



COUNTY OF HUMBOLDT

For the meeting of: 10/29/2024

File #: 24-1488

To: Board of Supervisors

From: County Administrative Office

Agenda Section: Consent

Vote Requirement: Majority

SUBJECT:

Informational Report on the Humboldt County Sheriff's Office Oversight Work Group

RECOMMENDATION(S):

That the Board of Supervisors:

1. Receive and file the report.

STRATEGIC PLAN:

This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Core Services/Other

Strategic Plan Category: 9999 - Core Services/Other

DISCUSSION:

On July 23, 2024, your Board received a report from staff with proposed responses to the Humboldt County Civil Grand Jury's Fiscal Year 2023-24 report titled, "Humboldt County Sheriff's Office: Is a Lack of Oversight Due to a Lack of Foresight?" Your Board approved responses to this report including the responses to the following recommendations:

- By Dec. 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.
- By Dec. 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.

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 January 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.

Regarding the Grand Jury's recommendations, your Board determined that it was appropriate to further research and evaluate the necessity of each recommendation by establishing a work group. This work group is charged with researching models for civilian and independent oversight of the Humboldt County Sheriff's Office.

On Aug. 13, 2024 your Board determined work group participants including, but not limited to, Supervisor Arroyo, Supervisor Bushnell, Sheriff Honsal and County Administrative Officer Hayes.

Initial research conducted by the work group and its recommendations are included in this staff report, pursuant to California Penal Code Section 933.05, which mandates specific requirements for responding to Civil Grand Jury reports.

Members of the Humboldt County Sheriff's Office Oversight Work Group met on Oct. 21, 2024.

The following topics were discussed:

- The Humboldt County Sheriff's response to the Grand Jury report titled "Humboldt County Sheriff's Office: Is a Lack of Oversight Due to a Lack of Foresight?" (Attachment 3) highlighted that oversight of the Sheriff's Office does exist, including:
 - The Sheriff's Office has multiple independent avenues for oversight and review of critical incidents and allegations of serious misconduct involving its employees. Oversight is provided by the California Commission on Peace Officer Standards and Training (POST), the Department of Justice, the District Attorney, the Board of Supervisors, the Human Rights Commission, the Grand Jury and the general public.
 - The Department of Justice (DOJ) and the Attorney General hold the authority to investigate the Sheriff's Office at any time, whether prompted by allegations of criminal misconduct or civilian complaints. Across California, including at the local level, the DOJ has exercised this power, issuing subpoenas and holding sheriffs accountable in court when necessary. Under California Assembly Bill 1506, the DOJ is mandated to investigate all officer-involved shootings resulting in the death of an unarmed civilian, a significant shift from the past when these cases were largely handled by local law enforcement and the state's 58 district attorneys. Now, DOJ investigators take charge of these investigations, presenting their findings and evidence directly to the Attorney General, who ensures transparency by making the results public. This process strengthens accountability and oversight within law enforcement, prioritizing justice and public trust.
 - When serious misconduct is alleged against a deputy sheriff, the complaint and investigation are forwarded to the State of California's POST unit and vetted for possible de-certification. This process serves as a critical mechanism for accountability, ensuring that officers who engage in misconduct face real consequences, including the potential loss of their ability to serve as law enforcement officers.
 - The Sheriff's Office maintains a [transparency page](https://humboldt.gov/2786/Transparency) on the county's website <https://humboldt.gov/2786/Transparency> where Sheriff's Office policies and procedures and complaint information are available to the public in addition to information pertaining to personnel investigations, officer-involved shootings, in-custody deaths and officer-involved critical incidents.
- The work group discussed options to consider based on the Grand Jury's report including:
 - Appointing an Inspector General to oversee the Humboldt County Sheriff's Office
 - The creation of a Civilian Oversight Board appointed by the Board of Supervisors
 - The formation of a Sheriff's Advisory Council
- The work group acknowledged that the Sheriff, as the county's chief law enforcement officer, is elected by Humboldt County voters, giving the position significant authority and responsibility. As an elected official, the Sheriff is directly accountable to the community.

- The Humboldt County Sheriff's Office Oversight Work Group is committed to balancing the needs of the community while respecting the roles and responsibilities of the elected Sheriff. To uphold public trust and transparency, the work group will continue to review and research each of the options recommended by the Grand Jury, including costs associated with each recommendation.
- The Sheriff is currently exploring the creation of a Sheriff's Advisory Council, composed of up to seven community members who share a common goal: supporting transparency within the Humboldt County Sheriff's Office through the review of critical incidents, disciplinary actions, policies and procedures. This council would meet at least four times a year or more frequently if a critical need should arise. The Sheriff's Office will solicit interested community members to apply to serve on the advisory council. The application process to serve on this council would be vetted by the Humboldt County Sheriff's Office Oversight Work Group. Ideally, members of this council would represent various backgrounds and have a broad perspective of law enforcement.
- The Board of Supervisors 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. Understanding this, the Humboldt County Sheriff's Office Oversight Work Group is committed to conduct further research on the Grand Jury's recommendations.
- The work group will be prepared to share more information and next steps at a future public meeting.

SOURCE OF FUNDING:

General Fund (1100)

FINANCIAL IMPACT:

While there is no financial impact to form a work group, staff participation will have financial impacts. In addition, should an Oversight Board, Inspector General or both be established there will be significant financial impacts to establishing and staffing those functions.

STAFFING IMPACT:

This assignment was not anticipated during development of the Fiscal Year 2024-25 budget. Therefore, staff participation in the work group will impact staff with increased workload.

OTHER AGENCY INVOLVEMENT:

Any other agencies your Board or the work group deems necessary to participate in the work group.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

None.

ATTACHMENTS:

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

2. Board of Supervisors' Executed Response to "Humboldt County Sheriff's Office: Is a Lack of Oversight Due to a Lack of Foresight?" Report
3. Humboldt County Sheriff's Response to "Humboldt County Sheriff's Office: Is a Lack of Oversight Due to a Lack of Foresight?" Report

PREVIOUS ACTION/REFERRAL:

Meeting of: July 23, 2024 and Aug. 13, 2024

File No.: 24-1094 and 24-1170