



Legislation Text

File #: 2020-0643, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number: Supervisor Susan Gorin (707) 565-2241 and Supervisor Lynda Hopkins (707) 565-2242

Vote Requirement: Majority

Supervisory District(s): All

Title:

Consider Taking a Formal Position on Assembly Bill 1185, Amending the County's Legislative Platform, and Establishing an Ad Hoc Committee to Explore Possible Amendments to the IOLERO Ordinance and Other Related Policy Reforms

Recommended Action:

- A) Consider taking a formal position on AB-1185, a State bill that would authorize counties to establish sheriff oversight boards and vest those boards with certain powers to ensure they could perform their duties, including the power to issue subpoenas and subpoenas duces tecum.
- B) Consider amending the County's Legislative Platform to add a Police Accountability and Transparency Issue to allow the County to take a position on legislation related to police accountability, training, and transparency that arises during the term.
- C) Consider appointing an ad hoc committee to explore possible amendments to the IOLERO ordinance and other related policy reforms.

Executive Summary:

George Floyd's tragic death while in the custody of the Minneapolis police has fueled a global outcry to end systemic racism and increase the level of accountability from all peace officers. Distrust between law enforcement and the communities they serve is at an all-time high. Here in Sonoma County, some community advocates are calling upon the Board to defund the Sheriff's Office. Other advocates are strongly encouraging the Board to place an initiative petition circulating in the community on the ballot to make robust changes to the IOLERO Ordinance to expand the independence and oversight authority of IOLERO. The Board acknowledges the public's fears and concerns, especially given recent events. The Board must weigh these valid feelings against the public safety needs of the community as a whole and look for ways to rebuild the public's trust. Increased transparency is a must in building back that trust. Providing real oversight with clear roles and robust authority will further facilitate the public's trust in the Sheriff's Office. The Chair and Vice-Chair recommend that the full Board: (1) Take a formal position to support Assembly Bill 1185 (AB-1185), a State bill that would authorize counties to establish sheriff oversight boards and vest those boards with certain powers to ensure they could perform their duties; (2) amend the County's Legislative Platform to add a Police Accountability and Transparency Issue to allow the County to take a position on legislation related to police accountability, training, and transparency that arises during the term; and (3) direct the Chair to appoint an ad hoc committee to explore possible amendments to the IOLERO ordinance and other related policy reforms.

Discussion:

George Floyd's death sparked protests across the world and acutely exposed systemic racism in our nation. While the

initial focus has been on law enforcement, the Sonoma County Board of Supervisors recognizes that institutionalized racial and social injustice pervades all aspects of our community. The Board is committed to working together with the community to overcome these injustices. We continue to explore ways to work with the Sheriff's Office and other law enforcement agencies in Sonoma County to increase transparency and accountability for law enforcement. The Sonoma County Board of Supervisors maintains a good relationship with our Sheriff's Office and continues to work cohesively through community issues.

Following the tragic shooting of Andy Lopez, the Board created the Community and Local Law Enforcement (CALLE) Task Force. The Task Force was made up of 21 members of the community and worked to address four important issues necessary for community healing following the Andy Lopez shooting. The CALLE Task Force focused on Community Engagement and Healing, important improvements to Critical Incident Response with a focus on the diverse needs of families and communities following critical incidents, enhancing law enforcement programs and activities to rebuild trust and forge strong and supportive relationships between law enforcement agencies and the communities they represent, and the establishment of independent oversight of the Sheriff's Office which ultimately gave rise to the Independent Office of Law Enforcement Review and Oversight (IOLERO). The Sheriff's participation in and cooperation with implementing the findings of the Task Force was instrumental in finding a path forward and beginning the healing process.

In the wake of George Floyd's death and the resulting protests worldwide, communities once again are in need of healing. The institutionalized racial and social injustice is not limited to law enforcement, and it will not be solved overnight. But the events of the last few weeks have provided an opportunity for the County and the incorporated cities to collaboratively reexamine our approach to public safety. As a nation clamors for law enforcement reform, the Board must embrace our community's fears and concerns and assess our public safety needs in order to chart a path forward. We acknowledge we have much to learn about how to combat institutionalized injustice. We must confront this issue as a community and work together to overcome the injustices.

AB-1185

One step towards healing is increasing the transparency and accountability of all law enforcement agencies. AB-1185 was originally introduced by Assembly Member Kevin McCarty in February of 2019. This bill would clarify that a county may establish a Sheriff Oversight Board or appoint an Inspector General, either by action of the board of supervisors or through a vote of county residents. Sonoma County has already done so by establishing the IOLERO. More importantly for Sonoma County, this bill would authorize the Sheriff Oversight Board or Inspector General to issue a subpoena or subpoena duces tecum when deemed necessary to investigate a matter within the jurisdiction of the board, a power general law counties currently lack. Currently, IOLERO must rely on the Sheriff's voluntary cooperation in obtaining information necessary to perform its oversight and audit of Sheriff's cases. AB-1185 would allow the Board to make compliance mandatory and to vest IOLERO with subpoena powers to compel the production of evidence where appropriate. This change would go a long way toward creating much needed transparency of sheriffs statewide and bring opportunities to rebuild the relationship between law enforcement and the communities they serve. Both the Chair and Vice Chair recommend that the Board consider formally supporting this bill.

County's Legislative Platform

The County maintains robust levels of advocacy at all levels of government led by the Board of Supervisors and supported by the departments, staff, and community partners. Each legislative cycle, the Board of Supervisors adopts a countywide legislative platform to provide direction to staff and legislative advocates in seeking resources and policy support for County priorities. On occasion, the Board may need to amend the platform to provide clear direction as new priorities and issues emerge over the course of the year.

The current platform does not include an issue that adequately responds to recent events. This item suggests that a Police Accountability and Transparency issue be added to allow for the County to take a position on relative legislation. A draft issue is attached for the Board to consider.

Establishment of Ad Hoc

Finally, we request that the Board direct the Chair to appoint an ad hoc committee to explore possible amendments to the IOLERO ordinance and other related policy reforms. Community advocates and the IOLERO Community Advisory Council continue to request amendments to the IOLERO ordinance to provide more authority to the IOLERO Director to perform her duties.

Since last fall, proponents of the Evelyn Cheatham IOLERO Ordinance Petition have been gathering signatures to place the initiative on the November ballot. In response to recent events, proponents are strongly lobbying the Board to place the initiative on the ballot. If adopted, the Evelyn Cheatham Initiative would repeal and replace the IOLERO Ordinance and expand the oversight authority and independence of IOLERO and the Community Advisory Council. While some of the amendments proposed by the initiative are long overdue, County Counsel has legal concerns about several of the provisions. What we suggest is that the Board support the creation of an ad hoc to explore possible amendments to the IOLERO ordinance and other related policy reforms through a process that involves the participation of the Sheriff and the IOLERO Director and includes robust community outreach and input.

Conclusion

Given the events of the last several weeks and Sonoma County's continued prioritization of these important issues, it is important for Sonoma County to continue to take available steps to include, empower, and grow diverse perspectives. It is a time to reflect on our policies and practices and live up to our values and potential through action. The Chair and Vice-Chair request that the full Board: (1) Take a formal position to support AB-1185; (2) amend the County's Legislative Platform to add a Police Accountability and Transparency Issue to allow the County to take a position on legislation related to police accountability, training, and transparency that arises during the term; and (3) direct the Chair to appoint an ad hoc committee to explore possible amendments to the IOLERO ordinance and other related policy reforms.

Prior Board Actions:

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FISCAL SUMMARY

Expenditures	FY 19-20 Adopted	FY20-21 Projected	FY 21-22 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

Assembly Bill 1185 (McCarty)
Draft Legislative Platform Issue

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