

Review of the Ordinance and Applicable Authorities

Part 1

PREPARED FOR: Marin County Civilian Oversight Commission

NACOLE
National Association for Civilian Oversight of Law Enforcement

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AGENDA

Select Duties and Powers of the
Civilian Oversight Commission

Select Duties and Powers of the
Office of Inspector General

What needs to be established or
developed to become fully
operational

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Ordinance No. 3824

**An ordinance of the County of Marin, State of California,
establishing the Civilian Oversight Commission and Office of
Inspector General for oversight of the Marin County Sheriff's
Office**

Section 1. Findings

9. The Board of Supervisors is establishing the **Civilian Oversight Commission** to provide the public an opportunity to directly participate in the oversight process of the MCSO.

The Civilian Oversight Commission's **purpose** is to initiate, build and maintain a trusting relationship between members of the public and the MCSO through transparent, respectful, just, and accountable oversight that is rooted in public safety, justice, and accountability.

The Civilian Oversight Commission will **work in collaboration with the MCSO and the Office of Inspector General** to fulfill this purpose.

10. The Board of Supervisors is establishing the **Office of Inspector General** to promote a constructive, community-centered culture within the MCSO through reviewing its policies, procedures, and operations and making recommendations.

The Office of Inspector General will **work collaboratively with and administratively support the Civilian Oversight Commission**.

The Office of Inspector General will **review, monitor, and recommend improvements** to MCSO practices, policies, training, and procedures - including how the MCSO handles complaints.

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Chapter 2.37 – Civilian Oversight Commission and Office of Inspector General

Section 2.37.010 – Civilian Oversight Commission.

- Established as a Board of Supervisors Discretionary Committee
- Shall assist in the oversight of the Marin County Sheriff's Office (MCSO)
- Will collaborate with the Office of Inspector General (OIG) and may direct the OIG as is enumerated herein
- Will provide input in the hiring process of the Inspector General, and consult on performance evaluations of the IG, as specified herein.

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Section 2.37.020 – Duties and Powers. [of the Civilian Oversight Commission]

1.

With the advice, assistance, and support of the OIG, establish bylaws and a code of conduct that is consistent with County policy and to be reviewed and approved by the Board of Supervisors.

3.

Establish, in collaboration with the OIG, an independent and accessible procedure for community member complaints regarding the MCSO (hereinafter "OIG Complaints") that will be forwarded to the MCSO for investigation.

7.

With the advice, assistance, and support of the OIG, develop and carry out a system and process to actively and continually monitor, report, and issue recommendations regarding MCSO compliance with all applicable policies, procedures, training, practices, and governing laws.

10.

Develop procedures to require updates from the MCSO as to all officer-involved shooting or use of force investigations, as permitted by law.

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Section 2.37.110 – Duties and Powers. [of the Office of Inspector General]

1.

Establish, in collaboration with the COC, an OIG Complaint process for complaints regarding the MCSO from sources both internal and external to MCSO, including privacy protections for complainants and a procedure for handling anonymous complaints. OIG Complaints will be forwarded to the MCSO for investigation.

6.

In collaboration with the MCSO Oversight Commission Sheriff liaison, develop procedures to ensure the OIG and COC are notified of all formal and informal complaints filed directly with the MCSO, with redactions as required by law.

11.

Develop a procedure to provide for the OIG's active and continual monitoring of the MCSO's compliance with all applicable policies, procedures, training, and/or practices, and governing laws, and issuing recommendations based thereon.

15.

Develop procedures with the Sheriff's liaison for release of information, including body-worn camera footage.

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Section 2.37.110 – Duties and Powers. [of the Office of Inspector General]

16.

In collaboration with the MCSO, develop an "Operational Agreement" which establishes procedures for the exchange of information between the OIG and MCSO regarding peace officer complaint, misconduct, and use of force from the time complaints are received through completion of investigations. The Operational Agreement, as well as all other COC and OIG policies and procedures required by this Ordinance, will be implemented in accordance with the meet and confer requirements of the Meyers-Milias Brown Act (Government Code section 3500 et.seq.)

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Section 2.37.200 – OIG Complaint Procedure

- The COC and OIG each have a duty to jointly develop an independent and accessible procedure for community member complaints regarding the MCSO, referred to herein as OIG Complaints.
 - An alternative to directly submitting a complaint through the MCSO's complaint procedure.
 - Should consider incarcerated individuals and their families and/or representatives and anonymous complaints.
 - Shall comply with all applicable laws with respect to notifying the MCSO of the complaint.
- The OIG Complaint procedure shall include a process for accepting internal and external complaints regarding the MCSO, and procedures to keep complaints anonymous and/or confidential as needed.
- The complaint procedure shall include measures designed to protect the complaining party.
- The COC shall review, on an ongoing basis and in conjunction with the OIG, the effectiveness of this complaint process and propose adjustments as needed.

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Section 2.37.300 – Conformity with Applicable Law

- The COC and OIG shall not have any supervisory, administrative, managerial, operational, or other authority over the functions or personnel in any of the departments or entities that are the subject of its oversight.
- In addition, at no time shall the COC or OIG interfere with the independent constitutional and statutory authority of MCSO, including MCSO's investigative functions.
- Further, the Operational Agreement required by Section 237.110 (16) of this Ordinance, as well as all other COC and OIG policies and procedures required by this Ordinance, will be implemented in accordance with the meet and confer requirements of the Meyers-Milias Brown Act (Government Code section 3500 et seq.).

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Section 2.37.020 – Duties and Powers. [of the Civilian Oversight Commission]

2. Participate in the interview process of IG candidates and provide feedback. Provide feedback on the effectiveness of the OIG as part of the IG's annual performance review.
4. Maintain confidentiality in accordance with all applicable laws, including the Public Safety Officer Procedural Bill of Rights Act.
5. In collaboration with the OIG, conduct ongoing community outreach and engagement with all communities within the County.
6. Subject to the Operational Agreement described in Section 2.37.110.16, receive and review completed peace officer complaint, misconduct, and use of force investigations to the extent allowed by law, this ordinance, and procedures established by the COC and OIG, and create public reports consistent with all applicable laws allowing for such disclosure, as well as this ordinance, and procedures established by the COC and OIG.
8. To the extent permitted by law, inform the public of the status of investigations into officer-involved shootings and use of force investigations.
9. Produce annual public reports detailing the COC's community engagement efforts and other work. All public reports shall disclose information regarding specific incidents or MCSO personnel only to the extent permitted by all applicable laws and protecting the confidentiality of complainants and witnesses.
11. Direct the OIG to collect and analyze data or information required to fulfill the COC duties, and once received, publicly report data as permitted by all applicable laws governing such disclosure.
12. Upon a two-thirds vote of the body of the COC, issue a subpoena pursuant to all requirements in Government Code § 25303.7(b), to compel the production of information documents, or testimony when deemed necessary by the COC and related to the COC's powers and duties, to the extent permitted by law.
13. Recommend additional duties for the OIG to the County Executive.

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Section 2.37.110 – Duties and Powers. [of the Office of Inspector General]

2. Raise community awareness of the OIG Complaint process, including how to file a complaint.
3. Track the OIG Complaint process from submission to MCSO through completion of the investigation by the MCSO.
4. Perform ongoing analysis of complaint trends.
5. *In collaboration with the COC*, recommend changes to MCSO policy, practices, training, and procedures based upon evidence-based effective practices.
7. *In collaboration with the COC*, conduct ongoing community outreach and engagement with all communities within the County.
8. Report to the COC regarding officer-involved shootings and use of force investigations, to the extent permitted by law.
9. Provide staff support to the COC, including staffing COC meetings and coordinating all required and specialized training for the COC.
10. Produce public reports no less than annually detailing the work of the COC and the OIG.
12. Initiate an independent investigation set forth in this ordinance.
13. Issue subpoenas, pursuant to Government Code § 25303.7(c)(2), to compel the production of information documents, or testimony when deemed necessary to the OIG's oversight function and to the extent permitted by law. The IG shall sign the subpoena. The OIG shall develop procedures for compliance with any issued subpoena that shall comply with California law.
14. Conduct unannounced visits to the jail accompanied by the Sheriff's liaison or designee.

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Thank you.

The National Association for Civilian Oversight of Law Enforcement's (NACOLE) mission is to create a community of support for independent, civilian oversight entities that seek to make their local law enforcement agencies, jails, and prisons more transparent, accountable, and responsive to the communities they serve.

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