

2024 RESPONSE TO GRAND JURY REPORT

Report Title: Sheriff Oversight

Report Date: 06/13/2024

Response by: W. Honsal, Sheriff, County of Humboldt

FINDINGS

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.

Response: Disagree

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.

Response: Disagree

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.

Response: Disagree

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.

Response: Disagree.

RECOMMENDATIONS

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.
 - a. Requires analysis
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.

- a. Requires analysis

Date: _____

Signed: _____

Number of pages attached: _____

RESPONSE TO GRAND JURY REPORT – RECOMMENDATIONS AND RESPONSE SUMMARY STATEMENT

Response to Findings:

The Sheriff is the chief law enforcement officer of the county and is elected by the people. This position carries significant authority and trust from the community. By electing the sheriff, the community ensures that this role is directly accountable to the people they serve. This electoral process allows residents to influence who manages local law enforcement and how their concerns are addressed.

The elected Sheriff is subject to checks and balances within local governance. Being elected prevents the concentration of power among political or partisan officials. If the sheriff does not meet community standards, citizens have the right to recall or vote them out of office. The sheriff does not work for a Board or Council; the sheriff works for the people.

An elected Sheriff is engaged with and responsive to the community's specific needs and concerns. Since I took office in 2017, I have been open and transparent about the department's successes and challenges. I lead with integrity and value my role as a public servant. I have listened to and addressed the community's concerns. As the elected sheriff, I represent the community's interests and the values they want in our law enforcement, not a political party or affiliation. Being an elected official ensures that the office of the sheriff reflects the preferences and priorities of local citizens. I strive to uphold the public trust and interest before my own. I believe my leadership during the COVID pandemic demonstrates this commitment.

The responsibilities of the Humboldt County Sheriff's Office (HCSO) include overseeing Patrol Operations, the Major Crimes Division, the Office of Emergency Services, the Emergency Communications Center, the Drug Task Force, the Marijuana Enforcement Team, the OHV Program, the Boating Safety Division, Livestock, Civil/Court Security Services, the Search & Rescue Team, the SWAT Team, Emergency Ordinance Disposal (Bomb Team), the Civil Division, a 417-bed Type II jail facility, the Sheriff's Work Alternative Program, the Coroner's Office, Animal Control, the Sheriff's Citizens on Patrol program, Neighborhood Watch, and contracts for police services with the Cities of Trinidad, Blue Lake, and the Wiyot Tribe, as well as deputization agreements with the Hoopa, Blue Lake, and Hoopa Tribes.

Despite the Grand Jury's report and findings, the Sheriff's Office has independent means for oversight and review of critical incidents and allegations of serious misconduct involving its employees. This oversight comes from the Peace Officers Standards and Training (POST), the Department of Justice, the District Attorney, the Board of Supervisors, the Human Rights Commission, the Grand Jury, and the public.

POST audits the Sheriff's Office training and backgrounds to ensure all employees meet state law standards. The Humboldt County Sheriff's Office is legally required, pursuant to Senate Bill 2, to report all allegations and sustained findings of serious misconduct to CA POST for review and potential peace officer decertification. This is an independent review of a serious misconduct investigation that HCSO conducts and turns over to State Officials for an independent review. The following are the examples of Serious Misconduct:

1. **Dishonesty** relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer.
2. **Abuse of power**, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest.
3. **Physical abuse**, including, but not limited to, the excessive or unreasonable use of force.
4. **Sexual assault** as described in subdivision (b) of Penal Code §832.7 and shall extend to acts committed amongst members of any law enforcement agency.
5. **Demonstrating bias** based on actual or perceived race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner.
6. **Acts that violate the law** and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public.
7. **Participation in a law enforcement gang.**
8. **Failure to cooperate** with an investigation into potential police misconduct.
9. **Failure to intercede** when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances.

Once POST receives an investigation, they determine if there is cause to decertify a peace officer for serious misconduct.

We track all citizen complaints and use-of-force incidents and report these figures to the Department of Justice (DOJ). Citizen complaints and policy violations are thoroughly investigated. Pursuant to state law, everyone who files a citizen complaint will be contacted and provided with the results of that complaint.

The DOJ and the Attorney General can investigate any law enforcement agency at any time, whether in response to allegations of criminal misconduct or citizen complaints. Locally and throughout California, the DOJ has investigated, issued subpoenas, and taken local sheriffs to court. According to California Assembly Bill 1506, the DOJ is required to investigate all incidents of officer-involved shootings that result in the death of an unarmed civilian. Historically, these critical incidents were primarily handled by local law enforcement agencies and the state's 58 district attorneys. DOJ investigators now handle these investigations, report the facts and evidence to the Attorney General, who then determines the findings and makes them public.

The DOJ can issue subpoenas to compel the production of documents, records, or testimony during investigations. This power is frequently used in investigations of criminal activities, civil rights violations, or other matters of state concern. The DOJ also uses its subpoena power to ensure local law enforcement agencies, including sheriff's offices, comply with state laws and regulations. This includes compliance with standards related to law enforcement practices, training, and civil rights. In cases of systemic issues or violations within a sheriff's office, the DOJ may take enforcement actions based on its findings.

The Sheriff's Office reports our traffic and pedestrian stop data to the DOJ and is fully compliant with the Racial and Identity Profiling Act (RIPA) of 2015. RIPA data includes information about the race, ethnicity, gender, and age of individuals stopped or interacted with, as well as details about the stop, such as the reason for it, whether a search was conducted, and whether a citation or arrest was made. This data helps ensure accountability for our practices, highlights any disparities or trends that may suggest biased practices, and provides a basis for informed policy changes or training improvements.

In the event of a critical incident, the Sheriff's Office is investigated by the county Critical Incident Response Team (CIRT). A critical incident involves any law enforcement event where the agency requests the assistance of CIRT for investigation and documentation. CIRT is a specialized investigative team composed of investigators from multiple city, county, and state agencies. These investigators receive specialized training and experience in handling critical incident investigations, officer-involved shooting investigations, and other major crimes investigations.

The critical incidents they investigate are:

- Any intentional discharge of a firearm by an Officer at or in the direction of a person, whether death or injury occurred to another.
- Unintentional discharge of a firearm which proximately causes death or injury to another.
- An intentional use of any other deadly or dangerous weapon by an Officer, which proximately causes the death of, or injury likely to produce death to another.
- An intentional act on the part of an Officer, which proximately causes the death of, or injury likely to produce death to another.
- Any enforcement action taken by an Officer, which proximately causes the death of another.
- Any death of a person while in custody or under Officer Control.

The Humboldt County District Attorney has at the ability to investigate and charge any law enforcement officer or official with a crime. They have the latitude to insert their investigators into any incident in the county. The District Attorney is a co-lead of the CIRT investigations and reviews all Critical Incidents investigated. They also are consulted if evidence supports that a deputy has committed a crime violation.

The following is the role of the District Attorney in a CIRT investigation to determine if criminal liability exist:

- When deemed necessary, perform an independent investigation separate from that of the CIRT Investigation. The District Attorney will notify the Primary Agency if an independent investigation is being conducted, unless such notification would compromise the integrity of the independent investigation.
- Participate as a co-lead investigating agency in the CIRT investigation with the Primary and Employer Agencies and with assisting LEA(s), unless an agreement has been reached otherwise.

Upon completion of the CIRT investigation, the District Attorney will analyze the facts of the incident and apply the relevant law to determine whether criminal laws were violated. The District Attorney will then decide whether to prosecute or decline prosecution as appropriate.

The District Attorney's summary will be submitted within sixty (60) days of receiving the completed investigation. This summary will indicate whether any violations of criminal law occurred in the incident and whether any criminal charges will be filed.

The District Attorney reviews all HCSO CIRT investigations (including in-custody death cases) and provides independent review and oversight of these investigations. The Sheriff's Office refers criminal complaints involving our employees to the District Attorney, some of which have resulted in criminal charges.

The Board of Supervisors has the authority to scrutinize any programs or budgetary matters related to the Sheriff's Office. They oversee the county budget, including allocations for the Sheriff's Office, and are responsible for reviewing, approving, or modifying budget allocations, staffing plans, ordinances, and other board requests that impact staffing, equipment, and operations within the Sheriff's Office. The Sheriff's Office provides the Board with reports and statistics on laws, policies, ordinances, and budgets as requested. Additionally, the Sheriff's Office holds public hearings through the Board at various times of the year, such as reporting on compliance with the Sanctuary Ordinance.

The County also has a Human Rights Commission, composed of volunteer citizen leaders dedicated to human rights, civil liberties, and equal justice. The Commission reviews Sheriff's Office policies and procedures and handles public complaints by requesting responses from the Sheriff's Office. I have previously participated in the Human Rights Commission and have been open and receptive to addressing any concerns they may raise.

Furthermore, the County Civil Grand Jury plays a role in overseeing government operations, including those of the Sheriff's Office. As observed, the Grand Jury issues reports that can be both supportive and critical of government entities. The Grand Jury has the authority to investigate various aspects of county government operations, including those of the Sheriff's Office. This involves examining policies, procedures, and practices to ensure compliance with legal standards and best practices. The Grand Jury can issue subpoenas to obtain documents, records, and

testimonies from Sheriff's Office personnel and other relevant individuals. Members also visit the Sheriff's Office and related facilities, such as jails, to observe operations and interview staff, providing a comprehensive understanding of the office's functioning and challenges.

With the information provided above, the Sheriff's Office has demonstrated effective oversight of our operations. We have enhanced transparency and accountability, and improved processes and practices based on the checks and balances in place.

As reflected in the Grand Jury report, trust matters. The Sheriff's Office has worked to build trust within our community. As the elected Sheriff, I have implemented the following Mission, Vision, Values, and Principles:

Our Mission: To protect and serve our community and to earn the public's trust through compassion and accountability.

Our Vision: To be the safest rural community in California where peace, justice, and freedom thrive.

Our Values:

Dedication - Committed to our purpose.

- **Excellence** - Being outstanding at everything we do.
- **Professionalism** - More than a job, we are skilled and possess the knowledge and character to be CALLED to protect the community.
- **Unity** - We are one team, one family. Not one of us is more important than the other. Together we can do mighty things.
- **Trust** - Trust is everything. There is strength in our belief in each other and the community's belief in us.
- **Integrity** - Strong character is the foundation that a person and department is built on.
- **Engagement** - Committed to build ongoing relationship with our community.
- **Service** - We serve by putting others first and respect for the constitutional rights of others. We give top priority to protecting the innocent and holding those accountable for breaking the law.

Our Principles:

We are **PREPARED** to do what is necessary every day

We are trusted with the **PROTECTION** of our community and hold this above all else.

We are dedicated to **PREVENTION** of crime and abuse of all types.

We put an emphasis on **PROBLEM SOLVING**, always being innovative and solution driven.

We seek trust and engagement through **PARTNERSHIP** without employees and everyone in our community.

This is the culture we are building within our organization and community.

The Grand Jury has suggested that implementing additional oversight and independent review of the Sheriff's Office would be a positive move for our county. However, the report does not provide

substantial evidence that our current system is ineffective and not working. Appendix B highlights several critical incidents, two of which did not involve HCSO personnel. All incidents were thoroughly investigated, reviewed, and the justification for deputies' actions was communicated to the community. The Sheriff remains accountable to the citizens of Humboldt County.

The report notes while a civilian oversight board or a special prosecutor could be considered for Humboldt County, a thorough analysis should precede any decision. The Sheriff's Office operates with significant autonomy and authority and is not directly accountable to an oversight board or special prosecutor. While an oversight board can make recommendations, any changes or decisions must be agreed upon by the Sheriff's Office.