and its duties may include the following:

(1) Receive, review and investigate citizens complaints which charge peace officers or custodial officers employed by the Sheriff’s Department or the Probation Department with (A) use of excessive force, (B) discrimination or sexual harassment in respect to members of the public, (C) the improper discharge of firearms, (D) illegal search or seizure, (E) false arrest, (f) false reporting, (G) criminal conduct or (H) misconduct. All action complaints shall be in writing and the truth thereof shall be attested under penalty of perjury. “Misconduct” is defined to mean and include any alleged improper or illegal acts, omissions or decisions directly affecting the person or property of a specific citizen by reason of:

   1. An alleged violation of any general, standing or special orders or guidelines of the Sheriff’s Department or the Probation Department; or

   2. An alleged violation of any state or federal law; or

   3. Any act otherwise evidencing improper or unbecoming conduct by a peace officer or custodial officer employed by the Sheriff’s Department or the Probation Department.

(2) Review and investigate the death of any individual arising out of or in connection with actions of peace officers or custodial officers employed by the Sheriff’s Department or the
Citizens' Law Enforcement Review Board

Prohibition Department, regardless of whether a citizen complaint regarding such death has been filed with the Citizens Law Enforcement Review Board.

(3) Prepare reports, including at least the Sheriff or the Probation Officer as recipients, on the results of any investigations conducted by the Citizens Law Enforcement Review Board in respect to the activities of peace officers or custodial officers, including recommendations relating to the imposition of discipline and recommendations relating to any trends in regard to employees involved in citizen complaints.

(4) Prepare an annual report to the Board of Supervisors, the Chief Administrative Officer, the Sheriff and the Probation Officer summarizing the activities and recommendations of the Citizens Law Enforcement Review Board, including the tracking and identification of trends in respect to all complaints received and investigated during the reporting period.

(5) Notify in writing any citizens having filed a complaint with the Citizens Law Enforcement Review Board of the disposition of his or her complaint. The Chief Administrative Officer shall also receive appropriate notification of the disposition of citizen complaints.

(6) Review and make recommendations on policies and procedures of the Sheriff and the Probation Officer.

(7) Establish necessary rules and regulations for the conduct of its business, subject to approval of the Board of Supervisors.

(8) Perform such other duties as the Board of Supervisors, by ordinance, may assign to the Citizens Law Enforcement Review Board.

(9) Established rules and procedures for receipt of complaints from detention facility inmates.

(g) In the event that a County Department of Corrections is established, the Citizens Law Enforcement Review Board shall have the same powers and duties in respect to that Department, its Director, and its peace officer and custodial officer employees, as the Citizens Law Enforcement Review Board has in respect to the Sheriff, the Probation Officer and their departments and employees.

(Added, Effective 12-26-90)
SAN DIEGO COUNTY ADMINISTRATIVE CODE
ARTICLE XVIII - CITIZENS LAW ENFORCEMENT REVIEW BOARD

SEC. 340. PURPOSE AND INTENT.
It is the purpose and intent of the Board of Supervisors to establish a Citizens Law Enforcement Review Board of the County of San Diego to advise the Board of Supervisors, the Sheriff and the Chief Probation Officer on matters related to the handling of citizen complaints which charge peace officers and custodial officers employed by the County in the Sheriff’s Department or the Probation Department with misconduct arising out of the performance of their duties. The Citizens Law Enforcement Review Board is also established to receive and investigate specified citizen complaints and investigate deaths arising out of or in connection with activities of peace officers and custodial officers employed by the County in the Sheriff’s Department or the Probation Department. In addition, the Citizens Law Enforcement Review Board is to make appropriate recommendations relating to matters within its jurisdiction, report its activities, and provide data in respect to the disposition of citizen complaints received by the Citizens Law Enforcement Review Board. It is the purpose and intent of the Board of Supervisors in constituting the Citizens Law Enforcement Review Board that the Review Board will be advisory only and shall not have any authority to manage or operate the Sheriff’s Department or the Probation Department or direct the activities of any County officers or employees in the Sheriff’s Department or the Probation Department. The Review Board shall not decide policies or impose discipline against officers or employees of the County in the Sheriff’s Department or the Probation Department.
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.1. CITIZENS LAW ENFORCEMENT REVIEW BOARD.
The Board of Supervisors hereby establishes the Citizens Law Enforcement Review Board of the County of San Diego, hereinafter referred to as “Review Board.”
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.2. NUMBER OF MEMBERS.
The Review Board shall consist of eleven (11) members.
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.3. NOMINATION AND APPOINTMENT.
(a) The Board of Supervisors shall appoint all eleven members to the Review Board, all of whom shall be residents and qualified electors of the County. Members shall be nominated by the Chief Administrative Officer. In making nominations the Chief Administrative Officer shall attempt to reflect in Review Board membership comprehensive representation of age, sex, socioeconomic status, racial and ethnic background and geographical distribution, including representation of both the unincorporated areas and the cities that contract with the County for law enforcement by the Sheriff’s Department. The list of nominees submitted to the Board of Supervisors shall include a statement of the qualifications of each person nominated.
(b) Public notice and publicity shall be given of intention to appoint members to the Review Board. An application form shall be provided to members of the public.
(c) County employees and persons employed as peace officers and custodial officers shall not be eligible to be members of the Review Board.
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.4. TERM OF OFFICE.
(a) Each member shall serve a term of three years; provided, however, that the terms of the initial members of the Review Board shall be determined as follows:
At the first meeting of the Review Board, the eleven members shall draw lots to determine which four members will serve a three year term, which four members will serve a two year term, and which three members will serve a one year term.
(b) A member shall serve on the Review Board until a successor has been appointed. A member shall be appointed for no more than two consecutive full terms. Appointment to fill a vacancy shall constitute appointment for one term. The term for all members shall begin on July 1 and end on June 30. The term of all persons who are the initial appointees to the Review Board shall be deemed to commence on July 1, 1991.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.5. REMOVAL.

Members of the Review Board serve at the pleasure of the Board of Supervisors and may be removed from the Review Board at any time by a majority vote of the Board of Supervisors.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.6. VACANCIES.

A vacancy shall occur on the happening of any of the following events before the expiration of the term:

1. The death of the incumbent.
2. The resignation of the incumbent.
3. The ceasing of the incumbent to be a resident of the County of San Diego.
4. Absence of the member from three consecutive regular meetings of the Review Board, or
5. Failure to attend and satisfactorily complete the required training course within three months of the beginning of a member’s term or of the member’s appointment to fill a vacancy.

When a vacancy occurs the Board of Supervisors and, where appropriate, the member shall be notified of the vacancy by the Chairperson. Vacancies shall be filled in the same manner as the position was originally filled. Vacancies shall be filled within forty-five days and, subject to the provisions of this article, shall be filled for the balance of the unexpired term.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.7. ORGANIZATION.

(a) Officers. The Review Board shall select annually from its membership a Chairperson, a Vice-Chairperson and a Secretary.

(b) Rules. The Review Board shall prepare and adopt necessary rules and regulations for the conduct of its business, subject to approval of the Board of Supervisors. A current copy of the rules and regulations shall be filed with the Clerk of the Board of Supervisors.

(c) Quorum. A majority of members currently appointed to the Review Board shall constitute a quorum. A majority of members currently appointed to the Review Board shall be required to carry any motion or proposal.

(d) Minutes. The Review Board shall keep written minutes of its meetings, a copy of which shall be filed with the Clerk of the Board of Supervisors.

(e) Meetings. The Review Board shall establish a regular meeting schedule and shall give public notice of the time and place of meetings. All meetings shall be held in accordance with the requirements of the Ralph M. Brown Act (Government Code, section 54950 et seq.).

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.8. COMPENSATION.

Members of the Review Board shall serve without compensation, except they shall be reimbursed for expenses incurred in performing their duties in accordance with provisions of the County Administrative Code regulating reimbursement to County officers and employees.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.9. DUTIES AND RESPONSIBILITIES.

The Review Board shall have the authority to:
(a) Receive, review and investigate citizen complaints filed against peace officers or custodial officers employed by the County in the Sheriff’s Department or the Probation Department which allege: (A) use of excessive force; (B) discrimination or sexual harassment in respect to members of the public; (C) the improper discharge of firearms; (D) illegal search or seizure; (E) false arrest; (F) false reporting; (G) criminal conduct; or (H) misconduct. The Review Board shall have jurisdiction in respect to all citizen complaints arising out of incidents occurring on or after November 7, 1990; provided, however, that the Review Board shall not have jurisdiction to take any action in respect to complaints received more than one year after the date of the incident giving rise to the complaint, except that if the person filing the complaint was incarcerated or physically or mentally incapacitated from filing a complaint following the incident giving rise to the complaint, the time duration of such incarceration or physical or mental incapacity shall not be counted in determining whether the one year period for filing the complaint has expired. All action complaints shall be in writing and the truth thereof shall be attested under penalty of perjury. “Citizen complaints” shall include complaints received from any person whatsoever without regard to age, citizenship, residence, criminal record, incarceration, or any other characteristic of the complainant. “Misconduct” is defined to mean and include any alleged improper or illegal acts, omissions or decisions directly affecting the person or property of a specific citizen by reason of:

1. An alleged violation of any general, standing or special orders or guidelines of the Sheriff’s Department or the Probation Department; or

2. An alleged violation of any state or federal law; or

3. Any act otherwise evidencing improper or unbecoming conduct by a peace officer or custodial officer employed by the Sheriff’s Department or the Probation Department.

The Review Board shall have no authority pursuant to this subdivision to take action in regard to incidents for which no citizen complaint has been filed with the Review Board.

(b) Review and investigate the death of any individual arising out of or in connection with actions of peace officers or custodial officers employed by the County in the Sheriff’s Department or the Probation Department, regardless of whether a citizen complaint regarding such death has been filed with the Review Board. The Review Board shall have jurisdiction in respect to all deaths of individuals coming within the provisions of this subdivision occurring on or after November 7, 1990; provided, however, that the Review Board may not commence review or investigation of any death of an individual coming within the provisions of this subdivision more than one year after the date of the death, unless the review and investigation is commenced in response to a complaint filed within the time limits set forth in subdivision (a) of this section.

(c) Prepare reports, including at least the Sheriff or the Probation Officer as recipients, on the results of any investigations conducted by the Review Board in respect to the activities of peace officers or custodial officers, including recommendations relating to the imposition of discipline, including the facts relied on in making such recommendations, and recommendations relating to any trends in regard to employees involved in citizen complaints. The Review Board is not established to determine criminal guilt or innocence.

(d) Prepare an annual report to the Board of Supervisors, the Chief Administrative Officer, the Sheriff and the Probation Officer summarizing the activities and recommendations of the Review Board including the tracking and identification of trends in respect to all complaints received and investigated during the reporting period.

(e) Notify in writing any citizen having filed a complaint with the Review Board of the disposition of his or her complaint. The Chief Administrative Officer shall also receive appropriate notification of the disposition of citizen complaints. Such notifications shall be in writing and shall contain the following statement: “In accordance with Penal Code section 832.7, this notification shall not be conclusive or binding or admissible as evidence in any separate or subsequent action or proceeding brought before an arbitrator, court, or judge of California or the United States.”

(f) Establish necessary rules and regulations for the conduct of its business, subject to approval of the Board of Supervisors.
(g) Review and make recommendations on policies and procedures of the Sheriff's Department and the Probation Departments to the Board of Supervisors, the Sheriff, and the Chief Probation Officers.
(Added by Ord. No. 7880 (N.S.), effective 5-2-91; amended by Ord. No. 7914 (N.S.), effective 6-27-91; amended by Ord. No. 9737 (N.S.), effective 10-27-05; amended by Ord. No. 9782 (N.S.), effective 7-20-06)

SEC. 340.10. REVIEW BOARD INVESTIGATIONS.
Citizen complaints received by the Review Board shall be transmitted forthwith to the Sheriff or the Probation Officer.
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.11. SUBPOENAS.
The Review Board shall, pursuant to the Charter of the County of San Diego, section 606(d), have the power to subpoena and require attendance of witnesses and the production of books and papers pertinent to its investigations and to administer oaths.
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.12. STAFF ASSISTANCE.
The Review Board shall appoint such personnel as may be authorized by the Board of Supervisors.
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.13. TRAINING REQUIREMENTS.
All members shall attend and satisfactorily complete a training course within three months of the beginning of the member’s term or of the member’s appointment to fill a vacancy. The training requirements shall be established by the Chief Administrative Officer. Failure to attend and satisfactorily complete the training course within the prescribed time shall result in the member’s removal from the Review Board and shall automatically create a vacancy on the Review Board.
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.14. RECORDS.
Any personnel records, citizen complaints against County personnel in the Sheriff’s Department or the Probation Department, and information obtained from these records, which are in the possession of the Review Board or its staff, shall be confidential and shall not be disclosed to any member of the public, except in accordance with applicable law. Copies of records and complaints of the Review Board shall be made available to the Sheriff or the Probation Officer upon completion of the investigation of the Review Board unless prohibited by applicable law.
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.15. COOPERATION AND COORDINATION.
In the discharge of its duties, the Review Board shall receive complete and prompt cooperation from all officers and employees of the County. The Review Board and other public officers, including the Sheriff, the District Attorney, and the Grand Jury, shall coordinate their activities so that the other public officers and the Review Board can fully and properly perform their respective duties.
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)