June 13, 2023

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

SUBJECT: Report of the options and recommendations produced by the AB1185 Community Outreach Working Group

RECOMMENDATION: Accept informational report and provide policy direction to staff.

SUMMARY:
State Assembly Bill 1185 (AB1185, 2021) authorizes County Boards of Supervisors to implement civilian oversight of Sheriff’s Offices in California. In August of 2022, the Office of Equity and the Human Rights Commission convened a Community Outreach Working Group (Working Group) to review the options for oversight provided by AB1185 and to develop recommendations on the preferred oversight structure based on input collected from the community. Fifteen members of the Marin community were appointed by the Office of Equity to this Working Group, representing all five supervisorial districts. These members were selected for professional, educational, or lived experience in areas pertinent to law enforcement oversight and connection to the Marin community.

To assist and guide the Working Group, the Office of Equity contracted the National Association for Civilian Oversight of Law Enforcement (NACOLE) at the recommendation of the Human Rights Commission. NACOLE provided the Working Group with a foundational understanding of AB1185, best practices in civilian oversight, and promising oversight models from other jurisdictions nationwide. Additionally, NACOLE acted as facilitator for Working Group meetings, and provided technical assistance for collecting survey data, hosting focus groups, and drafting recommendations.

Working Group Recommendations
The attached document, “Recommendations for Civilian Oversight of the Marin County Sheriff’s Office”, represents the oversight options and recommendations for implementation developed by the Working Group. These recommendations emerged from 23 meetings of the Working Group, Subcommittees of the Working Group, Office of Equity Staff, and NACOLE. In addition, a robust outreach process, including three community conversations, nine focus groups and 526 multilingual surveys from the Marin
community at large, greatly informed the recommendations. Please see attachments for more information. These recommendations reflect the Working Group’s consensus opinion on the structure for Sheriff’s oversight in Marin, based on their research and the input provided by their engagement with the community.

The Working Group’s Recommended Option with costs of approximately $708,000 is summarized below. To provide the support needed to fully realize the effective and positive impact of the recommendations for a civilian oversight mechanism in Marin County, the recommendation of the Working Group is the authorization of funding for three (3) full-time staff positions:

I. Inspector General (equivalent to County Counsel III) - up to $294,914 annually
II. Community Engagement Coordinator (equivalent to Senior Program Coordinator) - up to $176,882 annually
III. Administrative Assistant (equivalent to Administrative Service Associate) - up to $156,804 annually

The Inspector General (County Counsel III), Community Engagement Coordinator (Senior Program Coordinator), and Administrative Assistant (Administrative Service Associate) would be hired as full-time employees of the County, with benefits, to carry out the duties and authorities outlined in the recommendations. While the Inspector General would work closely with the Community Oversight Commission (COC), they would also be responsible for the work of auditing and monitoring various aspects of the Marin County Sheriff’s Office (MCSO). The Community Engagement Coordinator would be primarily responsible for the community engagement and outreach activities of the oversight mechanism, and the Administrative Assistant would be responsible for the daily administrative activities of the oversight mechanism, complaint intake, and other tasks as needed.

Additional annual expense would include the following:
   I. Stipends for COC members (~$10,000)
   II. Outside training and continued education (~$30,000)
   III. Community engagement activities (~$10,000)
   IV. Outside contractors (~$30,000)

Staff Recommendation Adjustments
The staff recommendations are largely consistent with the Working Group with a few minor adjustments to be consistent with other County programs. In consultation with the CAO and Human Resources, the report below represents additional considerations proposed by Office of Equity staff, based
on an analysis of the same information utilized by the Working Group. Staff both recognize and appreciate the significant commitment, work, and dedication to community that went into the development of the Working Group recommendations for the AB1185 Sheriff Oversight process. We concur and endorse several key aspects of their findings, including:

- The formation and staffing of an Office of the Inspector General
- The formation of an AB1185 Civilian Oversight Commission
- The adoption of standardized practices for both entities
- The essential functions of both entities

Staff recommends consideration of the Working Group’s recommendations to create an Office of the Inspector General by the Board of Supervisors, with the following adjustments:

1. Consistent with other high-level program directors, the position of Inspector General should be filled as an at-will, regular hire position. While a certain amount of independent authority is implicit to the role, we recommend that the position be placed under the general supervision of the County Administrator and or their designee.

2. We agree that staff should be allocated to support the community outreach, research, and communication functions of the Inspector General and Sheriff Oversight Commission. However, as we are unsure of the workload at this time, we recommend that this support position be filled as a two-year, fixed-term position.

3. We recommend a half-time staff support position be dedicated to the Inspector General/Sheriff Oversight Unit.

4. We recommend that compensation offered to Oversight Commission members align with the Boards and Commissions Stipend Program, approved by the Board of Supervisors in 2022.

**Recommended Budget and Next Steps**

If your Board approves the Working Group and staff recommendations, we will work with County Counsel, the Sheriff, and Human Resources to develop implementation legislation to create the Oversight Commission and staffing. For example, we recommend that all staff positions be reviewed by Human Resources to ensure the appropriate classifications are considered by your Board. In addition, we will engage with our unions to comply with the Meyers Milias Brown Act and the Police Officers' Bill of Rights. We would expect to return to your Board as soon as possible after completing these necessary steps with a goal of returning within 90 days with implementation legislation for your Board’s consideration. The staff funding recommendation to include in the Proposed 2023-24 budget would be as follows:

- Inspector General Position $290,000
- Community Engagement Position (two-year) $172,000
- 0.5 Staff Admin Support Position $75,000
• Commissioner stipends $10,000
• Training $30,000
• Other program expenses $40,000

Estimated Total Annual Program Costs $617,000

After Human Resources creates the Inspector General job classification, recommends a salary range, and confirms the appropriate job classifications for the other support roles, the actual staffing costs can be finalized. If necessary, staff may return to your Board for budgetary adjustments.

Following the creation of the Oversight ordinance, the County Administrator’s Office (CAO) will launch the recruitment of the Oversight Commission. We anticipate the recruitment will take between 3-4 months and will be informed by best practices from other jurisdictions.

In partnership with the newly created Oversight Commission, the CAO will launch the recruitment for the Inspector General and we anticipate this process will take 3-4 months as well. Once hired, the Inspector General will co-design Operating Agreements with the Sheriff’s Office, likely in Fiscal Year 2024-2025. In addition, the Sheriff’s Office will allocate budget for a half-time position to support the implementation of AB 1185, including administration, policy review, community engagement and other duties related to Sheriff Oversight.

**EQUITY IMPACT:** Civilian oversight of law enforcement has been identified nationally as a powerful tool to build accountability, trust and transparency between communities and law enforcement organizations. National, regional, and local data suggests that communities of color are disproportionately impacted by standard law enforcement practices, evidenced by disproportionate rates of citation, arrest, incarceration, and use-of-force occurrences. The narrative data gathered by the Working Group suggests that these trends are felt by Marin’s communities of color, in areas such as the Canal, Marin City, Novato, and parts of West Marin.

A significant component of the recommendations included with this report is the development of an Oversight Commission, comprised of community members from every supervisorial district, with special focus on those communities most historically impacted by Sheriff activity. This type of representation and empowerment, coupled with the development of an ongoing dialogue between the Sheriff Oversight Commission, the Board, and the Sheriff, is expected to mitigate future burden to these communities, while building a more positive relationship with law enforcement. Implementation of an oversight structure that encompasses the core findings of the Working Group, informed by community outreach, will serve to instigate an oversight process that reflects the values of the community it serves. Careful consideration of the composition, authority, and appointment of all parts of an
oversight structure will provide the necessary infrastructure that the body is sustainable.

FISCAL IMPACT: The Board of Supervisors allocated $150,000 in funding for the FY 2022-23 budget year for the purposes of developing and implementing a civilian Sheriff’s Oversight structure. To fund the Working Group recommendation of an Inspector General and Oversight Committee with the recommended staff adjustments, the annual costs would be approximately $617,000 or $467,000 more than the current year allocation for this purpose. Given the timing of the Proposed Budget, we have included this amount of funding in the Proposed Budget subject to your Board’s final approval on June 22nd.

Please let me know if you have any questions or concerns.

REVIEWED BY:  [ ] County Administrator   [ X ] N/A
                [ ] Department of Finance  [ X ] N/A
                [ ] County Counsel    [ X ] N/A
                [ ] Human Resources    [ X ] N/A

Respectfully Submitted,

Jamillah Jordan
Equity Director