

Report and Recommendation from the AB 1185 Ad Hoc Committee

- a. Receive a report from the Board of Supervisors Ad Hoc Committee on options to address AB 1185 implementation related to Sheriff oversight;
- b. Consider a recommendation from the AB 1185 ad hoc committee to utilize an Inspector General to provide oversight of the Sheriff's Office operations; and,
- c. Direct staff to take actions necessary to implement the Inspector General function and/or provide other direction to staff as necessary.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Receive a report from the Board of Supervisors Ad Hoc Committee on options to address AB 1185 implementation related to Sheriff oversight;
- b. Consider recommendation from the AB 1185 ad hoc committee to utilize an Inspector General to provide oversight of the Sheriff's Office operations; and,
- c. Direct staff to take actions necessary to implement the Inspector General function and/or provide other direction to staff as necessary.

SUMMARY:

California law establishes the office of the sheriff in each county. California law also requires a board of supervisors to “supervise the official conduct of all county officers and ensure they faithfully perform their duties”. (Gov’t Code Sec 2503).

AB 1185, signed by the Governor on September 30, 2020, authorizes a county to establish a sheriff oversight board and/or an inspector general to assist the board of supervisors with those duties as they relate to the sheriff.

Finally, AB 1185 authorizes the chair of the oversight board and/or the inspector general to issue a subpoena or a subpoena duces tecum to investigate a matter within their jurisdiction.

DISCUSSION:

On January 5, 2022, Supervisor Askew submitted Referral No. 2022.02 to “explore formation of a Sheriff Oversight Board” pursuant to AB 1185. CAO and County Counsel submitted a preliminary analysis report to the Board on March 22, 2022. On December 7, 2022, County Counsel submitted a report to the Board which addressed the various options available under AB 1185, i.e. inspector general, oversight board, or oversight board with inspector general. Subsequently, on February 28, 2023, the Board of Supervisors appointed Supervisors Askew and Church to serve on an ad hoc committee to evaluate and report back to the Board regarding oversight options for the Office of the Sheriff.

The ad hoc committee held two public listening sessions on July 26 and November 13, 2023. These sessions were conducted both in person and online and were conducted in English with Spanish language interpretation available. At the direction of the committee, an online survey was conducted to gauge public sentiment regarding the need/options for an AB 1185 Sheriff oversight function. This survey was conducted in English and Spanish and was available from

July 17 through August 15, 2023.

The committee also reviewed the following materials:

- a. AB 1185 bill language
- b. Police Officer Bill of Rights
- c. Current monitoring occurring as required by the Hernandez litigation (jail conditions case)
- d. Public opinion survey results
- e. Existing Sheriff oversight requirements

The ad hoc committee considered various options related to Sheriff oversight as briefly described below:

- a. Inspector General would be an individual hired under contract with the County of Monterey to perform oversight functions delineated by the Board of Supervisors consistent with provisions of AB 1185. The contract would be administered by the County Administrative Officer.
- b. Inspector General with a citizens advisory committee would be the same as item “a” above, but would include a citizens advisory committee appointed by the Board of Supervisors to provide regular, structured citizen input to the work of the Inspector General.
- c. Oversight Board would be appointed by the Board of Supervisors, with the Board providing parameters for the work of the Oversight Board in implementing provisions of AB 1185.
- d. Oversight Board with Inspector General would be the same as “c” above, with the addition of a contracted Inspector General to assist in the implementation of the provisions of AB 1185.
- e. No action/rely on existing Sheriff oversight mechanisms would utilize the various existing local, State, and Federal reporting and oversight mechanisms which are already in place and under which the current Sheriff functions.

Of the options considered, the ad hoc committee recommends option “a” above, ie, the hiring of an Inspector General. Under this option, the Board would authorize a scope of services to be included within the contract. The contract amount would be established and funds for payment of the Inspector General would be drawn upon “as needed” depending upon work requested/performed. Staff informed the committee that the County of Santa Cruz employs a contracted Inspector General and that approach has been highly effective from a cost, administrative, and community standpoint.

OTHER AGENCY INVOLVEMENT/COMMITTEE ACTIONS:

Staff support for the ad hoc committee was provided by the County Administrative Office and County Counsel, with input as needed from the Sheriff.

FINANCING:

Fiscal impacts are estimated to range between \$\$150,000 to \$1.5 million annually for options “a” through “d” listed above. The recommended Inspector General option would be the most cost

effective of all options considered. The basic cost for the Inspector General is estimated to be approximately \$100,00 per year, although that cost would need to be solidified should the Board give direction to enter into an Inspector General contract. Other costs associated with option “a” include an estimated amount of staff time for both Conty Counsel and administrative support. The estimate also includes the potential need for outside counsel as well as public outreach. No funding source has yet been identified for option “a”. Option “e” would involve no additional cost in that this would involve use of existing monitoring mechanisms. Detail for the estimated costs of the various options is provided in Attachment “A”.

BOARD OF SUPERVISORS STRATEGIC PLAN GOALS:

Mark a check to the related Board of Supervisors Strategic Plan Goals:

- Well-Being and Quality of Life
- Sustainable Infrastructure for the Present and Future
- Safe and Resilient Communities
- Diverse and Thriving Economy

Approved by: Nicholas E. Chiulos, Chief Assistant CAO