

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

Released April 30, 2024

## SUMMARY

To paraphrase Reinhold Niebuhr, “The human capacity for justice makes oversight possible, but humanity’s inclination to injustice makes oversight necessary.”<sup>1</sup>

Oversight is constructive, not punitive. Oversight strengthens the professionalism of law enforcement. By creating a secondary public review of alleged misconduct or the handling of critical incidents, the people of Humboldt County can gain a clearer view of important events that affect all of us.

Civilian oversight of elected administrative offices such as the Humboldt County Sheriff’s Office (HCSO) promotes good management, fiscal responsibility, transparency, and accountability. It aids the Board of Supervisors’ supervisory responsibility without interfering with the Sheriff’s Office’s enforcement and investigative functions.

The turn of this century brought renewed attention to law enforcement. Many community groups have advocated for police accountability. Incidents captured on video have widely circulated on social media, leading local governments to seek reforms in law enforcement. The President’s Task Force on 21st Century Policing has recommended that local jurisdictions establish civilian oversight for law enforcement.<sup>2</sup>

The Humboldt County Civil Grand Jury recommends that the Board of Supervisors establish a civilian oversight board to review, report on, and make recommendations in support of law enforcement and an office of inspector general to provide an independent professional assessment of critical incidents and advice regarding law enforcement policies and practices. A civilian oversight board enhances transparency and accountability and gives the community a voice. The Board of Supervisors will be better equipped to oversee the Sheriff’s Office for the community it serves.

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<sup>1</sup> Reinhold Niebuhr 1892–1971 American theologian: “Man’s capacity for justice makes democracy possible, but man’s inclination to injustice makes democracy necessary.” *Children of Light and Children of Darkness* (1944)

<sup>2</sup> President’s Task Force on 21st Century Policing. 2015. Final Report of President’s Task Force on 21st Century Policing. Washington, DC: Office of Community Oriented Policing Services.  
[https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)

## **GLOSSARY**

BOS	Humboldt County Board of Supervisors
COPP	Community Oversight of Police Practices (Eureka)
DOJ	California Department of Justice
EPD	Eureka Police Department
HCCGJ	Humboldt County Civil Grand Jury
HCSO	Humboldt County Sheriff’s Office or the Sheriff’s Office
IPA	Independent Police Auditor (Eureka)
OIG	Office of Inspector General
OIR	Independent Police Auditor Group
OIS	Officer-Involved-Shooting

## **BACKGROUND**

### **Humboldt County**

Humboldt County is governed by a five-member Board of Supervisors elected by district, and a plural executive of six officials elected county-wide: Sheriff, Auditor-Controller, Clerk-Recorder, Assessor, Treasurer-Tax Collector, and District Attorney.

The County Board of Supervisors has no direct supervisory authority over how the Humboldt County Sheriff’s Office (HCSO) operates. In contrast to the HCSO, municipal police chiefs are appointed, and their police departments are subject to direct oversight regarding performance and adherence to law and policy.

The Board of Supervisors is responsible for supervising the Sheriff’s Office as a county agency. It largely accomplishes this through annual budget appropriations. Although the Humboldt County Sheriff is entrusted with enormous power, the accountability of the Sheriff is mostly limited to these annual budget reviews. Voters can potentially exercise authority over the Sheriff during elections. However, this voting authority is available only once every four years.<sup>3</sup> Since the elections are often uncontested, it is not an effective means of achieving accountability.

### **Humboldt County Sheriff’s Office**

The primary responsibilities of the Sheriff’s Office are enforcing the law and running the corrections and custody facilities. The office has several divisions, the largest of which are the Patrol and Corrections divisions. Other divisions include Court Services, Coroner, Public Administrator, Major Crimes, Dispatch, Emergency Services, Animal Control, and Special Services. Special Services include the Drug Task Force and the Marijuana Enforcement Team.

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<sup>3</sup> Recent legislation changed the timing of sheriff elections. An election for sheriff shall be held with the presidential primary. Election Code section 1300(d) provides: “A district attorney or sheriff elected in 2022 [as in Humboldt County] shall serve a six-year term and the next election for that office shall occur at the 2028 presidential primary.”

The Humboldt County Sheriff's Office serves approximately 135,000 county residents with four patrol stations and one jail facility.<sup>4</sup> The office has about 300 employees. In 2021, there were more than 48,000 calls for service. Table 1 (see Appendix A) illustrates the 2023-2024 HCSO \$61.9 million operating budget. In comparison, the Mendocino County Sheriff's Office, serves approximately 89,000 residents, has about 185 employees, 42,000 annual calls for service, and a budget of \$44 million.

## Police Practices and Community Trust

Humboldt County law enforcement has recently been in the spotlight with several critical incidents as listed in Table 2 (see Appendix B).

The Sheriff's Office formal complaint procedure, outlined on its website, promises an internal investigation that provides a summary response (unfounded, exonerated, not sustained, or sustained) with no further explanation.<sup>5</sup> Critical incidents are only assessed by allied local law enforcement agencies: Humboldt County Critical Incident Response Team, Sheriff's Office Major Crimes Division, and Humboldt County District Attorney's Office. The California Department of Justice (DOJ) is only automatically involved in the event of the death of an unarmed civilian.

## Laws

Three state laws and one federal law are of particular relevance to law enforcement:

- **Authorization of County Oversight – California Government Code section 25303.7:** Codifies a Supreme Court of California landmark decision authorizing county sheriff oversight.<sup>6</sup> The statute provides that the board of supervisors (or through a vote of county residents) a county may establish Sheriff's Office oversight by means of an appointed board and independent review office (termed an inspector general).
- **Officer-Involved-Shooting Investigations – California Government Code section 12525.3:** Provides that the California Department of Justice (DOJ) investigate all incidents of an officer-involved-shooting resulting in the death of an unarmed civilian in the state. Historically, these critical incidents in California had been primarily handled by local law enforcement agencies and the state's 58 district attorneys. When an officer-involved-shooting occurs, transparent and open communication are critical to maintain public trust. The DOJ states on its website that it intends as soon as it is feasible and appropriate, to disseminate relevant information and materials about covered incidents, and ultimately, to make public its determinations regarding the criminal prosecution of such incidents.<sup>7</sup> Where criminal charges are not appropriate, the DOJ will prepare and make public a written report communicating:

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<sup>4</sup> Main: 826 4th Street, Eureka, CA 95501; Garberville: 715 Cedar Street, Garberville, CA 95542; McKinleyville: 1608 Pickett Road, McKinleyville, CA 95519; Willow Creek: 80 Country Club Drive, Willow Creek, CA 95573

<sup>5</sup> Humboldt County Sheriff's Office Website: <https://humboldtgov.org/2545/Sheriffs-Office>

<sup>6</sup> *Dibb v. County of San Diego*, (1994) 8 Cal. 4th 1200.

<sup>7</sup> CA Department of Justice Website: <https://www.justice.gov/>

- A statement of facts, as revealed by the investigation
  - An analysis of those facts considering applicable law
  - An explanation of why it was determined that criminal charges were not appropriate
  - Where applicable, recommendations to modify the policies and practices of the involved law enforcement agency
- **Disclosure of Records Information – California Penal Code section 832.7:** Requires the disclosure of records and information, including, without limitation, all investigative reports, photographic, audio and video evidence, transcripts or recordings of interviews, and autopsy reports under the California Public Records Act, Government Code section 7920, et seq., concerning any of the following incidents
    - Discharge of a firearm at a person by a peace officer or custodial officer;
    - Use of force by a peace officer or custodial officer against a person resulting in death, or in great bodily injury;
    - A sustained finding was made by any law enforcement agency or oversight agency involving a complaint that alleges excessive force;
    - A sustained finding was made by any law enforcement agency or oversight agency involving an allegation that a peace officer or custodial officer failed to intervene against another officer using force that is clearly unreasonable or excessive;
    - A sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public;
    - A sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence;
    - A sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in conduct including, but not limited to, verbal statements, writings, online posts, recordings, and gestures, involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status;
    - A sustained finding was made by any law enforcement agency or oversight agency that the peace officer made an unlawful arrest or conducted an unlawful search.

- **Criminal Offense Jurisdiction of Native American Tribes – Public Law 280 (18 United States Code (U.S.C.) section 1162, 28 U.S.C. 1360, and 25 U.S.C. sections 1321-1326):** Public Law 280, passed in 1953, shifted jurisdiction over criminal offenses involving Native Americans and Tribal lands to certain states (known as “PL 280 States”), specifically in California. Law enforcement was delegated to the respective county sheriff.

In response to this law, Tribes in PL 280 States report jurisdictional confusion, discontent, and litigation. Tribal concerns include:

- Infringement of Tribal sovereignty
- Failure of law enforcement to respond in a timely fashion to crimes committed on Tribal lands
- Failure of federal officials to support concurrent Tribal law enforcement authority
- Absence of effective law enforcement, leading to misbehavior and self-help remedies that jeopardize public safety
- Discriminatory, harsh, and culturally insensitive treatment from law enforcement authorities when they do attend to crimes committed on Tribal lands
- Confusion between county versus Tribal police jurisdiction when criminal activity has occurred or presents a threat

A lack of data on crime rates and law enforcement response compounds these concerns. However, there has been some supplemental funding to Tribes in PL 280 States for victims of crimes, violence against women, community-based policing, and court development.

Within Humboldt County, the Blue Lake Rancheria, Yurok, and Hoopa tribal police, pursuant to California Penal Code sections 830.6 and 830.8, each have a cross-deputization agreement with the Humboldt County Sheriff’s Office providing the power to enforce California law on and off Tribal lands.

## **METHODOLOGY**

In preparation for this report, the Humboldt County Civil Grand Jury conducted interviews and reviewed reports from other California Civil Grand Juries. We studied documents related to civilian oversight of law enforcement including:

- Laws from federal and state governments pertaining to oversight and public records
- State of California Penal Code Laws governing law enforcement officers and the use of firearms
- Structural plans for starting a civilian oversight board regarding the eligibility of members and subpoena powers of a civilian oversight board
- Structural plans for starting an office of inspector general regarding eligibility and subpoena powers of an office of inspector general

## **DISCUSSION**

### **Trust Matters**

Many law enforcement officers have stated that the most important tool they possess is trust. Public pressure has motivated many agencies to reevaluate the practices they use to achieve trust, respect, and confidence in the law enforcement and justice systems. Communities that have experienced injustice and mistreatment are questioning the nature of policing. The United States Department of Justice Community Relations Service has found that a community's trust in the police depends upon their belief that police actions reflect local community values and their expectations for procedural justice and legitimacy.

### **Community Oriented Policing**

Community oriented policing is a philosophy that encourages law enforcement officers to establish relationships with the people they serve, fostering a collaborative approach to problem solving. It prioritizes a proactive emphasis on crime prevention, community safety and community engagement.

The benefits of an effective community policing structure include

- A more favorable view of local law enforcement;
- Increased trust between law enforcement and residents;
- Better information from residents regarding criminal activity in their community;
- A fuller understanding of the needs of citizens and their expectations of law enforcement.

### **Civilian Oversight**

It is a fundamental principle of good government in the U.S. that checks and balances are important to provide effectiveness and transparency. Civilian oversight is not intended to interfere with or obstruct the constitutional and statutory duties of either the Sheriff's Office or Board of Supervisors. It has two elements. One is the civilian oversight board appointed by and responsible to the Board of Supervisors. The second is an office, or person, termed an inspector general, who is charged with the review and investigation of complaints and critical incidents. Neither the civilian oversight board nor the office of inspector general have administrative authority. They are advisory only.

The recommended Civilian Oversight Board and Office of Inspector General would

- Establish timely, effective, and public oversight of the Humboldt County Sheriff's Office;
- Provide a transparent public forum for voicing community concerns about the Humboldt County Sheriff's Office;
- Provide the Humboldt County Sheriff's Office with a forum to respond to allegations of misconduct;

- Facilitate trust building between the people of Humboldt County and the Humboldt County Sheriff's Office.

## **Civilian Oversight Board**

A civilian oversight board is a demographically representative committee composed of a cross-section of county residents. Appointed by the Board of Supervisors, it is independent of the Sheriff's Office and District Attorney. Pursuant to California Government Code section 25303.7, the civilian oversight board would have subpoena power over both persons and documents. This is an essential element if the public is to have trust and confidence in the oversight board. It would have authority to investigate policies and practices, produce reports, review policies and practices, and make findings and recommendations. Its proceedings would be subject to the Brown Act (California Government Code sections 54950-54963), making it both public and transparent.

The Sheriff or Undersheriff of Humboldt County should be required to attend all civilian oversight board meetings to hear and respond to public concerns. A civilian oversight board could make recommendations on the desired elements of a community-oriented policing model.

## **Office of Inspector General**

The second essential component of oversight is the appointment of an inspector general by the Board of Supervisors. This oversight component can be done either by employment of an individual, an ongoing service contract, or using an as-needed contract with a qualified professional firm.

The duties of the Office of the Inspector General are to

- Receive and review complaints;
- Investigate critical incidents such as law enforcement use-of-force, deaths-in-custody, alleged constitutional and civil rights violations, and other matters of public concern;
- Investigate allegations of misconduct against persons working for, or on behalf of, the Sheriff's Office, such as bias, racial profiling, use of force, sexual harassment, sexual assault, dishonesty, and abuse of power;
- Issue subpoenas if needed to question witnesses and demand documents;
- Refer evidence of alleged criminal misconduct to the District Attorney;
- Monitor law enforcement operations through audits and investigations, to ensure compliance with applicable laws and policies;
- Review investigations conducted by, or on behalf of the Sheriff's Office and recommend further review if deemed incomplete biased or otherwise deficient;
- Analyze racial profiling data and trends;
- Assess and make periodic recommendations regarding law enforcement policies and practices legislative actions and law enforcement audit trends.

## Police Oversight in the City of Eureka

The City of Eureka provides a useful model for effective law enforcement oversight. Eureka implemented police oversight by passing an ordinance for a seven-member Community Oversight on Police Practices (COPP) Board appointed by the City Council.

The Community Oversight on Police Practices board

- Increases the transparency of, and public confidence in, policing matters;
- Provides a community complaint process;
- Advises the City Council on police-community relations and police operations, including community engagement and crime prevention and control efforts;
- Promotes and encourages open communications, constructive dialogue and cooperation between the police department and residents, recognizing that policing in the City of Eureka is a shared responsibility.

Eureka uses an independent third-party contractor, termed the Independent Police Auditor (IPA), for the inspector general oversight function. The Independent Police Auditor (IPA) is an independent, third-party contractor that reviews citizen complaints, and police policies and practices. It provides reports to the COPP Board and makes recommendations to the Chief of Police, the City Manager and the City Council. Eureka's Independent Police Auditor is a firm known as the OIR Group of Playa Del Rey, CA.<sup>8</sup> The OIR Group provides professional staff with an extensive background in the legal and ethical aspects of law enforcement. They specialize in police oversight and review. In 2022 the City Council authorized the City Manager to negotiate and execute a professional services agreement not to exceed \$90,000 per year with the OIR Group.

Specifically, the Independent Police Auditor is responsible for reviewing

- Any use-of-force incident where an officer uses a taser, a baton, a chemical agent, a less-lethal projectile, a canine, a firearm, or any other force that results in an injury requiring treatment beyond minor medical care in the field;
- Law enforcement's handling of Supervisory Inquiry Reports;
- Complaints of discrimination, harassment, or retaliation by a police officer;
- Complaints from members of the public.

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<sup>8</sup> OIR Group: Independent Police Oversight and Review <https://www.oirgroup.com>



## Civil Grand Jury Oversight

Some people may argue that a civil grand jury provides all the oversight that is potentially needed for the Sheriff's Office. However, a civil grand jury can't serve as a substitute for a system of dedicated civilian oversight of the Sheriff's Office. A civilian oversight board receives complaints solely involving a law enforcement incident. It reviews the incident and makes findings and recommendations. By contrast, a civil grand jury receives complaints regarding any county entity. It investigates how this complaint affects citizens of the county, and then makes findings and recommendations. The Humboldt County Civil Grand Jury's purview does not include individual cases, especially ones indicating a violation of criminal law.

The Humboldt County Civil Grand Jury is an investigative body whose objective is to detect and correct flaws in government. Its primary function is to examine all aspects of county and city government, including special districts and joint powers authorities. It may investigate whether monies are handled judiciously, and that all accounts are properly audited. The Humboldt County Civil Grand Jury seeks to assure honest, efficient government in the best interest of the people.<sup>9</sup>

The "watchdog" duties and scope of investigation of a civilian oversight board and civil grand jury differ. A civilian oversight board is necessary because of this difference in duty and scope.

## CONCLUSION

Humboldt County does not have an adequate means for independent review of the Sheriff's Office. All review – from citizen complaints to critical incidents – is internal to law enforcement organizations. The residents of Humboldt County deserve professional monitoring and accountability of their public agencies, especially the powerful and influential Sheriff's Office.

Pursuant to California Government Code section 25303.7, the Humboldt County Civil Grand Jury recommends that the Board of Supervisors establish the Civilian Oversight Board to review, report on, and make recommendations in support of law enforcement. We also recommend the establishment of the office of inspector general to provide an independent professional assessment of critical incidents and advice regarding law enforcement policies and practices.

## FINDINGS

The Humboldt County Civil Grand Jury finds that:

**F1:** 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)**

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<sup>9</sup> Humboldt County Civil Grand Jury Website: <https://humboldt.gov/510/Civil-Grand-Jury>

**F2:** 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)**

**F3:** 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)**

**F4:** 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)**

## **RECOMMENDATIONS**

The Humboldt County Civil Grand Jury recommends that:

**R1:** 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)**

**R2:** 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.

## **RESPONSES**

Pursuant to California Penal Code sections 933 and 933.05, each entity or individual named below must respond to the enumerated Findings and Recommendations within specific statutory guidelines.

Responses to Findings shall be either:

- The respondent agrees with the finding, or

- The respondent disagrees wholly or partially with the finding in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

Responses to Recommendations shall be either:

- The recommendation has been implemented, with a summary regarding the implemented action, or
- The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation, or
- The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency where applicable. This time frame shall not exceed six months from the date of the publication of the Grand Jury report, or
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

## **REQUIRED RESPONSE WITHIN 90-DAYS**

The Humboldt County Board of Supervisors  
(**All findings, all recommendations**)

## **REQUIRED RESPONSE WITHIN 60-DAYS**

The Humboldt County Sheriff  
(**All findings, all recommendations**)

Responses are to be sent to:

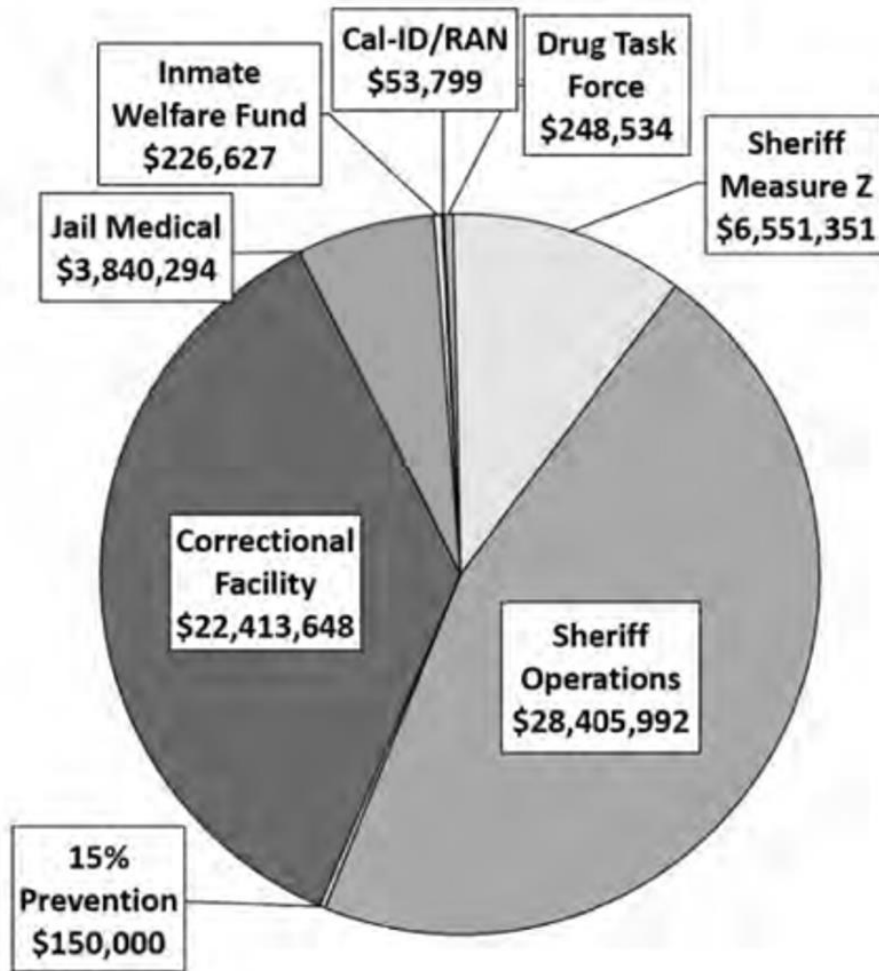
The Honorable Judge Kelly L. Neel  
Humboldt County Superior Court  
825 5th Street, Eureka, CA 95501

The Humboldt County Civil Grand Jury  
825 5th Street, Eureka, CA 95501

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

## APPENDIX A

Table 1. Humboldt County Sheriff's Office 2023-2024 Adopted Budget - (Total = \$61.9 Million)



Pie chart illustrating the components of the Humboldt County Sheriff's Office \$61.9 million 2023-2024 budget. The largest components are Operations 46% and Correctional Facility 36%.

Copied Information from Humboldt County Sheriff's Office 2023-24 Adopted Budget  
<https://humboldt.gov.org/247/Budget>

## APPENDIX B

**Table 2. Recent Critical Incidents in Humboldt County, California:**

- **01/22/2024:** Officers with the Eureka Police Department (EPD) responded to a home for reports of a man having injured a child. The suspect barricaded himself inside and held several people hostage. Officers say the man quickly approached them with a large knife, before he was shot and killed.
- **11/30/2023:** Sheriff Deputies observed a man walking with a large fixed-blade knife. The man brandished and refused to drop the knife and fled on foot. Deputies used a Taser device to subdue him.
- **11/26/2023:** An OIS involving EPD officers in which the suspect pulled out a gun and that resulted in the death of the suspect will be investigated by the Humboldt County Critical Incident Response Team, Sheriff’s Office Major Crimes Division, and the Humboldt County District Attorney’s Office but not the California State DOJ. These investigations will also be eventually reviewed by the City of Eureka’s OIR Group, IPA and COPP.
- **11/17/2023:** A man was in custody at the Humboldt County Correctional Facility for brandishing a firearm and a parole hold. He was found in his jail cell by correctional deputies following an apparent suicide attempt.
- **10/15/2023:** Sheriff Deputies arrested a Hoopa resident on charges of public intoxication and resisting arrest. A video appears to show a deputy punching the man in the chest and head and using a Taser while two other deputies pin him to the ground.
- **09/17/2023:** An OIS involving the California Highway Patrol (CHP) that killed an unarmed civilian in Hoopa is being investigated by the Humboldt County Critical Incident Response Team, Sheriff’s Office Major Crimes Division, and the Humboldt County District Attorney’s Office.
- **07/20/2023:** During a car chase a vehicle passenger opened fire with an AK-47-style rifle. A Sheriff Deputy returned fire, shooting a rifle at suspects through his own windshield. The chase came to an end when the suspects crashed into a civilian vehicle. Two Eureka men were arrested at the scene. Asked about unusual use of force, a Sheriff’s Office spokesperson said that an administrative review panel determined that the deputy broke no internal policy.
- **04/18/2023:** The incident involved a police pursuit and multiple vehicle accidents—injuring several people. A shot was fired at officers. Two men were shot and hospitalized. Video recording of the incident is disputed.

## APPENDIX C

### AB 1185, 2020 McCarty. County board of supervisors: sheriff oversight.

The people of the State of California do enact as follows:

SECTION 1. Section **25303.7** is added to the Government Code, to read:

- (a) (1) A county may create a sheriff oversight board, either by action of the board of supervisors or through a vote of county residents, comprised of civilians to assist the board of supervisors with its duties required pursuant to Section 25303 that relate to the sheriff.
- (2) The members of the sheriff oversight board shall be appointed by the board of supervisors. The board of supervisors shall designate one member to serve as the chairperson of the board.
- (b) (1) The chair of the sheriff oversight board shall issue a subpoena or subpoena duces tecum in accordance with Sections 1985 to 1985.4, inclusive, of the Code of Civil Procedure whenever the board deems it necessary or important to examine the following:
- (A) Any person as a witness upon any subject matter within the jurisdiction of the board.
- (B) Any officer of the county in relation to the discharge of their official duties on behalf of the sheriff's department.
- (C) 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.
- (2) A subpoena shall be served in accordance with Sections 1987 and 1988 of the Code of Civil Procedure.
- (3) (A) If a witness fails to attend, or in the case of a subpoena duces tecum, if an item is not produced as set forth therein, the chair or the chair authorized deputy issuing the subpoena upon proof of service thereof may certify the facts to the superior court in the county of the board.
- (B) The court shall thereupon issue an order directing the person to appear before the court and show cause why they should not be ordered to comply with the subpoena. The order and a copy of the certified statement shall be served on the person and the court shall have jurisdiction of the matter.
- (C) The same proceedings shall be had, the same penalties imposed, and the person charged may purge himself of the contempt in the same way as in a case of a person who has committed a contempt in the trial of a civil action before a superior court.
- (c) (1) A county, through action of the board of supervisors or vote by county residents, may establish an office of the inspector general, appointed by the board of supervisors, to assist the board of supervisors with its duties required pursuant to Section 25303 that relate to the sheriff.
- (2) The inspector general shall have the independent authority to issue a subpoena or subpoena duces tecum subject to the procedure provided in subdivision (b).
- (d) The exercise of powers under this section 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.