

AB1185 Community Outreach Working Group

Recommendations for Civilian Oversight of the Marin County Sheriff's Office

Introduction and Background

In June 2022 the Marin County Civil Grand Jury released a report, *Sheriff Oversight: The Time is Now* stating that “to significantly improve accountability of the Sheriff’s Office, the Marin County Board of Supervisors (BOS), pursuant to AB 1185, should create a citizens oversight board which would establish county oversight of the Sheriff’s Office; provide a forum for voicing all county residents’ concerns about the Sheriff’s Office; and build trust between the Sheriff’s Office and the communities it serves.”¹ AB1185 removes long-standing impediments to creating and conducting civilian oversight of Sheriffs’ Offices in California and authorizes the BOS to create a civilian oversight commission and an office of inspector general to oversee the Marin County Sheriff’s Office (MCSO) and grants each component of the oversight mechanism subpoena power.

The grand jury report, state legislation, and recent leadership change at the MCSO has presented Marin County with a unique opportunity. This independent and neutral body will be able to review the work of the MCSO, provide community input into the oversight process, and provide a level of legitimacy that internal accountability and review mechanisms cannot.

The County of Marin and Board of Supervisors have made a commitment to establish an independent community oversight structure for the MCSO, with the goal of cultivating trust, transparency, and accountability. To carry this out, a community engagement process was initiated to gather meaningful community input on the

¹ This report preceded the adoption of [California Government Code § 25303](#). Commonly referred to as Assembly Bill 1185 (AB 1185, 2020).

framework, structure, and authority for an oversight mechanism. As a result, in September 2022, 15 individuals were invited to join the Community Outreach Working Group (COWG). This Group consists of a diverse group of individuals representative of the community. It includes individuals with lived or professional experience related to justice, law enforcement oversight, law, community organizing, research, finance, and other relevant areas. The commitment of these individuals was to promote community engagement among constituents, conduct outreach to all interested parties, and research effective practices of civilian oversight of law enforcement.

After months of research and community input, the COWG has developed a recommended framework for civilian oversight that will be effective, sustainable, and beneficial to members of the community. It has further developed options for the Board of Supervisors to consider when implementing these recommendations.

For the most cost-effective and sustainable oversight of MCSO, the COWG recommends the creation of a Civilian Oversight Commission (COC) to provide civilian input into the process and an Inspector General (IG) to perform functions such as coordinating complaint investigations, monitoring jail facilities, making policy recommendations, and performing audit functions.

These recommendations will create a mechanism that ensures the MCSO is responsive to the concerns and needs of all members of the Marin County community, as well as increase trust, transparency, and accountability, reduce liability, and provide a public forum for voicing community concerns about the MCSO. In doing so, it will build trust between the MCSO and the larger community and foster collaborative relationships between Marin County community members, the COC, the IG, and the MCSO.

The specific recommendation of the COWG for the COC and IG is below. As requested by the Board of Supervisors, the COWG is also presenting two additional options for staffing the oversight mechanism. The COWG considers these two alternative options to be unworkable because of insufficient staffing and urges the BOS to implement the COWG recommendation at the funding levels presented in Option One. All options are based on matching the staffing recommendations with existing staffing categories. Salary ranges represent salary plus benefits for each of the positions listed.

Options for Implementation

Option One

Estimated cost: ~\$708,600

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 COWG is the authorization of funding for three (3) full-time staff positions:

- I. County Counsel III (up to \$294,914 annually)
- II. Senior Program Coordinator (up to \$176,882 annually)
- III. Administrative Service Associate (up to \$156,804 annually)

The IG (County Counsel III), Senior Program Coordinator (Community Engagement Coordinator), and Administrative Service Associate (Administrative Assistant) 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 COC, they would also be responsible for the work of auditing and monitoring various aspects of the 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)

Option Two

Estimated cost: ~\$531,718

It should be noted that the COWG is strongly opposed to an option which only includes an IG and Administrative Assistant. Having researched other county oversight mechanisms, it is apparent that effective, sustainable oversight can only be achieved with adequate funding and staffing. Anything less will create an environment where the mechanism is unable to fully carry out the mandate it has been given. Option Two's staffing structure and funding only provides for two (2) full-time employees:

- I. County Counsel III (up to \$294,914 annually)
- II. Administrative Service Associate (up to \$156,804 annually)

The IG (County Counsel III) and Administrative Service Associate (Administrative Assistant) would be hired as full-time employees of the County, with benefits, to carry out the duties and authorities outlined in the recommendations. The Inspector General would work closely with the COC, be responsible for the work of auditing and monitoring various aspects of the MCSO and carry out other duties and authorities outlined in the

recommendations. The Administrative Assistant would be responsible for the daily administrative activities of the oversight mechanism, complaint intake, some community engagement and outreach activities 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)

Option Three

Estimated cost: ~\$436,804

It should be noted that the COWG is strongly opposed to an option which only includes an IG hired as a contractor and an Administrative Assistant. Having researched other county oversight mechanisms, it is apparent that effective, sustainable oversight can only be achieved with adequate funding and staffing. Anything less will create an environment where the mechanism is unable to fully carry out the mandate it has been given. Option Three's staffing structure and funding only provides for one contractor and one full-time employee:

- I. Inspector General (contracted position up to \$200,000 annually)
- II. Administrative Service Associate (up to \$156,804 Annually)

The IG would carry out the duties and authorities outlined in the recommendations. While the IG would work closely with the COC, they would also be responsible for the work of auditing and monitoring various aspects of the MCSO. The Administrative Service Associate (Administrative Assistant) would be responsible for the daily administrative activities of the mechanism, complaint intake, some community engagement and outreach activities and other tasks as needed.

Additional expenses 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)

Recommendations and Rationale

The Marin County Board of Supervisors (BOS), under [California Government Code Section 25303](#), must “supervise the official conduct of all county officers, including the Sheriff” and “shall see that (county officers) faithfully perform their duties.” As a result, all Sheriff’s operations other than current criminal investigations are subject to oversight.

Structured, civilian oversight can assist the BOS in this mandate by reviewing completed misconduct investigations, monitoring conditions of confinement, reviewing and monitoring the investigation of deaths in the Marin County jail, objectively analyzing ways to improve MSCO’s policies, practices, and operations, and auditing and addressing systemic issues within the department. Civilian oversight will assist in upholding constitutional policing; improving law enforcement practices, procedures, and training; reducing legal liability and the possibility of state or federal intervention; and increasing public safety.

Community feedback was sought in a way that allowed all residents of Marin County a chance to participate in the process and guide the final recommendations of COWG - including those most impacted by law enforcement activities. This included community conversations at the onset of the work, a survey distributed in four languages throughout Marin County, community canvassing, and focus groups. Feedback from these efforts highlighted a lack of trust in and access to the current complaint process, fear of retaliation when filing a complaint, a demand for increased transparency, incidents of use of force and detentions without cause, and concern over current law enforcement practices that have turned areas of the County into training grounds, adversely affecting those who live and work in the communities of Marin City, West Marin, and East San Rafael.

In an effort to implement an oversight mechanism that addresses the current issues that community members have with the MCSO and proactively addresses systemic issues, the COWG recommends a hybrid oversight mechanism that would incorporate the review-focused and the auditor/monitor-focused models of civilian oversight. In addition, the COWG recommends that the oversight mechanism have the ability to retain an independent investigator when necessary. **It is with this in mind that the COWG submits the following recommendations to the BOS for consideration.**

Civilian Oversight Commission

A Civilian Oversight Commission (“COC” or “Commission”) is uniquely positioned to build trust between law enforcement and the community it serves because of its ability to provide community members outside of and unaffiliated with the Sheriff’s Office input into the process. In addition to having the opportunity to review completed internal investigations, review-focused models are often permitted to receive civilian complaints and forward them to the department for investigation; return cases to the department’s internal affairs unit for further investigation; recommend case dispositions, discipline or revision of departmental policies and procedures; host public forums; and conduct extensive community outreach.

A. Purpose Statement

The central role of the Commission is to initiate, build and maintain a trusting relationship between members of the public and the Marin County Sheriff’s Office (MCSO) through transparent, respectful, just, and accountable oversight that is rooted in public safety, equitable justice, and accountability in Marin County.

This Commission is an extension of the Board of Supervisors, for the purposes of assisting the Board in its oversight of the MCSO. In addition to improving transparency and accountability within the MCSO, the oversight body will work to humanize both the MCSO and the communities of Marin County in the eyes of one another, build points of collaboration, and improve services provided. This will be accomplished by receiving and reviewing the investigations of complaints, reviewing data and policies, facilitating authentic community engagement, conducting audits, and by making policy, procedure, and training recommendations that bring the community’s perspective into collective decision making.

B. Composition, Qualifications, and Disqualifications for Membership

The COWG recommends that the Commission shall consist of nine (9) members and two (2) at-large alternates who are residents of Marin County. All regular and alternate voting members of this Commission shall reflect and represent the diversity of the Marin community and include members of varying ethnicities, race, sexual orientation, economic status, age, religion, citizenship status, housing/residence status, and lived experience with the criminal legal system. In addition, special consideration is to be given to those living in geographic areas disproportionately affected by law enforcement activities, specifically West Marin, Novato, San Rafael, and Marin City.

Five (5) Commissioners will be appointed by the BOS to represent each of the County's five (5) supervisorial districts. Each appointee shall initially reside in the district represented by the appointing Supervisor. The remaining four (4) Commissioners and two (2) alternates will also be appointed by the BOS, selected from a slate of eight (8) nominees proposed by Legal Aid of Marin, with recommendations made from grassroots and direct service organizations. From the eight (8) candidates, Supervisors will appoint four (4) Commissioners and two (2) alternates. If none of the slate of candidates submitted are selected for appointment by the Board of Supervisors, reasons must be articulated in writing and Legal Aid of Marin given the opportunity to recommend a new slate of appointees. Alternates will be eligible to fill any seat vacated regardless of the Supervisorial district in which they reside.

The COWG further recommends that no more than one (1) Commissioner be someone who has previous law enforcement experience. Any Commissioner with law enforcement experience must meet the following criteria:

1. They have not worked as a sworn law enforcement officer within the last four years;
2. They have certified that they have never engaged in serious misconduct; and
3. They have never been employed as sworn law enforcement in Marin County or the Bay Area, defined by the Association of Bay Area Governments to include the following nine counties: Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, Sonoma, and San Francisco.

Commissioners shall serve a maximum of two consecutive terms, upon reappointment by the Board of Supervisors, to ensure the addition of new perspectives while maintaining operational continuity. In addition, terms shall be staggered to preserve institutional knowledge and promote informed decision-making.

When the Commission is initially created, it is recommended that three (3) members be appointed for three-year terms, three (3) for two-year terms, and three (3) for one-year terms. All alternates will be appointed for an initial term of three years. Appointment and re-appointment of all future members will be for three-year terms. Irrespective of the length of Commissioners' initial terms, each Commissioner will only be permitted to serve two consecutive terms.

C. Training

The Commission shall establish a training curriculum annually in collaboration with the Inspector General and the MCSO that will ensure that Commissioners possess necessary expertise to carry out the Commission's mandates. Training will be conducted by experts in the training topics mentioned below and those who are knowledgeable about effective and sustainable practices in civilian oversight of law enforcement.

Training may include, but need not be limited to the following:

1. Public Meeting Laws and the California Public Records Act;
2. Ethics;
3. Implicit and Explicit Bias;
4. De-escalation/Non-Escalation Techniques and Philosophy;
5. Sexual Harassment;
6. Cultural Competency;
7. Rehabilitative and Restorative Justice Principles;
8. Behavioral Health Diversion Implementation Plan;
9. All MCSO operations, policies, practices and procedures, case management systems, and deputy training;
10. Information specific to jail operations and conditions of confinement pursuant to the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution, the United Nations Standard Minimum Rules for the Treatment of Prisoners, and California Code of Regulations Title 15 Minimum Standards for Local Detention Facilities;
11. Law enforcement oversight, community policing, and constitutional principles of policing;
12. Public Safety Officers' Bill of Rights Act (POBRA), and other relevant state and local laws including those related to law enforcement personnel actions;
13. Meet and Confer Policy and Process;
14. Ride-a-longs, jail visits and other equivalent immersive experiences;
15. The criminal justice process (detentions, bookings and arrest, interaction with Immigration and Customs Enforcement officials, etc.).
16. Trauma-informed and healing practices; and
17. Investigative techniques, data analysis and policy writing.

D. Stipends

The Community Outreach Working Group (COWG) recommends that Marin County provide stipends for Commission members' duties and work. Each Commission member shall receive a stipend of \$50.00 for each regular or special board meeting, each mandated training session, and each regular jail visit as allowed by the Marin County Board Stipends Program.

In addition, members of the Commission shall be reimbursed for reasonable expenses incurred while performing their duties, in accordance with County policies regulating reimbursement to Marin County officers and employees, to include parking and transportation costs associated with attending Commission meetings.

Stipends and the total monthly stipend paid may be adjusted annually at the discretion of the Board of Supervisors.

E. Duties and Authorities

It is recommended that the Civilian Oversight Commission have the following duties and authorities:

1. Participation in the hiring and evaluation of the Inspector General (IG)

- a. The Commission shall create recommendations for qualifications of a successful IG candidate for the County Administrator's Office (CAO) and Office of Equity to consider in its national search for qualified candidates in full consultation with the Department of Human Resources.
- b. The Chair of the Commission or their designee shall participate in the interview process of all eligible candidates and provide feedback to the CAO and Office of Equity.
- c. The CAO will conduct an annual review of the effectiveness of the IG with input from the COC, Office of Equity, and the Sheriff.

2. Establishing Bylaws and Rules of Conduct

The COC's initial duty upon creation shall be to, in collaboration with the IG, prepare a set of bylaws and a code of conduct that shall apply to the operations of the Commission. These documents shall be submitted for review and approval consistent with County policy.

3. Establishing a complaint process

Incorporating feedback and recommendations from the Commission, the Inspector General shall, based on current, established effective civilian oversight practices, establish an independent, accessible process for receiving complaints from community members regarding the MCSO, including multiple options for filing, processing, and forwarding complaints to the MCSO for investigation. The established process shall be an alternative to filing directly with MCSO, and will follow statutory guidelines for notifying MCSO of the complaint."

- a. The developed process shall include the acceptance of:
 1. Third-party complaints;
 2. Anonymous internal MCSO and external complaints; and
 3. Confidential internal MCSO and external complaints.
- b. The complaint process will include measures to protect those who file complaints.
- c. The COC and the IG will promptly be notified of all formal and informal complaints filed directly with the MCSO.
- d. The Commission, in conjunction with the IG, shall conduct ongoing reviews of the effectiveness of the current complaint process.

4. *Receive and review completed investigations*

Receive and review completed complaint, personnel misconduct, and use of force investigations by the Internal Affairs Department of the MCSO, and create public reports.

5. *Make Policy Recommendations*

- a. In collaboration with the Inspector General and the MCSO, the Commission shall make recommendations regarding policies, procedures, and training practices of the Marin County Sheriff's Office patrol and jail divisions.
- b. The Sheriff shall be required to respond with specificity, in writing, to any aspect of the recommendations that are not accepted within thirty (30) days following receipt.

6. *Request Data Related to MCSO Operations*

The Commission shall have the ability to direct the IG to collect data or information relevant to MCSO practices that is relevant to fulfilling the civilian oversight mechanism's powers and duties. The data shall be presented and accessible during public meetings of the Commission to the extent permitted by law.

7. *Conduct Public Meetings*

The Commission shall convene public meetings on RIPA data, in-custody deaths, use of military equipment, facility audits, and any other public business related to the oversight of MCSO.

8. Collaborate with Marin County Sheriff's Office

The Commission, when possible, shall collaborate with the Marin County Sheriff's Office to develop community policing initiatives focused on building trust and relationships in marginalized communities, including but not limited to working with the IG and the MCSO to assess crime prevention strategies and develop alternatives.

9. Conduct Ongoing Community Outreach and Engagement Efforts

The Commission shall conduct ongoing community outreach and engagement with all communities, especially those disproportionately impacted by law enforcement.

- a. The Commission will provide ongoing evaluation of the oversight mechanism and the MCSO through community climate surveys and evaluation mechanisms.
- b. The Commission will ensure that all communications are multilingual (Spanish, Vietnamese, and Traditional Chinese) and ADA accessible to all members of the community. The Commission shall work with County staff to provide feedback on the Commission website and other outreach materials.
- c. The Commission may provide a forum to gather community concerns about incident-specific law enforcement actions and may receive and forward complaint information to the IG for processing.

10. Produce Annual Public Reports

In an effort to inform the community of the work of the COC, public reports detailing the engagement efforts and other mandated work over the course of the year shall be produced annually at a minimum.

11. Contract Independent Legal Counsel

In an effort to mitigate real or perceived conflicts, the COC shall have the ability to direct the IG to request that the County Counsel contract with outside legal counsel to exclusively represent the Commission and/or the IG on a specific matter, as necessary, and in accordance with the powers and duties outlined in these recommendations.

12. Foster a Collaborative Relationship with the MCSO and Other County Departments

In an effort to foster relationships that promote accountability, transparency, and effectiveness in its work, the Commission and the IG will prioritize effective communication and collaboration with the

MCSO and other county departments regarding all matters of concern identified in the course of the Commission and IG's work. This includes first attempting to resolve any points of contention regarding complaint, use of force, or personnel investigations, department policy, or systemic recommendations prior to taking formal action pursuant to the investigative and subpoena authority recommended herein.

13. Budget Proposal Approval

The Commission shall work collaboratively with the IG to develop and submit an annual budget for the Commission and the IG to the CAO for eventual submission to the Board of Supervisors.

14. Officer-Involved Shootings and Use of Force Investigations

- a. MCSO shall provide to the Commission updates and access to the body worn camera footage for review, to the extent legally permitted, of all officer-involved shootings or other use of force investigations.
- b. The Commission will inform the public of the status of the investigations in a timely manner to the extent legally permitted.

15. Maintain Confidentiality

The IG shall maintain confidentiality and adhere to all public record and meeting laws and standards. The confidentiality of peace officer personnel records, protected health information of incarcerated persons, and all other privileged or confidential information received by the IG in connection with the IG's duties shall be safeguarded and maintained as required by law or as necessary to maintain applicable privileges and confidentiality.

16. Subpoena Authority

The COC may compel the production of information, documentation, and testimony by issuing subpoenas when deemed necessary to the COC's oversight function.

F. Marin County Sheriff's Office Liaison

We recommend that a member of the MCSO serve as a liaison to the Commission, acting as a resource and receiving its recommendations for changes to policy, procedures, and training and attending Commission meetings at the invitation of the Chair.

Inspector General

An Inspector General (IG) works to promote broad organizational change and address systemic issues through its work looking at policies, procedures, and operations in a law enforcement agency. It is uniquely equipped to address systemic deficiencies, analyze patterns and trends, and make recommendations for systemic reform. The work of the IG can improve many areas of the Marin County Sheriff's Office (MCSO) law enforcement functions, including handling of community complaints and grievances of incarcerated persons, discipline, training, staffing and recruitment, use of force, conditions of confinement, and crime prevention strategies.

The Inspector General will be directed by the Civilian Oversight Commission (COC) and work independently from, but collaboratively with, the MCSO. To further promote its independence, the IG's office should conduct its work in a location separate from all MCSO offices and facilities.

A. Purpose Statement

Through reviewing the handling of complaints, recommending improvements to police practices, supporting the COC, reviewing trends in law enforcement, recommending changes to policies and procedures, and other authorities as outlined below, the IG will promote a positive, community-centered culture within the MCSO.

The IG will monitor aspects of the MCSO, including, but not limited to, staffing and recruitment, training, use of force, de-escalation strategies, discipline, approaches to crime prevention, and facilitation of the re-entry process. It will also develop and issue, in collaboration with the COC, recommendations regarding any aspect of MCSO that is within its purview. It will review and monitor the overall complaint process to ensure that it is fair, thorough, complete, and accessible and that individual complaint investigations comply with established policies and procedures.

The IG's duties, authorities, and staffing details are outlined below.

B. Duties and Authorities

The Working Group recommends that the Inspector General have the following duties and authorities:

1. Carry Out the Day-to-Day Responsibilities of Oversight

The IG shall ensure that the work of the civilian oversight mechanism embraces procedural justice for all involved parties. These day-to-day responsibilities shall include, but are not limited to:

- a. Receiving and processing complaints concerning alleged misconduct of members of the MCSO who have direct contact with the public;
- b. Ensuring that community members are aware of the complaint process and how to file a complaint;
- c. Monitoring the complaint process from submission through the completion of the investigation;
- d. Performing ongoing analysis of complaint trends;
- e. Recommending changes to MCSO policy, practices, and training based on evidence-based effective practices;
- f. Working to enhance community relationships and build trust through community engagement opportunities;
- g. Working collaboratively with the Commission to develop and submit an annual budget; and
- h. Other duties as directed by the Civilian Oversight Commission.

2. *Establish a Complaint Process*

Under the direction of the Civilian Oversight Commission, the Inspector General shall, based on current, established effective civilian oversight practices, establish an independent, accessible complaint process for receiving internal MCSO and external complaints regarding the MCSO, including multiple options for filing, processing, and forwarding complaints to the MCSO for investigation in a timely manner. The developed policy shall include the acceptance of:

- a. Third-party complaints;
- b. Complaints from incarcerated persons and their families or personal representatives;
- c. Anonymous complaints; and
- d. Anonymous, internal MCSO complaints

The complaint procedure shall protect those who file complaints from retaliation and shall require that the IG be notified of all formal and informal complaints filed directly with the MCSO.

3. *Produce Annual Reports*

The IG will produce at least annual public reports detailing the work of both the COC and the IG. Each report shall include, but not be limited to:

- a. Reviews completed;
- b. Identified patterns and trends;
- c. Recommendations for changes to policies, procedures, and/or training practices;

- d. Status updates on the implementation of any agreed-upon changes to policies, procedures, or training practices;
- e. Community engagement activities;
- f. Data related to complaints received by the COC and MCSO;
- g. Investigation outcomes;
- h. Crime reports and statistics related to MCSO's jurisdiction including but not limited to RIPA data; and
- i. Identified statistics or measures that may be relevant to MCSO oversight but are currently missing, unreported, or underreported.

The IG may issue additional public reports as necessary.

4. *Monitor Compliance*

The IG shall actively and continually monitor the MCSO's compliance with its own policies, procedures, training practices, and governing laws.

- a. In its monitoring, the IG shall review MCSO policy, procedures, and training practices, conduct unannounced visits to the jail, and make associated recommendations based on its findings to address issues of concern to the community, MCSO, and the Board of Supervisors.
- b. The IG will work in collaboration with the COC on recommendations related to MCSO's policy, procedures, and training practices, submitting them to the COC for feedback prior to submission to MCSO and the Board of Supervisors.
- c. The IG shall monitor on an ongoing basis the facilities operated by MCSO, particularly the jail.
- d. The IG may conduct audits on patterns and trends in discipline issued by the Sheriff.
- e. MCSO shall be required to respond to the IG's recommendations, in writing and with specificity, within thirty (30) days from the delivery of the recommendations.
- f. If at any time the MCSO, IG, and COC are unable to resolve a disagreement, the parties will meet with the County Administrator who will ultimately be responsible for resolving the issue.

5. *Conduct community outreach and education on the complaint process.*

The IG, in collaboration with the COC, shall conduct ongoing outreach and engagement with all communities, especially those disproportionately impacted by law enforcement to enhance community involvement and trust in the Marin County oversight process.

- a. The IG, in collaboration with the Community Engagement Specialist, shall be responsible for ensuring the community has access to and is educated about oversight and complaint processes.

- b. The IG and the Community Engagement Specialist shall ensure that all oversight and outreach materials are multilingual (Spanish, Vietnamese, and Traditional Chinese) and ADA accessible to all members of the community.
- c. In collaboration with the COC and the Community Engagement Specialist, the IG may provide a forum for community concerns about incident-specific law enforcement actions.

6. *Independent Investigative Authority*

When the IG and/or COC determine that a completed misconduct investigation is inadequate (see Section E), the COC may, by a two-thirds vote, authorize the IG to initiate an independent investigation. Independent investigations shall only be initiated by action of the Commission following efforts by the Commission and/or the IG to resolve any points of contention with MCSO. In pursuing independent investigations, the IG shall have access to MCSO personnel, incarcerated persons, records and documentation, policies and directives, operating procedures, data, facilities, and other relevant information necessary to fulfill the IG's mandate.

7. *Maintain Confidentiality*

The IG shall maintain confidentiality and adhere to all public record and meeting laws and standards. The confidentiality of peace officer personnel records, protected health information of incarcerated persons, and all other privileged or confidential information received by the IG in connection with the IG's duties shall be safeguarded and maintained as required by law or as necessary to maintain applicable privileges and confidentiality.

8. *Subpoena Authority*

The IG may compel the production of information, documentation, and testimony by issuing subpoenas when deemed necessary to the IG's oversight function.

B. Staffing and Funding

The Office of the Inspector General will require adequate staffing and resources. The COWG, therefore, recommends that the offices of COC and IG have the following staff positions:

1. *Inspector General*

In addition to the duties and authorities outlined above, the Inspector General (IG) shall be responsible for the following tasks of the oversight mechanism:

- a. Developing and maintaining procedures to ensure all matters are handled in a thorough, objective, fair, and impartial manner;
- b. Working with the County Administrator's Office to ensure that the COC has the resources necessary to carry out its duties;
- c. Coordinating the COC's annual training;
- d. Conducting community climate surveys and internal MCSO climate surveys; and
- e. Establishing and maintaining collaborative relationships with the COC, the Marin County Sheriff's Office personnel, and the County Administrator's Office.

2. *Community Engagement Specialist*

The Community Engagement Specialist (Administrative Services Associate), COC, and IG will be responsible for carrying out the community outreach and engagement component of the oversight mechanism. The work will be carried out with the following tasks in mind:

- a. Multilingual and accessible outreach and education to a diverse representation of the community in a way that allows for broad community input through public meetings;
- b. Development of opportunities for the community to learn more about the work of both the COC and the MCSO, as well as their rights;
- c. Development and delivery of presentations to the community, advocacy groups, and the MCSO;
- d. Publication of printed and digital communications regarding the work of the oversight mechanism which are engaging, timely, thorough, transparent, and accessible by the public;
- e. Performing community engagement which is carried out with a focus on building relationships between the MCSO and the communities they serve, with specific attention given to historically underserved, marginalized communities, and those disproportionately affected by the criminal legal system;
- f. Engage with incarcerated persons and their family members or personal representatives;
- g. Promotion of restorative justice, trauma-informed, and healing centered approaches such as community mediation, alternative dispute resolution, and community dialogue; and
- h. Conducting surveys and focus groups every three to five (3-5) years to measure satisfaction with the performance and practices of the MCSO, the COC and the IG, and to better understand the needs of the community. This should include an internal survey within the MCSO to evaluate

the culture and practices of the department, focusing on the practice of community-based policing and relationship-based policing used. The internal survey should also include questions related to employee satisfaction within MCSO.

3. *Administrative Assistant*

This position will:

- a. Provide staff support to the work of the IG and COC and as directed by the IG.
- b. Assist in the development and implementation of the oversight mechanism's policies and procedures.
- c. Act as the communication liaison with members of the COC.
- d. Assist with the annual report and other communications to the general public.

D. Hiring and Terms of Employment

To ensure adequate time to develop systems of operation for the oversight mechanisms, it is recommended that the Inspector General (IG) be a full-time employee or an independent contractor. After completion of a probationary period, the IG can be terminated only for cause, such as ethical violations, abuse of power or authority, incompetence, or unprofessional conduct. Termination by the CAO shall only occur after a two-thirds vote of the COC.

1. The IG must never have been employed as a sworn law enforcement officer by any law enforcement agency within Marin County.
2. The performance of the IG will be reviewed by the COC annually.
 - a. The annual review of the IG will be completed by the County Administrator with input from the COC and the Sheriff, in accordance with standard County practice. The IG has 30 days to respond to the review.
 - b. The annual review of the Community Engagement Coordinator and Administrative Assistant's performance shall be conducted by the IG with input from the County Administrator and Sheriff.

E. Relationship Between the COC and the IG

While it is intended that the IG have significant independence and discretion in conducting day-to-day oversight of MCSO, the IG shall act under the direction of and in collaboration with the COC.

1. The IG shall provide staff support to the COC and have the ability to contract with specialized staff when needed to carry out operations requiring special competence. This may include, but not be limited to, trainers, independent counsel, independent investigators, etc.
2. The IG will staff COC meetings.
3. The IG, in collaboration with the COC, will be responsible for coordinating all required and specialized training for the COC.
4. The IG shall carry out other duties that fall within its purview and as requested by the COC.

F. Independent Investigations

Upon review of a completed complaint investigation by the MCSO's Internal Affairs Department, the COC may determine that additional information is necessary to thoroughly review a completed investigation and/or that the completed investigation is deficient.

In such cases, the IG, in consultation with the COC, shall identify specific areas of concern and may take the following actions to the extent permitted by law:

1. Request additional information not originally contained in the complaint investigation file be forwarded to the IG for review; and/or
2. Return the investigation to the MCSO's Internal Affairs Department for further investigation of the allegations.

The MCSO will have forty-five (45) days to provide the information or complete the additional investigation. A one-time extension of thirty (30) days to respond may be granted if good cause is shown.

Upon return of the MCSO's response, the IG may accept the complaint investigation as complete and forward it to the COC for review *or* determine that the additional information provided and/or additional investigation is deficient. If so, the IG, in consultation with the COC may return the investigation to the Department with specific directions:

1. The COC may identify new concerns causing the investigation to remain incomplete, but these concerns must be directly related to the originally identified concerns.
2. The Internal Affairs Department shall have thirty (30) days to return to the COC with a completed investigation that addresses the COC's concerns.

If the investigation is still deemed deficient after being returned for the second time, the IG can refer the matter to the COC. Upon review, the COC can, to the extent permitted by law and upon a two-thirds majority vote, direct the IG to work with the County Administrator's Office to contract with an independent investigator to conduct an independent investigation, unless doing so would violate the time limits set forth in the Police Officers' Bill of Rights.

G. Evaluation

It is recommended that, at the end of the third (3rd) year of establishing the COC and every five (5) years thereafter, the IG and COC shall undertake a detailed evaluation of the IG and COC's performance.

1. This detailed evaluation shall include a candid assessment of the IG's and COC's strengths, weaknesses, successes, and failures.
2. It shall also contain any recommended revisions to the COC and IG's responsibilities and/or authority, and shall also determine whether an independent management audit should be conducted.
3. The evaluation should contain recommendations on improvements regarding oversight operations.
4. The evaluation shall be submitted to the Board of Supervisors' Oversight Subcommittee, the County Administrator, and the Sheriff and shall be made available to the public, subject to applicable privileges and protections.
5. The Sheriff will have sixty (60) days to provide to the Board of Supervisors, County Administrator, IG, and the COC his comments, in writing, on the evaluation.
6. The Board of Supervisors shall review the evaluation and the Sheriff's comments to determine whether an independent audit should be conducted.
7. Within one (1) year following the issuance of direction from the Board of Supervisors or the independent audit, the IG shall provide a written report to the Board of Supervisors regarding the status of the implementation of any recommendations identified in the evaluation/independent audit. This written report shall be made available to the public, subject to applicable privileges and protections.