AB 1185 Community Outreach Working Group
Meeting #1

October 18, 2022 ~ 6:00 pm – 8:00 pm

Zoom Link: https://us06web.zoom.us/j/86342459990

AGENDA

6:00 pm  I. Welcome and Introductions
  ▪ Agenda Review
  ▪ Brave Space Agreements

6:10   II. Process Overview
  ▪ Goals, Roles and Timeline

6:20   III. Introduction to AB 1185 and California Government Code 25303.7
  ▪ Issues and Opportunities
  ▪ Review of Oversight Options
  ▪ Review of Peer City/County Research on Sheriff Oversight

7:25 IV. Upcoming Community Outreach
  ▪ Survey and Community Conversations
  ▪ Outreach Strategies and Ideas

7:55 V. Summary and Next Steps
  ▪ Call to Action: Think of 1-2 ways you will engage your community in this process
  ▪ Working Group Meeting #2: 10/25/22, 6-8pm

8:00 pm  Close…
AB 1185 Sheriff’s Oversight
Community Outreach Working Group

Meeting #1 ~ October 18, 2022
Today’s Agenda

I. Welcome & Introductions

II. Process Overview

III. Introduction to AB 1185 and California Government Code 25303.7

IV. Upcoming Community Outreach

V. Summary & Next Steps
Brave Space
Agreements

• One person speaks at a time
• Make space, take space
• Use “I” statements
• We are all learning together - Be open to learning and engage with new ideas
• Be aware of power dynamics
• Use the chat to share comments in your own words
• Lean into discomfort
• Expect and accept non-closure
About AB 1185 & Marin County

• Effective January 2021, authorizes each county to create a sheriff oversight board

• Created to provide oversight and increased accountability for sheriffs across the state

• Board of Supervisors approved a community engagement process to inform the development of an AB 1185 Sheriff’s Oversight Committee which the County will establish
A Dialogue with Marin’s Black and Brown Residents’ Interactions and Lived Experiences with Law Enforcements Agencies

ZOOM
Meeting ID | Password
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639 704 6444 | 944289

What’s The Purpose? To Educate, Advocate and RemEDIATE

Tuesday March 29th, 2022
5:30 PM - 7:00 PM
Location: Cornerstone Community Church
626 Drake Ave, Sausalito, CA 94965

Conversaciones sobre equidad

Un dialogo sobre las interacciones y experiencias de las personas negras, indígenas y de color con la policía y el departamento del Sheriff.

ZOOM
Meeting ID | Password
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639 704 6444 | 944289

¿Con qué propósito? Para educar, abogar y remediar

Martes 29 de marzo del 2022
5:30 PM - 7:00 PM
Ubicación: Cornerstone Community Church. 626 Drake Ave, Sausalito, CA. 94965
2021–2022 MARIN COUNTY CIVIL GRAND JURY

Sheriff Oversight: The Time Is Now

June 15, 2022

SUMMARY

New legislation, commonly referred to as Assembly Bill 1185 (AB 1185) and effective January 2021, authorizes each county to create a sheriff oversight board. It grants subpoena power enforceable by superior court action.1 The bill was created to provide oversight and increased accountability for sheriffs across the state.

This legislation, in conjunction with an impending leadership change at the Marin County Sheriff’s Office (Sheriff’s Office), presents a rare opportunity to reset relations between the Sheriff’s Office and the communities it serves. These changes would be especially beneficial in communities such as Marin City, where the relationship with the Sheriff’s Office continues to be strained.
• Incident with law enforcement officers' interaction with a Canal community resident that resulted in physical injuries against the resident (captured on video)

• Resulting in Calls to Action
  – Marin City Matters
  – SURJ Marin
  – Solidaridad Guatemalteca
  – Indivisible Marin
AB 1185 Sheriff’s Oversight: Community Engagement

Goals of the Community Engagement

• Gather community input on a meaningful structure for this independent body

• Using community input to inform the development of a framework for the AB 1185 Oversight Committee
  – Selection process
  – Number
  – Composition and term of members
  – Member duties and responsibilities
  – Form of oversight (e.g., auditor, inspector general, independent review)
Key Roles

- **Process Convener:** County of Marin (CAO) and the Board of Supervisors

- **Supporting Convener:** Human Rights Committee (HRC) and HRC sub-committee

- **Facilitator and Technical Adviser:** NACOLE - National Association for Civilian Oversight of Law Enforcement
Working Group Roles

AB 1185 Community Outreach Working Group

- Work in partnership with the County, Board of Supervisors, and consultant team to **promote the community engagement process** among constituents

- Assist with **conducting targeted outreach** to ensure representative participation from residents, organizations, and other stakeholders

- **Share perspectives** from community members with the County and consultant team to ensure a wide range of voices and perspectives are included and heard

- Provide feedback on the draft **framework options**

- **Term:** September – November 2022 (3-4 meetings total)
Expectations for Working Group

- The Committee will meet up to 4 times; **Attendance at meetings is required to participate**

- **Review meeting materials** and documents provided in advance of each meeting and offer feedback when relevant

- Meetings will be conducted **virtually**

- A **stipend of $50 per meeting** is available to Working Group members for their efforts

- **Attend at least 1 Community Conversation** and assist with implementation as needed (e.g., small group facilitation and note-taking)
BEGINNING THE WORK
Challenges and Opportunities
STEPPING BACK: WHY WE ARE HERE

© Ricardo Levins Morales
### Stepping Through: Challenges

<table>
<thead>
<tr>
<th>Challenge</th>
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<tr>
<td>Very high expectations</td>
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<td>Fear of change</td>
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<td>Community trauma</td>
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<td>Skepticism from law enforcement</td>
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<td>Lack of understanding of oversight and its role</td>
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<td>Impartiality</td>
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<td>Having legitimacy with “both sides”</td>
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<td>Need for training</td>
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<td>“Change can’t wait”</td>
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<td>Attempting to meet all the demands</td>
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<td>Some stakeholders think others cannot be engaged</td>
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Stepping Up: Opportunities

<table>
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<tr>
<th>Moment we’re in/“Fierce Urgency of Now”</th>
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<tr>
<td>State law creates possibilities</td>
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<td>Community trauma</td>
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<td>Government support for oversight</td>
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<td>Calls for reform/defunding/abolition</td>
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<tr>
<td>Centering those most impacted</td>
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<td>Demonstrating legitimacy</td>
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<td>Policy and procedures can be changed</td>
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<tr>
<td>Creating something sustainable</td>
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<tr>
<td>Defining the role, work, and outcomes</td>
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<td>Engaging all stakeholders</td>
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AB1185

...and resulting Government Code Section 25303.7
AB1185

• AB1185 authorizes the county to establish, by action of the Board of Supervisors or a vote of county residents, a sheriff oversight board and/or office of inspector general

• AB 1185 grants the chair of the sheriff oversight board and the inspector general the authority to issue a subpoena or subpoena duces tecum when necessary

• In November 2020, Section 25303.7 is added to the Government Code.
Government Code §25303.7 outlines the Oversight Board:

• To assist the Board of Supervisors with its duties required pursuant to Section 25303 that relate to the sheriff.

• The members of the sheriff oversight board shall be appointed by the Board of Supervisors.

• The Oversight Board is comprised of civilians (i.e., not sworn or law enforcement personnel).

• The Board of Supervisors shall designate one member to serve as the chairperson of the board.

• The chair of the sheriff oversight board shall issue a subpoena or subpoena duces tecum whenever the board deems it necessary or important to examine the following:
  • Any person as a witness upon any subject matter within the jurisdiction of the board.
  • Any officer of the county in relation to the discharge of their official duties on behalf of the sheriff's department.
  • Any books, papers, or documents in the possession of or under the control of a person or officer relating to the affairs of the sheriff's department.

• Compliance with oversight board subpoenas is enforced by Superior Court action.
ROLE OF THE INSPECTOR GENERAL

Government Code §25303.7(c) outlines the role of the Office of the Inspector General:

• To assist the Board of Supervisors with its duties required pursuant to Section 25303 that relate to the sheriff.

• The Inspector General shall have the independent authority to issue a subpoena or subpoena duces tecum whenever the inspector general deems it necessary or important to examine the following:
  • Any person as a witness upon any subject matter within the jurisdiction of the board.
  • Any officer of the county in relation to the discharge of their official duties on behalf of the sheriff's department.
  • Any books, papers, or documents in the possession of or under the control of a person or officer relating to the affairs of the sheriff's department.

• Compliance with subpoenas is enforced by Superior Court action.
AB1185 provides that “The exercise of powers under [section 25303.7] or other investigative functions performed by a board of supervisors, sheriff oversight board, or inspector general vested with oversight responsibility for the sheriff shall not be considered to obstruct the investigative functions of the sheriff.”

Section 25303 states that “This section shall not be construed to affect the independent and constitutionally and statutorily designated investigative and prosecutorial functions of the sheriff and district attorney of a county. The board of supervisors shall not obstruct the investigative function of the sheriff of the county nor shall it obstruct the investigative and prosecutorial function of the district attorney of a county.”
MODELS OF OVERSIGHT
LEGITIMACY

What is **LEGITIMACY IN POLICING**?

The belief that...

• The police are trustworthy, honest, and concerned about the well being of the people they deal with.
• Police authority ought to be accepted.
• People should voluntarily accept police decisions and follow police directives.
• People should comply with the law and cooperate with the police.
LEGITIMACY (continued)

What is **LEGITIMACY IN OVERSIGHT**?

The belief that...

- The oversight agency is trustworthy, honest, and concerned about the well being of the people they deal with.
- Oversight and its authority ought to be accepted.
- People should accept oversight agency decisions and recommendations.
- They should comply with the law and cooperate with the oversight agency.
WHAT SHAPES LEGITIMACY?

The primary issue shaping people’s views about legitimacy when dealing with the police is whether the police are exercising their authority in fair ways (PROCEDURAL JUSTICE).

• Quality of decision making: Are decisions made fairly, in a neutral, unbiased way?
• Quality of treatment: Are people treated fairly, in a respectful, courteous way?

• PROCEDURAL JUSTICE IS OFTEN MORE IMPORTANT THAN THE LEGAL OUTCOME OF THOSE ENCOUNTERS AND EXPERIENCES.
COMMON MODELS OF OVERSIGHT

- Review-Focused Model
- Monitoring/Auditing-Focused Model
- Investigation-Focused Model
- Hybrid Models
REVIEW-FOCUSED MODEL

- Ensures the community has the ability to provide input into the complaint investigation process.

- Community review of investigations may increase public trust in the process.

- An individual or a board/commission authorized to review completed internal investigations – can agree/disagree with findings.
AUDITOR/MONITOR-FOCUSED MODEL

• Often have more robust reporting practices than other models
• May be more effective at promoting long-term, systemic change in police departments
• Generally less expensive than full investigative agencies
• Allow the agency to actively engage in many or all of the steps of the complaint process
HYBRID MODELS

• Contain elements from one or more of the three models
• Have been developed to address the needs of a specific community and conform to state or local laws
• May be modifications of a previous oversight agency
• Are increasingly common
PRINCIPLES FOR EFFECTIVE CIVILIAN OVERSIGHT

- Independence
- Clearly defined and adequate jurisdiction and authority
- Unfettered access to records and facilities
- Access to LE executives and IA staff
- Full cooperation
- Sustained stakeholder support
- Adequate funding and resources
- Public reporting and transparency
- Policy and pattern analysis
- Community outreach
- Community involvement
- Confidentiality, anonymity, and protection from retaliation
- Procedural justice and legitimacy
SHERIFF OVERSIGHT

Examples of civilian oversight of Sheriff Departments in California
SAN FRANCISCO COUNTY

Basic Facts:

• Sheriff’s Department Oversight Board (SDOB) and Office of the Inspector General
• Approved by voters as a Charter Amendment in 2020
• Board Consists of 7 Members with four-year terms
• Required training on custodial law enforcement, constitutional policing, policies, and procedures
• Office of the Inspector General is a department under the SDOB
Powers and Duties:

• Appointment of Inspector General
• Evaluation of Inspector General’s work
• Compile, evaluate and recommend law enforcement custodial and patrol best practices
• Quarterly and annual reports
• Community outreach and engagement through public meetings and the solicitation of input from incarcerated individuals
Powers and Duties:
• Receive, review, and investigate complaints against Sheriff Department employees and contractors
• Investigate the death of an individual while in the Sheriff Department’s custody
• Recommend discipline
• Develop and recommend use of force policies and comprehensive internal review process
• Quarterly and annual reports
• Monitor operations
Basic Facts:

• Community Review Commission (CRC) and Office of the Inspector General (OIG)
• Office of the Inspector General commissioned by the Board of Supervisors in 2008
• CRC established in 2021
• Eleven members serving two-year terms
• Required to receive training and orientation on custodial law enforcement, constitutional policing, policies, and procedures
• Staffed by designee of the County Executive’s Office
Powers and Duties:

- Improve transparency and accountability
- Community outreach and engagement
- Support the Inspector General in their role
- Work with the Inspector General to develop annual review concerning complaints and community concerns regarding the Sacramento County Sheriff’s Department
Powers and Duties:

- Ensure integrity of the citizen complaint process
- Provide independent review of investigations conducted by the Internal Affairs Bureau
- Track and monitor high profile serious misconduct and complaints
- Audit complaints and investigations
- Conduct systemic reviews policies, procedures, and the disciplinary system to make informed recommendations
- Conduct community outreach and engagement
Basic Facts

• Independent Office of Law Enforcement Review and Outreach (IOLERO) created in 2015 by a resolution of the Board of Supervisors

• Voters approved Measure P in 2020 giving the office/director subpoena power

• Community Advisory Commission (CAC) is made up of 11 members serving 2-year terms
SONOMA COUNTY - CAC

Powers and Duties:

• Increase visibility of the community in law enforcement patrol and custodial practices
• Provide community participation in the review and establishment of policies and procedures
• Community outreach and engagement
Powers and Duties:

• Receive and review citizen complaints
• Provide objective, independent and appropriate review and audit of law enforcement administrative investigations
• Conduct independent investigations when those done internally are found to be deficient
• Make policy recommendations
• Increase transparency of law enforcement operations, training, policies, and procedures
• Conduct community outreach and engagement
• Make discipline recommendations
ADDITIONAL CONSIDERATIONS

• Board composition
• Budget and Staffing
• Line of authority and independence

Other questions to consider:
• What do I want civilian oversight to fix?
• What expectations do I have for this process and the outcomes?
• What expectations does my community have for this process and the outcomes?
UPCOMING OUTREACH
Community Survey

- Projected survey launch October 21st
- 5-7 Questions
- Soliciting qualitative and quantitative information on topics such as:
  - Personal experience with complaint process
  - Perceptions of Marin County Sheriff’s Department
  - Composition of Board
  - Authority and independence
Outreach Approach

Goal: Meet People Where They Are

• **In Person Outreach**
  - Flyering and print surveys at Community Centers, Libraries and Community Hubs
  - Targeted engagement of community-based organizations (meetings and calls)

• **Online Engagement**
  - Online community conversations
  - Online Survey
  - E-blast communications
  - Posts on the County of Marin and Office of Equity websites
  - Social Media (Facebook, Twitter, Instagram)
  - News releases
Group Discussion

• What additional strategies should the Working Group use to reach and engage communities?
  • Communities of color
  • System-impacted communities
  • Youth
  • Seniors
  • Limited-English proficient communities
  • Low-income communities
Next Steps

- **Call to Action:** Think of 1-2 ways you will engage your community in this process

- **Working Group Meeting #2:** 10/25/22, 6-8pm
  - **Potential agenda topics:** Outreach for Community Conversations; Review of draft survey topics; Key framework elements for the AB 1185 Oversight Committee
AB 1185 Sheriff’s Oversight

Community Outreach Working Group

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