

ORDINANCE NO. 6174

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ADDING ARTICLE XXVII, INDEPENDENT OFFICE OF LAW ENFORCEMENT REVIEW AND OUTREACH (IOLERO), TO CHAPTER 2, ADMINISTRATION, OF THE SONOMA COUNTY CODE

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I as amended from time to time and set forth in Chapter 2 of the Sonoma County Code shall be amended as follows:

Sec. 2-392. - Office Established.

(a) The Board of Supervisors ("Board") established the Independent Office of Law Enforcement Review and Outreach (hereinafter "IOLERO"), by Resolution on August 18, 2015, pursuant to its authority under California law, including Government Code sections 31000.1 and 25303, with the following mission:

- (1) to provide an objective, independent and appropriate review and audit of law enforcement administrative investigations, which include allegations of misconduct, by the Sonoma County Office of the Sheriff-Coroner (hereinafter, "Sheriff-Coroner"); to provide an alternate site for members of the public to file complaints against employees of law enforcement agencies, including the Sheriff's Office;
- (2) to propose thoughtful policy recommendations to the Sheriff-Coroner;
- (3) to help increase transparency of law enforcement operations, policies and procedures; and
- (4) to conduct outreach to and engage the communities of Sonoma County so as to strengthen the relationship between law enforcement in Sonoma County and the communities it serves.

(b) The establishment of IOLERO does not affect the constitutionally and statutorily designated independent functions of the elected Sheriff-Coroner.

Sec. 2-393. - Appointment and Qualifications of Director, Staff.

- (a) The Director of IOLERO shall be appointed by the Board of Supervisors.
- (b) The Director shall be an employee of the County of Sonoma. The terms and conditions of employment of the Director shall be set by the Board, and shall be specified in a Personal Services Agreement.

- (c) The Director shall be an attorney licensed to practice law in the State of California. The Director shall enter into a special legal services agreement with the County of Sonoma, including its Departments, Agents and Officers, which shall specify the scope, duties and restrictions of the special legal services provided by the Director (hereinafter “Legal Services Agreement”).
- (d) The Director may assign personnel, as allocated by the Board, and utilize equipment and supplies as necessary to perform IOLERO’s duties. All personnel shall be employed by the County of Sonoma.

Sec. 2-394. – Powers and Duties of Independent Office of Law Enforcement Review and Outreach is amended to read:

- (a) IOLERO, through its Director, shall perform its powers and duties subject to all applicable statutory and constitutional requirements of confidentiality and privilege.
- (b) IOLERO’s powers and duties include, consistent with existing law, the following:
 - (1) Receive and review citizen complaints, and forward them to the Sheriff-Coroner for review and investigation. IOLERO is an office specifically designated to receive complaints by members of the public against personnel of the Sheriff-Coroner pursuant to its procedures established under Penal Code § 832.5;
 - (2) Review, audit and analyze administrative and public complaint investigations in coordination and cooperation with the Sheriff-Coroner;
 - (3) Assess and make recommendations regarding policies, procedures, strategies, training, and practices based on information gathered in the review process and/or data trends;
 - (4) Advise if investigations appear incomplete or otherwise deficient and recommend further review as deemed necessary; when warranted, propose independent recommendations or determinations regarding investigations, which recommendations may be made public on a summary level without personally identifying information;
 - (5) Track, analyze and advise on legislative actions and law enforcement audit trends; make recommendations to the County for legislative platforms, as appropriate;
 - (6) Prepare annual report to the Board of Supervisor which includes statistical information, analysis of trends, policy and procedure recommendations; prepare ad hoc reports as required and requested; and
 - (7) Conduct comprehensive outreach to the community including schools, community based organizations, business and civic groups, which may include:

- promoting and facilitating communications between the community and law enforcement, educating the community on law enforcement practices, policies, strategies, incident trends and challenges using appropriate methods, such as public presentations and community forums, providing feedback from the community back to department leaders and elected officials, handling media relations concerning matters related to IOLERO and its scope of duties;
- (8) Perform related services as required.
- (c) IOLERO shall not be authorized to:
- (1) Conduct its own investigation of complaints against law enforcement personnel;
 - (2) Interfere with the performance of the powers and duties of the Sheriff-Coroner;
 - (3) Compel by subpoena the production of any documents or the attendance and testimony of any witnesses;
 - (4) Disclose any confidential and/or privileged information to anyone not authorized to receive it;
 - (5) Decide policies, direct activities, or impose discipline on other County departments, officers and employees;
- (d) IOLERO and the Sheriff-Coroner shall create written protocols that further define and specify the scope and process providing for IOLERO's receipt, review and audit of complaints and investigations in a coordinated and cooperative manner.
- (e) Nothing in this section shall be construed to interfere with the constitutionally and statutorily designated independent functions of the Sheriff-Coroner; matters involving any of these functions are subject to the Sheriff-Coroner's collaboration.

Section 2-395 is added to read – Purpose, Function and Appointment of IOLERO's Community Advisory Council ("CAC")

- (a) Purpose: The CAC is an advisory committee intended to support the mission of IOLERO and its Director by functioning as a bridge between IOLERO, law enforcement and the various communities of Sonoma County.
- (b) Primary Function:
1. CAC members shall work collaboratively with the Director and staff to fulfill roles and duties such as attending CAC meetings, serving on subcommittees, supporting the adopted positions of the CAC, abiding by CAC bylaws, and other duties as deemed appropriate and necessary by the Director to further IOLERO's mission.
 2. Regular CAC meetings shall be held on a quarterly basis, unless the need

arises to hold more frequent meetings as determined by the CAC in collaboration with the Director.

3. The frequency and logistics of subcommittee meetings shall be determined by the Director in collaboration with the CAC subcommittee members.

(c) Appointments:

- (1) The CAC shall be comprised of seven (7) members.
- (2) Each Supervisor shall appoint one CAC member for a total of five (5) appointments.
- (3) The Director shall have an opportunity to review any documents submitted by the applicants and interview each Supervisor's proposed appointee before appointment is finalized. After the Director has reviewed the documents submitted and interviewed a proposed appointee, the Director shall have the opportunity to consult with the Supervisor before each Supervisor's appointment is finalized.
- (4) The Director shall appoint two CAC members in addition to the five (5) appointed by the Board of Supervisors for a total of seven (7) CAC members.
- (5) Proposed appointees should contribute to a CAC that represents the diversity of Sonoma County including but not limited to racial, ethnic, gender, sexual orientation and geographical diversity.
- (6) Proposed appointees should have a demonstrable history of a commitment to issues of social justice, professional and/or other civic activities geared toward the betterment of Sonoma County, and respect for the collaborative process between people of different backgrounds and viewpoints.
- (7) CAC members shall serve in staggered terms for one (1) year from their appointment and may be re-appointed for up to two (2) years at the discretion of the Director. The Director's authority to make reappointments extends to CAC members originally appointed by the Board of Supervisors.
- (8) CAC members may be relieved from their appointment at the Director's discretion for non-compliance with this Ordinance, the CAC bylaws or other behavior deemed inconsistent with the spirit of IOLERO's mission.

Section II. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section III. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma introduced on the 10th day of September, 2019, and finally passed and adopted this ____ day of September, 2019, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: ____ Rabbitt: ____ Zane: ____ Gore: ____ Hopkins: ____

Ayes: ____ Noes: ____ Absent: ____ Abstain: ____

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Kay Lowtrip,
Clerk of the Board of Supervisors