

DRAFT ORDINANCE

AN ORDINANCE ESTABLISHING THE HUMBOLDT COUNTY SHERIFF OFFICE POLICY & PRACTICE BOARD (HCSO-PPB)

Preamble: If approved, this measure would authorize the creation of a county Board with subpoena authority and an Inspector General to audit and investigate the Sheriff's Office ongoing policy and practices. Authority and operations shall be subject to state law and public meeting requirements. Funding would be provided through annual county budgeting processes. This Ordinance establishes a community-centered, independent, and professional review framework to improve transparency, reduce risk and liability, and enhance public confidence in the Humboldt County Sheriff's Office.

SECTION 1 TITLE

This Ordinance shall be known as the "Humboldt County Sheriff Office Policy and Practice Board Ordinance."

SECTION 2 ESTABLISHMENT OF BOARD

2.1 There is hereby established the "Humboldt County Sheriff Office Policy and Practice Board" ("HCSO-PPC or Board").

2.2 The Board shall be independent of the Sheriff's Department and shall report to the Board of Supervisors.

2.3 The Board will serve as an impartial and objective independent body that audits and assesses citizen's complaints, jail conditions, budget/spending, and certain specified critical incidents involving members of the HCSO.

SECTION 3 FINDINGS AND PURPOSE

The People of Humboldt County find that:

- A. The Sheriff is an independently elected constitutional officer under California law.
- B. The Humboldt County Sheriff's Office exercises significant authority affecting public safety, civil rights, and county liability.
- C. Public trust in law enforcement is essential to community safety and is strengthened by transparency, accountability, independent review, and structured public participation for ongoing review of law enforcement policy and practices;
- D. Formal review promotes professionalism, transparency, accountability, effective law enforcement, constitutional policing, and improved policies, practices, and patterns of conduct;
- E. Existing review mechanisms lack sufficient independence, investigatory capacity, and public reporting.
- F. The Board will promote and encourage open communication, constructive dialogue, and cooperation between the Sheriff's Office and the community recognizing that policing in the county is a shared responsibility
- G. California Government Code section 25303.7, authorizes counties to establish review bodies with subpoena power over the Sheriff's Office to assist Boards of Supervisors in fulfilling their oversight responsibilities.

SECTION 4 BOARD MEMBERSHIP

4.1 The Board shall consist of seven (7) or nine (9) members, as determined by the Board of Supervisors.

4.2 Members shall be appointed by the Board of Supervisors following a public application process and shall serve staggered two-year terms.

SECTION 5 QUALIFICATIONS

5.1 Members shall be Humboldt County residents and shall demonstrate:

Fair-mindedness and impartiality; Absence of conflicts of interest; Record of community involvement; Ability to engage constructively with diverse communities; Capacity to perform duties of Board members as designated in this ordinance.

5.2 The following may not serve:

Current sworn law enforcement officers; Current Sheriff's Office employees; Former Sheriff's Office employees within the past five years; Immediate family members of current Sheriff's Office employees; Individuals with active litigation against the County or Sheriff's Office. Members shall not hold government elective office. No more than one former law enforcement officer may serve at any time.

5.3 Members shall pass a background investigation, as conducted by an outside investigator, consistent with investigations conducted for other County volunteers.

5.4 Board members will receive training after appointment on the policies, procedures, and practices of the law enforcement agency, implicit bias training and the authority and responsibilities associated with their role as a Board member, as well as any other training deemed appropriate by a majority vote of the Board of Supervisors.

5.5 A member of the Board may be removed from office prior to the normal expiration of their term for reasons including but not limited to the following: Prevalent failure to perform their Board member duties; Violation of the Statement of Principles/Code of Conduct (NACOLE Code of Ethics); Misuse of position or mishandling of police documents; Violations of state laws or County policy concerning confidentiality; Arrest or conviction of any felony crime or crime related to violence or sexual misconduct.

SECTION 6 POWERS AND DUTIES OF THE BOARD

The Board shall have the authority and responsibilities as provided in this section and other duties as the Board of Supervisors may decide.

- A. Review complaints of misconduct by Sheriff's Office personnel.
- B. Review investigations of officer-involved shootings, in-custody serious bodily injury or deaths, and uses of force ~~resulting in serious bodily injury.~~
- C. Access records permitted under state law, including those subject to SB 1421 and SB 16.
- D. Issue subpoenas for documents and testimony consistent with AB 1185 and applicable law.
- E. Review and make recommendations, changes, and improvements to policy, procedures or training regarding use of force, bias-free policing, and internal affairs.
- F. Inspect county jail facilities.
- G. Review conditions of jail confinement and grievance procedures.
- H. Interview incarcerated persons confidentially.

- I. Publish findings and recommendations, subject to lawful confidentiality limitations.
- J. Track implementation of recommendations.
- K. Review Sheriff budget and spending.
- L. Review Inspector General reports.
- M. Recommend further investigation or audit
- N. Hold public meetings and hearings
- O. Issue annual public reports
- P. Coordinate with the Inspector General (IG) to identify and prioritize topics for the Inspector General
- Q. Any findings of note regarding budget will be forwarded to the appropriate county offices for further review.

Limitation:

The Board shall not direct or manage day-to-day Sheriff's Office operations, personnel decisions, shall not have authority to initiate or recommend discipline or determine the office's budget.

SECTION 7 BYLAWS

7.1 The Board will adopt Bylaws regarding the schedule and place of meetings, chairpersonship, and subcommittees.

7.2 The Board shall meet at least quarterly.

7.3 Board meetings will comply with the Ralph M. Brown Act (Government Code section 549501 et seq)

SECTION 8 INSPECTOR GENERAL

8.1 Establishment

There is hereby created an Inspector General (IG) for the Humboldt County Sheriff's Office.

8.2 Independence

The Inspector General shall be appointed by the Board of Supervisors and may be removed only for cause.

8.3 Duties

8.3.1 IG will review all Internal Affairs investigations involving complaints against officers which allege excessive or unnecessary force,

8.3.2 IG will review some or all internal Affairs investigations, including internally initiated allegations of misconduct, against police officers to determine if the investigation was complete, thorough, objective, and fair.

8.3.3 Officer-Involved Shootings - IG will review each Department investigation of any officer-involved shooting (regardless of whether a person was hit by gunfire) to determine if the investigation was complete, thorough, objective, and fair.

8.3.4 Citizen Complaints – IG will review all complaints submitted to the Sheriff's Office and may recommend to the Board and Sheriff that an independent investigation of a citizen complaint involving allegations of excessive force or violation of civil rights be conducted. IG may interview any civilian witnesses or complainants in the course of IG's reviewing an investigation into any citizen complaint.

8.3.5 At the discretion of the IG, IG may attend interviews of complainants, public witnesses, and sworn officers and may ask questions directly (of civilians) or through the lead investigator (police personnel), in a manner that will not disrupt the timeliness or violate the Peace Officers Bill of Rights.

8.3.6 IG will have full access to completed complaint investigation files; all evidence related to the issue, reports (as allowed by state law), analysis, proposed findings, and any proposed discipline.

8.3.7 IG will provide evaluations as to whether an investigation is complete, thorough, and objective and/or an explanation if more investigation or if a change in finding is recommended;

8.3.8 IG will document any recommendations on policy, procedures, or training growing out of a complaint investigation.

8.3.9 If an external investigator is used, IG will provide input into the scope of work of the investigator and assist in the selection of the investigator

8.3.10 Monitor compliance with Board recommendations;

8.3.11 Provide independent legal and investigative expertise.

8.4 The IG shall report to the Board.

8.5 The IG shall maintain confidentiality with respect to identification of personnel and sensitive data.

8.6 The IG shall provide recommendations for the improvement of Sheriff's Office policy and practices.

8.7 IG reports shall be analytical and advisory in nature and shall not direct, mandate, or compel specific operational actions by the Humboldt County Sheriff's Office.

8.8 All complaints submitted to the Sheriff's office will be submitted to the IG.

8.9 The IG will receive timely notification of critical incidents with authority to respond to the scene at IG's discretion. A designated Sheriff's Office internal affairs sergeant or captain shall notify the IG.

Critical incidents include:

- a. Officer-involved shootings, regardless of whether a person was hit by gunfire;
- b. A traffic collision involving police officers that result in death or serious bodily injury to another person;
- c. A use of force resulting in death or serious bodily injury per California definition (injuries requiring hospitalization for an overnight stay) to another person; or
- d. All deaths while an arrestee/detainee is in the custodial care of the Office.

8.10 The IG will have access to the Sheriff's Office complaint database and regularly assess issues such as the nature of complaints, how complaints are classified, and whether investigation timelines are met.

8.11 If the IG deems an investigation insufficient or the Sheriff's Office does not open an investigation, and recommendations for additional investigation are not heeded, after written notification to and concurrence from the Chief Administrative Officer and the County Counsel, the IG may

conduct additional or an independent investigation. The Sheriff's Office will provide full access to all materials concerning the incident underlying the complaint and all relevant personnel.

SECTION 9 SUBPOENA AND INFORMATION ACCESS AUTHORITY

9.1 The Board and the Inspector General shall each have authority to issue subpoenas, enforceable in Superior Court, to compel testimony and documents to the extent permitted by law, including Government Code section 25303.7 and Government Code sections 3300-3313 (Peace Officers Bill of Rights).

9.2 The Sheriff's Office shall cooperate fully with lawful requests and shall provide the Board and IG timely access to:

Records, files, and databases; Body-worn camera footage, drone, surveillance and all other recordings, transmissions, and communications from devices owned, operated, or used by the Sheriff's Office; Internal affairs investigations; Personnel records as permitted by law.

9.3 The Sheriff or his or her designee will serve as a liaison to the Board and IG and point of contact responsible for coordinating the Board's or IG's requests.

9.4 Nothing in this Ordinance shall be construed to require disclosure of information prohibited by state or federal law.

SECTION 10 FUNDING

The Board and Inspector General shall receive an independent budget sufficient to perform their duties, as determined annually by the Board of Supervisors.

SECTION 11 RETALIATION PROHIBITED

No employee shall suffer retaliation for cooperating with the Board or IG.

SECTION 12 LIBERAL CONSTRUCTION AND SEVERABILITY

This Ordinance shall be construed broadly in favor of transparency and accountability. If any provision is held invalid, remaining provisions shall remain in effect.

SECTION 13 ETHICS AND CONFIDENTIALITY

Members of the Board must agree to a Statement of Principles and Code of Conduct such as the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics and adhere to all applicable local, state, and federal laws regarding confidentiality.

SECTION 14 TRANSPARENCY AND REPORTING

14.1 The IG and the Board shall ensure transparency through:

Annual public reporting of key oversight metrics, including but not limited to: Use-of-force data and trends; Complaint intake, investigation, and resolution outcomes; In-custody deaths and critical incidents; Jail conditions and custodial health and safety indicators.

An annual public hearing before the Board of Supervisors to present findings and receive public input.

14.2 Public Accessibility

All reports produced pursuant to this Section shall be made publicly available on the County's website in a timely manner and presented in a format reasonably accessible to the public.

SECTION 15 LIAISONS

- (A) Law enforcement liaison. The Sheriff or his or her designee will serve as a liaison to the IG and Board and point of contact responsible for coordinating the IG's and Board's requests.
- (B) Human resources liaison. The Human Resources Director and County Counsel will serve as a liaison to the Board for the purpose of ensuring that employee matters adhere to the County's Personnel Rules and Regulations and the Peace Officers Bill of Rights Act (POBR).