

**COUNTY OF SACRAMENTO
CALIFORNIA**

For the Agenda of:
January 30, 2007
3:30 p.m.

To: Board of Supervisors

From: Department of Compliance
Sheriff's Department

Subject: Approve Appropriation Adjustment Request No. 27-041 For Funding To Implement The Inspector General Function, Including The Addition Of 1.0 Administrative Services Officer Position

Contact: Judy McGarry, Director, 874-9062
George Anderson, Undersheriff, 874-5094

Overview

In 2005, the Board of Supervisors approved the selection of Joseph Brann and Associates and the Public Strategies Group, Inc. to perform a comprehensive assessment of the Sheriff's Department, including analysis of the core functions/services of the Sheriff's Department, an examination of comparable agencies and promising practices, as well as make recommendations that could lead to great effectiveness and efficiency within the Department.

In November 2005, prior Sheriff Lou Blanas requested the Board schedule a hearing to receive public comments regarding allegations of prisoner abuse by sworn personnel. During the hearing, Sheriff Blanas advised the Board that he was supportive of establishing some type of an independent oversight of the Department. The Board of Supervisors conceptually approved implementation of an "Inspector-General" model, subject to successful negotiations with the Sacramento County Deputy Sheriffs' Association (SCDSA) and the Law Enforcement Management Association (LEMA). The Board also directed staff to amend the contract with Brann to include specific issues raised by the community.

On January 31, 2006, the Board of Supervisors approved a contract amendment, to include specific custody issues such as the processing and treatment of individuals in custody, internal controls/systems, review the role of the Sheriff's Advisory Board and meet with key stakeholders related to allegations of mistreatment of individuals in custody. The consultant presented his findings and recommendations to the Board in June 2006. Overall, the Sheriff's Department concurred with all but one recommendation.

Negotiations with the SCDSA and LEMA have been completed, including specific language regarding the Inspector General role. Sheriff McGinness requests Board approval to proceed with implementing the Inspector General program.

Recommendations

1. Approve implementation of an Inspector General program, as described below, including the selection process outlined below.
2. Approve the addition of 1.0 Administrative Services Officer I position for the Department of Compliance (5740000), to provide support to the Inspector General.

3. Direct the Department of Personnel Services to administratively add 1.0 Administrative Services Officer I position to the Department of Compliance (5740000) for this function.
4. Approve AAR No. 27-041 transferring \$153,919 from contingencies to the Department of Compliance (5740000) to fund the Inspector General program for the balance of Fiscal Year 2006-07.
5. Direct the Chief Financial Officer to include required funding for the Inspector General function as he prepares the Proposed Budget for Fiscal Year 2007-08.

Measures/Evaluation

As envisioned, the Inspector General would provide, at a minimum, an annual report of the number of investigations reviewed or initiated by the Inspector General and a summary of trends to the Board of Supervisors and the Sheriff.

Fiscal Impact

The implementation of an Inspector General program is consistent with the desires of the Board of Supervisors and Sheriff McGinness. The estimated cost for the balance of Fiscal Year 2006-07 is \$153,919, and the annual cost will be approximately \$ 308,000.

BACKGROUND:

In 2005, the Board of Supervisors approved the selection of Joseph Brann and Associates and the Public Strategies Group, Inc. to perform a comprehensive assessment of the Sheriff's Department, including analysis of the core functions/services of the Sheriff's Department, an examination of comparable agencies and promising practices, as well as recommendations that will lead to greater effectiveness and efficiency within the Sheriff's Department.

In November 2005, the Board heard public testimony requesting outside oversight of the Sheriff's Department, specifically jail operations. On the same date, Sheriff Blanas advised the Board that he was supportive of an "Inspector General" that would report jointly to the Sheriff and Board of Supervisors, and interface with the County Executive. However, he believed such an activity was subject to negotiations with the Sacramento County Deputy Sheriffs' Association (SCDSA) and the Law Enforcement Management Association (LEMA).

In January 2006, the Board of Supervisors amended the contract with Brann to include specific custody issues such as the processing and treatment of individuals in custody, internal controls/systems, review of the role of the Sheriff's Advisory Board and to meet with key stakeholders related to allegations of mistreatment of individuals in custody. Findings and recommendations were presented to the Board in June 2006. Overall, the Sheriff's Department concurred with all but one recommendation and is in the process of implementing them. Sheriff McGinness plans to update the Board periodically on the status of each recommendation.

Negotiations between Labor Relations and the SCDSA and LEMA were successfully completed and memoranda of understanding were approved by the Board on December 5, 2006 and December 12, 2006, respectively. Sheriff McGinness now requests the Board's approval to proceed with implementation of an Inspector General program.

DISCUSSION:

Establishing a scope of the duties of an Inspector General position has been challenging. At different times, Board members, the Sheriff and some community members have stated that the Sheriff's Department should be "transparent." Some community members have stated that the Sheriff should be more accountable for actions taken by Department personnel. Toward that end, some community members believe that an outsider should be appointed to oversee the Department.

However, as an elected official, the Sheriff is accountable only to the electorate. Regardless, Sheriff McGinness has enthusiastically embraced the concept of an Inspector General position. The Sheriff and the County Executive concur that the position must be outside of the direct authority of the Sheriff.

The compensation paid to the Inspector General contractor will be dependent on skills, abilities and experiences. Absent the results of a comprehensive outreach effort, the requisite qualifications and appropriate compensation are based on anecdotal data gathered about similar positions in other jurisdictions. Funding for the Inspector General contractor is included in the attached budget, however, final compensation will be subject to negotiations. Pending selection and negotiations, staff anticipates the annual cost of the contract, will be in the range of \$100,000-\$120,000.

QUALIFICATIONS OF IDEAL CANDIDATE:

The person selected to fulfill this important role is vital to the success of the program. The individual selected by the Board of Supervisors and Sheriff must possess specialized skills, attributes and experience. For example, the individual selected must have a working understanding of:

- The principles/practices of modern public administration, especially in law enforcement;
- California laws related to public safety internal investigations;
- essential elements contained in the California Public Safety Officers Procedural Bill of Rights Act;
- ability to work with individuals from diverse audiences;
- public relations practices and techniques, including public speaking;
- current literature, including laws and regulations that impact law enforcement internal investigations, research methods, report writing techniques, statistical concepts and methods; and
- general legal principles, practices, terminology and documents.

RESPONSIBILITIES:

As envisioned, the position will monitor investigations of citizen complaints concerning misconduct by employees of the Sacramento County Sheriff's Department. The contractor selected for this responsibility will have broad oversight powers that include the evaluation of the overall quality of law enforcement, custodial and security services, and the authority to encourage systemic change. In addition, the Inspector General will track and monitor specific high profile or serious complaint cases to conclusion, review completed investigations and advise the Sheriff of any investigations which appear incomplete or otherwise deficient.

- A. Monitor all investigations conducted by the Sacramento County Sheriff's Department concerning complaints alleging excessive or unnecessary force by employees;
- B. Monitor investigations of citizen complaints alleging other categories of employee misconduct as he or she deems necessary;
- C. Request the Sheriff to conduct further investigation in any case the Inspector General believes is incomplete or otherwise deficient;
- D. Receive all documents, reports or any other item necessary to monitor an investigation of citizen complaints and excessive force investigations;
- E. Produce an annual report to the Board of Supervisors which will contain statistical information, including number of complaints filed, sustained, actions taken and an analysis of trends and patterns. The Inspector General will make recommendations for improvements to the complaint process, training needs of sworn and professional staff, systemic or organizational changes or other measures he or she believes will improve the overall citizen complaint process;
- F. Accept and document complaints directly from citizens as an alternative procedure for receiving citizen complaints concerning Sacramento County Sheriff's Department personnel. All such citizen complaints shall be forwarded to the Sacramento County Sheriff's Department for investigation as soon as possible;
- G. Interview or re-interview complainants and citizen witnesses as required to ensure that investigations are fair, unbiased, factually accurate and complete;
- H. Provide complainants with timely updates on the status of investigations, excluding disclosure of any information which is confidential or legally protected;
- I. Serve as a liaison to complainants who would otherwise be unfamiliar with or intimidated by the complaint/investigative process;
- J. Monitor or independently investigate any other matter as requested by the Sheriff, or as directed by the Board of Supervisors;
- K. Serve in a public relations capacity, conducting presentations in various community forums, and providing information on pending and completed investigations within the legal and ethical limits of confidentiality;
- L. Serve as a conduit to community leaders and the public for information about the conduct of administrative investigations, the Policies and Procedures of the Sacramento County Sheriff's Department or the practices of law enforcement in general;
- M. Upon invitation by the Sheriff, act to mediate or facilitate resolution of disputes between the Sheriff's Department and community members or groups;

N. If the Sheriff denies any request of the Inspector General, he or she may direct the request to the Board of Supervisors for further consideration.

If approved by your Board today, it is envisioned that the Inspector General function will be operational by spring 2007. A more specific time will be known once the process has commenced. Based on information Undersheriff George Anderson and Judy McGarry have ascertained from interviewing the Director of Public Safety Accountability of the City of Sacramento, establishing a working relationship between the Sheriff's Department and the community will be the first priority.

It is important for the contractor to work closely with the Sheriff's Department, but it is essential that the contractor be independent. All costs associated with the Inspector General function will be charged to the Department of Compliance (budget unit 5740000). The Sheriff will not have a direct relationship with the contractor. The contractor will have frequent and ongoing interactions with Internal Investigations regarding the status of investigations. The contractor will be housed in close proximity to Internal Investigations, but in separate and distinct office space.

The requested Administrative Services Officer I position would be assigned to the Department of Compliance to provide support for the contractor. The support person will be a civil service position (Administrative Services Officer I). Selecting the individual to fill the Administrative Services Officer position will be delayed until the contractor has been selected. The contractor will work closely with the selected individual and it is recommended that the contractor have input into the selection of the individual. Once approved by the Board of Supervisors, the Department of Personnel Services is directed to prepare the necessary paperwork to administratively add 1.0 Administrative Services Officer I position. This position will be assigned to the Department of Compliance (5740000), but will support the Inspector General activities.

NEXT STEPS:

The Sheriff requests the Board of Supervisors' concurrence to proceed immediately with the implementation of an Inspector General program. With the concurrence of the Board of Supervisors, the County Executive and Sheriff will:

- Implement an extensive outreach effort for all qualified applicants via various media, such as county web site, local and major metropolitan newspapers, professional law enforcement executive organizations and the National Association of Civilian Oversight of Law Enforcement (NACOLE);
- Direct applicants to submit copies of their resume to the Clerk of the Board;
- Clerk of the Board will disseminate copies of all resumes to the Sheriff's designee and County Executive's designee for initial screening;
- The Sheriff, with concurrence by applicable labor organizations, and Chair of the Board of Supervisors jointly will select the individual and submit their selection to the full Board for approval.

Approve Appropriation Adjustment Request No. 27-041 For Funding To Implement The Inspector General Function, Including The Addition Of 1.0 Administrative Services Officer Position

Page 6

FINANCIAL ANALYSIS:

The cost of the program for the balance of Fiscal Year 2006-07 is estimated to be \$153,919. Funding will come from Contingencies to the Department of Compliance (5740000). The annualized cost of the Inspector General program is estimated to be approximately \$308,000. Funding for the program will be included in the Proposed Budget for Fiscal Year 2007-08.

Respectfully submitted,

APPROVED:

JUDY MCGARRY, Director
Department of Compliance

TERRY SCHUTTEN
County Executive

GEORGE ANDERSON, Undersheriff
Sheriff's Department

Attachment: AAR No. 27-041

cc: David Devine, Department of Personnel Services