RESPONSE TO GRAND JURY REPORT

Report Title: Humboldt County Sheriff's Office: Is a Lack of Oversight Due to a Lack of Foresight?

Report Date: April 30, 2024

Response by: Humboldt County Board of Supervisors

FINDINGS

1. The county agrees with the findings numbered 1-4.

RECOMMENDATIONS

1. Recommendations numbered 1-2 will be implemented.
2. Recommendations numbered 1-2 require analysis.
3. Recommendation numbered 1-2 will not be implemented.
4. Recommendations 1-2 require analysis.

Date: July 23, 2024 Signed: _____

Number of pages attached:

COUNTY OF HUMBOLDT

COUNTY ADMINISTRATIVE OFFICE

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INTEROFFICE MEMORANDUM

TO: BOARD OF SUPERVISORS

FROM: COUNTY ADMINISTRATIVE OFFICE

SUBJECT: RESPONSE TO 2023-24 GRAND JURY REPORT "HUMBOLDT COUNTY SHERIFF'S OFFICE: IS A LACK OF OVERSIGHT DUE TO A LACK OF FORESIGHT?"

DATE: JULY 23, 2024

In the Grand Jury Report, "*Humboldt County Sheriff's Office: Is a Lack of Oversight Due to a Lack of Foresight?,*" the Grand Jury has requested that the Board of Supervisors respond to Findings 1 through 4 and Recommendations 1 and 2. The County Administrative Office is proposing the following response as detailed below.

FINDINGS

Finding 1: *Humboldt County does not have an independent means for oversight and review of critical incidents and allegations of misconduct involving the Humboldt County Sheriff's Office. This lack of oversight and review can lead to public misunderstanding and mistrust of law enforcement. (R1, R2, R3)*

Response: Agree.

Finding 2: *Humboldt County does not have an independent means for oversight and review of critical incidents and allegations of misconduct involving the Humboldt County Sheriff's Office. This lack of oversight and review can lead to a misunderstanding by law enforcement of public expectations. (R1, R2, R3)*

Response: Agree.

Finding 3: *Humboldt County does not have an adequate means to review critical incidents independent of and external to existing law enforcement agencies. This lack of oversight and review can lead to a public misunderstanding and mistrust of law enforcement. (R1, R2, R3)*

Response: Agree.

Finding 4: *Humboldt County does not have an effective forum to review alleged misconduct by law enforcement independent and external from existing law enforcement agencies. This lack of an independent and external forum can lead to public misunderstanding and mistrust of law enforcement. (R1, R2, R3)*

Response: Agree.

RECOMMENDATIONS

Recommendation 1: *By December 31, 2025, the Humboldt County Board of Supervisors enact a county ordinance pursuant to Government Code section 25303.7 to create and fund a Humboldt County Sheriff's Office Civilian Oversight Board with subpoena power and subject to the Brown Act. For funding recommendations see the wording below recommendation #2. (F1, F2, F3, F4)*

Operations pertaining to the Humboldt County Sheriff's Office remain a key priority for the Humboldt County Board of Supervisors, who recognize the valuable and essential work performed daily by the Sheriff's law enforcement and correctional staff.

Pursuant to California Government Code Section 25303, the Board of Supervisors has a statutory duty to supervise the conduct of all county officers, which includes elected officials such as the Sheriff, and see that they faithfully perform their duties. That same code states that Board shall not obstruct the investigatory functions of the Sheriff. Additionally, California Government Code Section 25303.7, which went into effect in Jan. 2021, entrusts Boards of Supervisors with discretion to provide for oversight of the county Sheriff by creating an Oversight Board, an Inspector General or both.

With this in mind, civilian oversight is a tool to help a county's Board of Supervisors in its above-referenced statutorily granted duty related to supervising the Sheriff, and to increase transparency and accountability to the community it serves.

The Board recognizes enhancing accountability and transparency is important for fostering community trust, and the idea of an independent review of law enforcement actions should be carefully considered. Any measures taken should take into account the need for oversight and recognition of the challenging work done by the Sheriff and Humboldt County's law enforcement professionals.

Currently, approximately nine counties have some form of sheriff's oversight entities focused, at least in part, on their Sheriff's Office. Most of these entities have been established by larger urban counties, including Santa Cruz, San Mateo, Santa Clara, Sonoma and Orange counties, making it challenging to assess their effectiveness

or the potential applicability of these models to Humboldt County.

Many California cities have also established police oversight entities. As the Civil Grand Jury noted in this report, the City of Eureka has established a Community Oversight on Police Practices Board to increase the transparency of, and public confidence in, policing matters, including the complaint process. The City of Eureka also has Independent Police Auditor who is a third-party contractor, who "provides independent reviews of the citizen complaint process and reviewing and making recommendations regarding Police Department policies and practices to the City Manager and provides reports to the Community Oversight Police Practices Board." While the City of Eureka maintains a contract with a maximum amount payable up to $90,000 per year for an Independent Police Auditor, that does not include costs related to the Community Oversight on Police Practices Board, or the staff time spent by the police department and other employees to staff the committee and work with both entities.

It should be noted that, on Jan. 5, 2010, the Humboldt County Board of Supervisors established the Citizen's Law Enforcement Liaison Committee (CLELC). This committee did not serve as a civilian oversight body to the Sheriff's Office. It was formed to study the operations and function of the Sheriff's Office, help educate the public on law enforcement policies and procedures, receive input from members of the public regarding areas of concern and to make recommendations to the Board and the Sheriff regarding the development of stronger relationships with the community. The CLELC had no authority to independently investigate any incident or specific event implicating individual peace officers and did not have the authorization to investigate public complaints against law enforcement officers of the Sheriff's Office.

The CLELC was composed of seven members, with each supervisor appointing one member, the Sheriff appointing one member and one member who serves as President of the Humboldt Deputy Sheriff's Organization or their designee. All members served at the pleasure of their respective appointing authority.

On Dec. 15, 2015, the Board of Supervisors considered disbanding the CLELC due to high turnover. At this time members of the CLELC and the Sheriff communicated to the Board that this committee was underutilized. Recommendations were made for this committee remain but to meet less frequently. Ultimately, the Board unanimously approved a motion to direct the County Administrative Officer to work with the Sheriff and CLELC to modify the meeting requirements as discussed and return at a future date. To date, this item has not returned to the Board.

Option 1

This recommendation will not be implemented because it is not warranted or reasonable. Penal code requires that the Board respond with the above language if it will not implement the recommendation within six months, but the recommendation for greater civilian oversight is, of course, reasonable. The Board acknowledges that enhancing accountability and transparency is crucial for building community trust and believes the concept of an independent review of law enforcement actions deserves thorough consideration. It is simply not financially responsible in the current fiscal year, and it is unclear when the county may be able to undertake such a function.

The county is facing a budget shortfall of more than $15 million in FY 2024-25 and therefore is not in a financial position to allocate additional General Fund, and therefore staff time, for this purpose, including the ability to research and evaluate the necessity to create the above-described Humboldt County Sheriff's Office Civilian Oversight Board, or to pursue related funding.

Given the issues raised in Civil Grand Jury's report, it may be appropriate for the Board to research and evaluate its necessity at another time. However, it should be noted, that any member of the Board of Supervisors could bring a discussion item forward in the future if interested in immediately researching establishment of a Humboldt County Sheriff's Civilian Oversight Board, pursuant to California Government Code Section 25303.7.

Option 2

This recommendation requires analysis. Given the issues raised in Civil Grand Jury's report on civilian oversight for the Sheriff's Office, it is appropriate for the Board to research and evaluate its necessity. As such the Board will establish a work group to research models for civilian oversight and further research related costs and funding opportunities for the creation of a Humboldt County Sheriff's Office Civilian Oversight Board.

As the county is facing a budget shortfall of more than $15 million in FY 2024-25 and therefore is not in a financial position to allocate additional General Fund, therefore staff time, to evaluate and create the above-described Humboldt County Sheriff's Office Civilian Oversight Board at this time, the work group will also consider not implementing this recommendation due to financial and staff constraints. Initial research conducted by the work group and their recommendations will be presented to the Board of Supervisors by Oct. 30, 2024, pursuant to California Penal Code Section 933.05, which mandates specific requirements for responding to Civil Grand Jury reports.

Recommendation 2: *By December 31, 2025, the Humboldt County Board of Supervisors, pursuant to Government Code section 25303.7, create and fund a Humboldt County Sheriff's Office of Inspector General with subpoena power. For funding recommendations see the wording below recommendation #2. (F1, F2, F3, F4)*

Funding Recommendation:
The Humboldt County Civil Grand Jury recommends that the Humboldt County Board of Supervisors fund the expenses listed in R1 and R2 from existing appropriations in the current fiscal year. If current appropriations are not sufficient, the Grand Jury recommends that the Board of Supervisors, at its next earliest opportunity, pursue additional funding from an appropriate agency, including state or federal agencies.

As noted in the response to Recommendation 1, operations pertaining to the Humboldt County Sheriff's Office remain a key priority for the Humboldt County Board of Supervisors, who recognize the valuable and essential work performed daily by the Sheriff's law enforcement and correctional staff. The Board recognizes enhancing accountability and transparency is important for fostering community trust, and the idea of an independent review of law enforcement actions should be carefully considered.

On Jan. 5, 2010, the Humboldt County Board of Supervisors established the Citizen's Law Enforcement Liaison Committee (CLELC) to study the operations and function of the Sheriff's Office, help educate the public on law enforcement policies and procedures, receive input from members of the public regarding areas of concern and make recommendations to the Board and the Sheriff regarding the development of stronger relationships with the community. This committee did not serve as a civilian oversight body to the Sheriff's Office. However,

Humboldt County Resolution No. 10-01, which established the CLEC, noted that:

"The CLELC may recommend to the Board of Supervisors that an independent auditor be retained by the Board to investigate an incident which the CLELC believes to be unique, involves extraordinary circumstances or is of significant public interest. The CLELC may bring this request to the Board of Supervisors, and the Board may hire an independent auditor to investigate such an incident if all of the following occur:

I. The Sheriff first approves and agrees with the CLELC's recommendation.
2. The Board concurs with the recommendation of the CLELC and the Sheriff for such an auditor.
3. The Board identifies a funding source and allocates the funds for hiring of such an auditor.

If these conditions are met, the Board may enter into an agreement with an independent auditor. Both the Board and the Sheriff must agree on the individual selected as the independent auditor. The manner and circumstances of the independent audit review must conform to the requirements of the Penal Code (sections 832.5-832.8) and the Public Safety Officers Procedural Bill of Rights Act (PBRA, Government Code §§3300 et seq).

The CLELC has no authority to independently investigate any incident or specific event implicating individual peace officers. Nothing in this Resolution authorizes the CLELC to investigate citizen complaints against law enforcement officers of the Sheriff's Office. The limited authority granted to the CLELC shall not be construed to affect the independent, constitutionally and statutorily designated investigative functions of the Sheriff and the CLELC shall not obstruct the investigative functions of the Sheriff."

As previously noted, on Dec. 15, 2015, the Board of Supervisors considered disbanding the CLELC due to high turnover. At this time members of the CLELC and Sheriff communicated to the Board that this committee was underutilized. Recommendations were made for this committee remain but to meet less frequently. Ultimately, the Board unanimously approved a motion to direct the County Administrative Officer (CAO) to work with the Sheriff and CLELC to modify the meeting requirements as discussed and return at a future date. To date, this item has not returned to the Board.

Option 1
This recommendation will not be implemented because it is not warranted or reasonable. As previously mentioned, penal code requires that the Board respond with the above language if it will not implement the recommendation within six months, but the recommendation for greater oversight of the Sheriff's Office is reasonable. The Board recognizes that enhancing accountability and transparency is essential for building community trust and believes the concept of an independent review of law enforcement actions warrants thorough consideration. However, it is not financially feasible in the current fiscal year, and it is uncertain when the county will be able to implement such a function.

The county is facing a budget shortfall of more than $15 million in FY 2024-25 and therefore is not in a financial position to allocate additional General Fund, and therefore staff time, for this purpose, including the ability to research and evaluate the necessity for the create the above-described Humboldt County Sheriff's Office of Inspector General, or to pursue related funding.

Given the issues raised in Civil Grand Jury's report on independent oversight of the Sheriff's Office, it may appropriate for the Board to research and evaluate its necessity at another time. It should be noted that any member of the Board of Supervisors could bring a discussion item forward in the future if interested in immediately funding the research establishment of a Humboldt County Sheriff's Office of Inspector General, pursuant to California Government Code Section 25303.7.

Option 2

This recommendation requires analysis. Given the Civil Grand Jury's significant interest and advocacy for independent oversight of the Sheriff's Office, is appropriate for the Board to research and evaluate its necessity. As such, the Board will establish a work group to research models for independent oversight and further research related costs and funding opportunities for the creation of a Humboldt County Sheriff's Office of Inspector General.

As the county is facing a budget shortfall of more than $15 million in FY 2024-25 and is not in a financial position to allocate additional General Fund, therefore staff time, to evaluate and create the above-described Humboldt County Sheriff's Office of Inspector General at this time, the work group will also consider not implementing this recommendation due to financial and staff constraints. Initial research conducted by the work group and their recommendations will be presented to the Board of Supervisors by Oct. 30, 2024, pursuant to California Penal Code Section 933.05, which mandates specific requirements for responding to Civil Grand Jury reports.