



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>

A G E N D A

- 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**



PROCESS OVERVIEW

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**

EQUITABLE CONVERSATION



A Dialogue with Marin's Black and Brown Residents' Interactions and Lived Experiences with Law Enforcements Agencies

ZOOM

Meeting ID	Password
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, indigenas y de color con la policia y el departamento del Sheriff.

ZOOM

Meeting ID	Password
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



Civil Grand Jury Report



Marin County Civil Grand Jury

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.

Instagram   



marincitymatters
San Rafael, California



Latinos
Unidos

JUSTICE FOR MATEO!

SUNDAY, SEPT 4TH @ 5PM MARCH
FROM PICANTE TO SRPD/CITY HALL.

SAN RAFAEL CITY COUNCIL - TUESDAY, SEPTEMBER 6, 2022

REGULAR MEETING AT 7:00 P.M.

In-Person:

San Rafael City Council Chambers
1400 Fifth Avenue, San Rafael, CA 94901



Participate Virtually:

Watch on Zoom Webinar: <https://tinyurl.com/cc-2022-09-06>

Watch on YouTube: www.youtube.com/cityofsanrafael



Liked by mizz_ram and 10 others



- 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

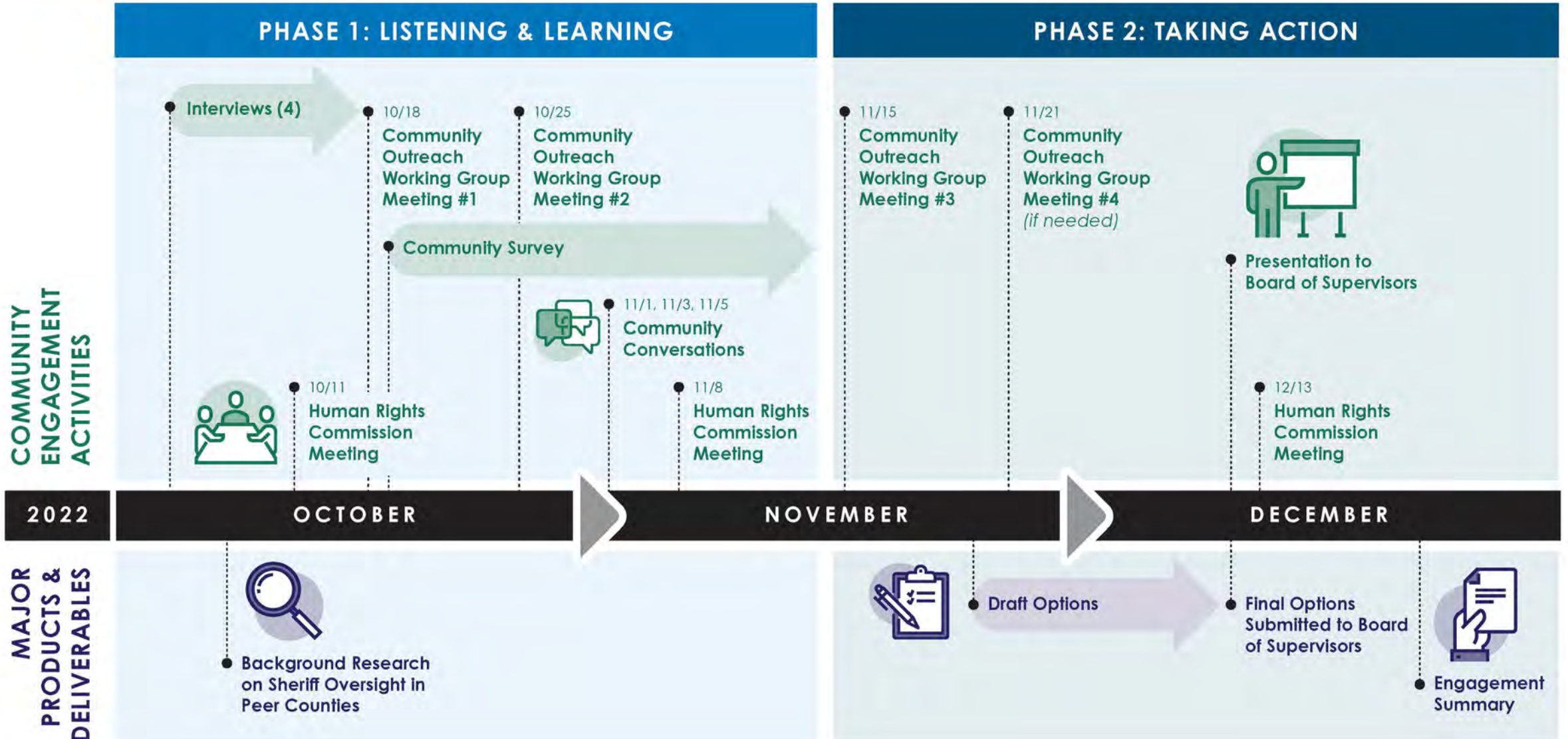


Goals of the Community Engagement

- 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)

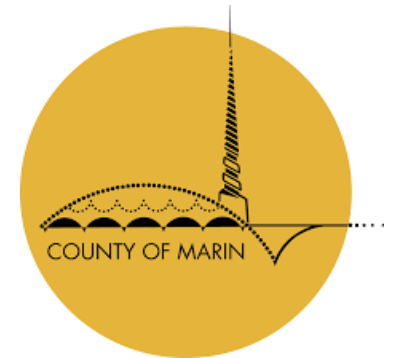


COMMUNITY ENGAGEMENT PROCESS



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

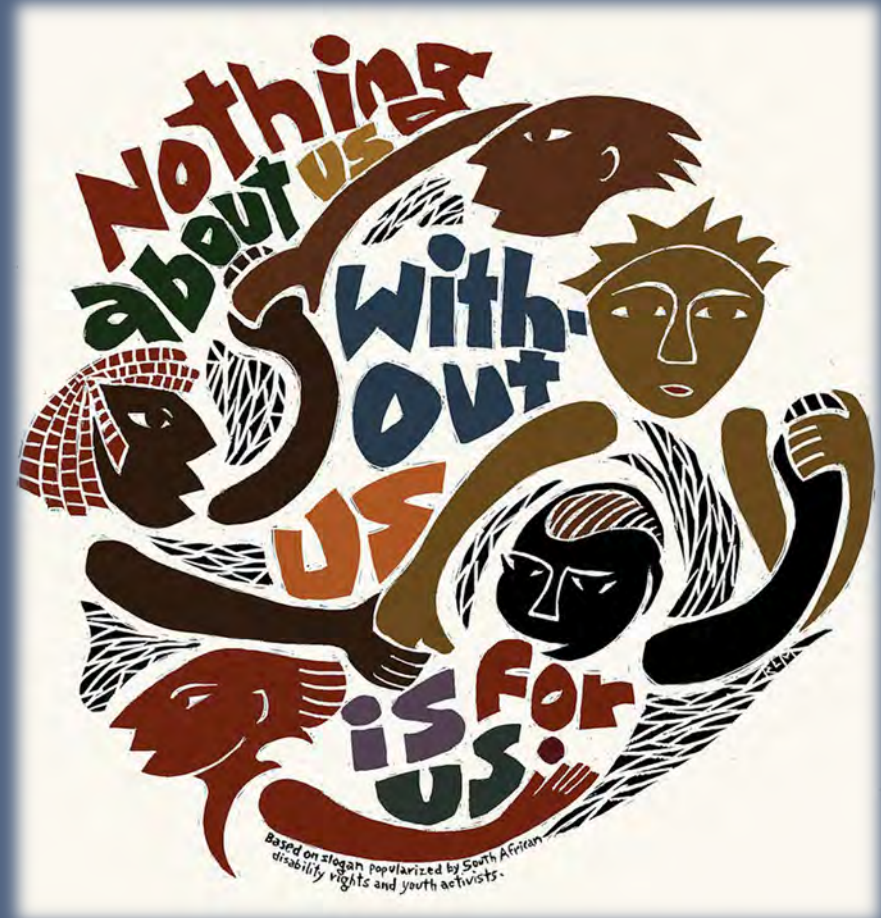
- The Committee will meet up to 4 times; **Attendance at meetings is required to participate**
- **Review meeting materials** and documents provided in advance of each meeting and offer feedback when relevant
- Meetings will be conducted **virtually**
- A **stipend of \$50 per meeting** is available 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

Very high expectations

Fear of change

Community trauma

Skepticism from law enforcement

Lack of understanding of oversight and its role

Impartiality

Having legitimacy with “both sides”

Need for training

“Change can’t wait”

Attempting to meet all the demands

Some stakeholders think others cannot be engaged

Stepping Up: Opportunities

Moment we're in/"Fierce Urgency of Now"

State law creates possibilities

Community trauma

Government support for oversight

Calls for reform/defunding/abolition

Centering those most impacted

Demonstrating legitimacy

Policy and procedures can be changed

Creating something sustainable

Defining the role, work, and outcomes

Engaging all stakeholders

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.

OVERSIGHT BOARD/COMMISSION OUTLINE

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.

CONSIDERATIONS

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



Los Angeles County Civilian Oversight Commission

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



Sonoma County Community Advisory Council

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

SAN FRANCISCO COUNTY - 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

SAN FRANCISCO COUNTY - OIG

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

SACRAMENTO COUNTY

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

SACRAMENTO COUNTY - CRC

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

SACRAMENTO COUNTY - OIG

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

SONOMA COUNTY

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

SONOMA COUNTY - DIRECTOR

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

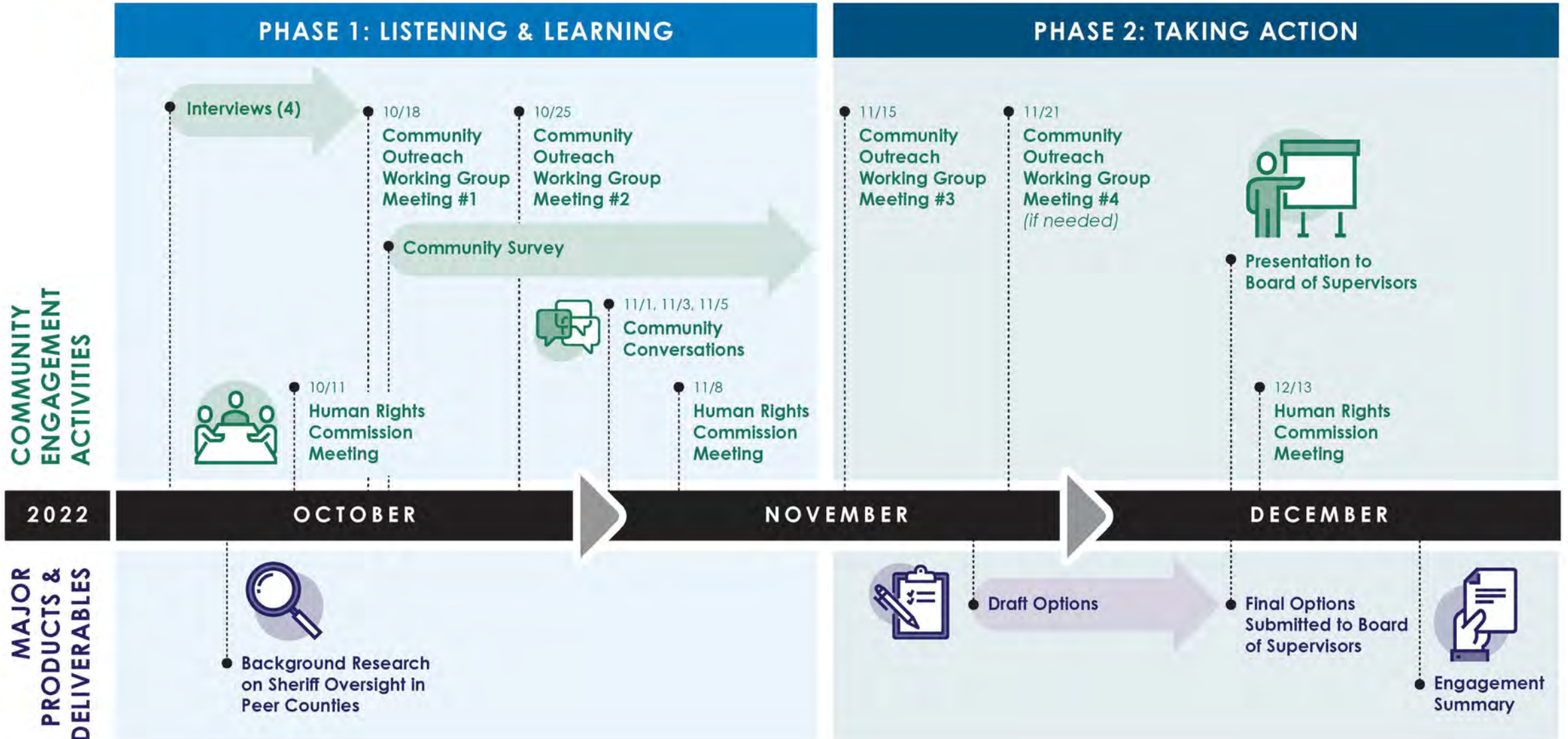
Other questions to consider:

- 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 ENGAGEMENT PROCESS



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

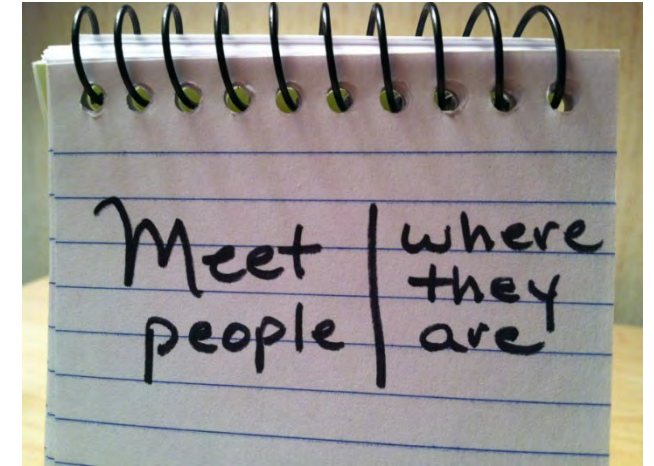
Goal: Meet People Where They Are

- **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



WHAT'S NEXT?

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

Meeting #1 ~ October 18, 2022



AB 1185: Community Outreach Working Group Meeting #1 - Marin County, CA

Tuesday, October 18, 2022 – 6:00 p.m. PDT

Present: Gary Besser (Marin County); Jamillah Jordan (Marin County); Cameron McElhiney (NACOLE); Karen Williams (NACOLE); Curtis Aikens; Stephen Bingham; DeVera Boyd; Jacqueline Dagg; Tara Evans Boyce; Steve Knudsen; Cesar Lagleva; Heidi Merchen; Jeremy Portje; Ashley Reveche; Phoebe Smith; Cristine Soto DeBerry; Nancy Weber.

Quick introductions were made of the group and where they live in Marin County.

McElhiney ran through the agenda and the meeting agreements.

Expectations and Engagement (Jordan):

Jordan spoke about how AB 1185 authorizes each county to have an oversight body and that the Board of Supervisors of Marin County is committed to establishing this body. The goals of this committee are to gather community input and to develop a framework for this oversight body – form, process, number, composition, duties and responsibilities, etc.

The engagement process will consist of Interviews, Working Group Meetings, Community Surveys, Community Conversations, Draft Options to Deliver to BoS Subcommittee, Presentation to the Board of Supervisors, and Engagement Summary.

- Ashley – where will all of the materials be located? Jordan believes it will be housed in the Human Rights Commission on the website.
- Steve K - what are the plans for the community conversations and how can people interact? Hybrid approach – in person and online.

The role of working group will be conducting targeted outreach, promoting community engagement process, sharing perspectives, obtaining feedback on framework options. Working group expectations consist of attendance at meetings required to participate; review meeting materials; virtual meetings; stipends available; attend at least one community conversation.

What are the challenges of the process of establishing oversight in Marin County? (McElhiney):

- Cesar – The culture of law enforcement in Marin County is very incestuous; it appears that large support for LE from the “haves” makes it difficult for the “have nots.”
- Heidi – LE isn’t accustomed to being accountable to anyone. Opportunity is with the new sheriff; previous culture is “we can do whatever we want to do” – lots of concern about where the accountability is. Clear that things are happening that are not a “protect and serve.”

- Steve B. – people don't make complaints because they are afraid to do so, particularly the undocumented who don't speak English. Need to figure out how to get the lived experience stories from those.
- Tara – no police officers in her town, only Sheriff...large documented and undocumented population but officers don't live in the area and instead use it for training. The concern is that the disconnect will grow even larger but the hope is that outreach to those who speak Spanish or Vietnamese will develop a connection and lessen the fear of retribution.
- Ashley – we need to rehash how many times this oversight has been asked for but no action is taken – it is reflective of an all-white, privileged Board of Supervisors that is unwilling to take the next step and she is afraid that this will be another failed attempt. Also, the committee is not representative of all of the stakeholders at the table – no LE, no union, etc. We need to consider how to have the dialogue with those parties.
- Steve K. – This committee cannot start out adversarial. Need to remember that this is not a city oversight but a sheriff oversight.
- Jeremy – Oversight is not a punishment, it's a way to handle things when things go wrong. It's a form of recourse and needs to be addressed through education. We aren't changing policing and incidents are still going to happen.

What are the opportunities of the process of establishing oversight in Marin County? (McElhiney):

- Steve B. – New sheriff more open to ideas of oversight
- Cesar – Opportunity to increase public trust and confidence in SO
- Nancy – Opportunity for transparency and accountability, addressing implicit biases
- Steve K. – will only take a small critical mass to get the ball rolling
- Phoebe – Opportunity for the community to heal. What can we do to move forward in a positive and healing method for the community? It's a good faith effort move for the SO to lean into this opportunity. Authentic relationship building vs. reformative. Opportunity to not let fear be the driving emotion while engaging with each other.
- Christine – Community can demonstrate leadership and show that there is massive support for oversight and accountability, gives courage to others in positions of power to assist in these efforts.
- Jeremy – This opportunity can start the change of policing. This won't immediately stop the negative incidents but offers recourse and will start effective change in policing.

AB1185 (McElhiney):

McElhiney went over the specifics of AB1185, what it authorizes, and what the oversight board and IG has the power to do (subpoena and subpoena duces tecum). AB1185 gives subpoena power upfront which eliminates much of the fight that usually happens during establishment of an oversight office. Additionally, the Superior Court is the enforcement arm of subpoena power. There are also considerations to take under advisement – AB1195 and Section 25303 indicate that investigatory functions cannot be taken away from the sheriff or the DA's office.

- Cesar – whose investigations supersede the other (ultimate authority)? Also, County Counsel needs to clarify his statement about either there being an IG office or AB1185, not both.

- Steve B. – Sheriff is one of the few elected sheriffs in the state, the previous sheriff has said he is beholden to no one; however, the new sheriff seems to have a different viewpoint. Agreed that the statement of the County Counsel needs clarification.
- Christine – The District Attorney has authority to conduct unfettered criminal investigations. This committee should have administrative reviews. There would be no impediment of the DA's investigatory authority.
- Ashley – This group needs to have a firm understanding of what this language means in Marin County and what potential conflicts may exist with CC representing sheriff, BoS, but not the community. Will there be an external counsel representing this body? What will that partnership look like?

Models of Oversight (McElhiney):

How will models of oversight build legitimacy in policing and in oversight? Part of oversight is building legitimacy by establishing the connection between communities and police. Once oversight is established, there is no better conduit to build trust between the community and the police.

Oversight agencies are built on the needs of the community and what can be put into the enabling legislation. No two oversight agencies are identical. Examples of county oversight in Sonoma County, Sacramento County, San Francisco County were discussed.

Community Survey:

5 to 7 questions, concerning questions such as personal experience with complaint process, perceptions of the MCSO, composition of the board, and authority and independence.

The group asked to have survey translated into Spanish and Vietnamese. Digital and paper copies will be available, and the survey will be mobile friendly.

Outreach:

- Flyers and surveys
- Targeted engagement
- Social media

Meeting concluded at approximately 8:15 p.m. PDT.