WILLIAM T FUJIOKA
Chief Executive Officer

# County of Los Angeles
# CHIEF EXECUTIVE OFFICE

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*"To Enrich Lives Through Effective And Caring Service""*

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August 05, 2014

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**ESTABLISHMENT OF THE OFFICE OF INSPECTOR GENERAL**
**ALL DISTRICTS**
**(3 VOTES)**

## SUBJECT

Establish the Office of Inspector General to provide independent and comprehensive oversight, monitoring of, and reporting about the Sheriff's Department and its jail facilities.

## IT IS RECOMMENDED THAT THE BOARD:

1. Adopt the accompanying ordinance outlining the scope of authority and responsibilities of the Office of Inspector General and the dissolution of the Ombudsman (Attachment I).

2. Approve interim ordinance authority for a total of 37 new positions, including 28 positions for the Office of Inspector General and nine new administrative support positions within the Executive Office, pending allocation by the Chief Executive Office Classification and Administration (Attachment II). Eight of these positions will be frozen pending additional Board action.

## PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

In October 2011, the Board authorized the creation of the Citizens' Commission on Jail Violence (CCJV) to conduct a review of the nature, depth, and cause of the allegations of inappropriate use of force by deputies in the jails and to recommend corrective action as necessary. On September 28, 2012, the CCJV released its report with 63 recommendations.

On October 2, 2012, the Board directed the Chief Executive Office (CEO) to conduct a fiscal analysis

of the recommendations made by the CCJV, including the creation of an independent Office of Inspector General (OIG). In consultation with the CCJV Implementation Monitor (Monitor) and the Board's Consultants (Consultants), we prepared a draft organizational structure which identified functional units, an operational model, and position classifications. The newly appointed Inspector General has provided a revised organizational structure. The Monitor has reviewed the proposal and determined that it meets the CCJV's recommendation to establish an independent OIG to monitor the Sheriff's Department (Department).

**Implementation of Strategic Plan Goals**

Establishing the OIG will support the County Strategic Plan Goal 3: Integrated Services Delivery – Maximize opportunities to measurably improve client and community outcomes and leverage resources through the continuous integration of health, community, and public safety services. Strategic Initiative 3: Implementing Jail Reform – Continue the Sheriff's implementation and the Board's monitoring of all 63 recommendations of the CCJV, to improve conditions in the County's jails.

## FISCAL IMPACT/FINANCING

The OIG will be funded through the Executive Office of the Board of Supervisors (Executive Office) budget.

In Fiscal Year (FY) 2013-14 Recommended Budget, $5,000,000 in funding was set aside in Provisional Financing Uses (PFU) for the OIG. On June 23, 2014, the Board approved the transfer of $1,000,000 from PFU to the Executive Office to offset OIG costs incurred during the year. In Supplemental Changes, we will recommend $2,500,000 be carried over to FY 2014-15 for continued start-up and contingency costs. The remaining FY 2013-14 PFU balance of $1,500,000 will revert to the General Fund.

The OIG is requesting 37 additional positions and $7,225,000 in ongoing funding. The CEO will recommend the transfer of $5,000,000 from PFU to the Executive Office during Supplemental Changes to partially fund the OIG. This funding will support 29 of the 37 positions requested by the OIG. The remaining eight positions will be frozen until a detailed analysis of the OIG activities and accomplishments are provided to the Board.

During Supplemental Changes, $2,225,000 in funding will be transferred from the Sheriff and Community and Senior Services (CSS) Departments to PFU due to the termination of the Office of Independent Review (OIR) and Special Counsel contracts, as well as the dissolution of the Ombudsman. Funding will remain in PFU until Board approval, which is subject to the Inspector General providing a report to the Board outlining the OIG activities, accomplishments, and performance milestones achieved no later than December 31, 2014.

The OIG financing proposal is detailed in Attachment III.

## FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The CCJV recommended the creation of an OIG with the objective of providing independent and comprehensive monitoring of the Department and restoring the public's confidence in the Department.

Pursuant to Government Code section 25303, the Board has the statutory duty to supervise the official conduct of all County officers. The accompanying ordinance establishes the Inspector General as special counsel to the Board with responsibility for the independent and comprehensive oversight, monitoring of, and reporting about the Department and its jail facilities. The OIG is created to facilitate the Board's responsibility without interfering with the Department's investigative functions.

The Inspector General shall report directly to, and serve as an agent of, the Board and shall make regular reports to the Board on the Department's operations. Such reports shall be public reports, except to the extent they relate to confidential personnel or otherwise privileged matters. The Inspector General shall have an attorney-client relationship with the Board when requested by the Board to provide privileged legal advice pertaining to a claim or lawsuit arising out of the actions of the Department or its personnel.

Under the Board's auspices and with the cooperation of the Department, the OIG will:

- Monitor the Department's operations, conditions in the jail facilities, and the Department's response to inmate and public complaints related to the Department's operations.

- Periodically review the Department's use of force patterns, trends, and statistics; investigations of force incidents and allegations of misconduct; and disciplinary decisions.

- Review the quality of audits and inspections conducted by the Department and conduct its own periodic audits and inspections.

- Regularly communicate with the public, the Board, and the Department regarding the Department's operations.

- Without interfering with the Department's investigative functions, investigate specific incidents involving Department personnel in certain limited circumstances.

- Safeguard and maintain the confidentiality of any peace officer's personnel records and all other privileged or confidential information received by the OIG as required by law or as necessary to maintain any applicable privileges or the confidentiality of the information.

The Sheriff maintains constitutional and statutory responsibility with respect to Department operations, policies, imposition of staff discipline, and the allocation of resources. The Sheriff has reviewed the ordinance and recommends the attorney-client privilege be extended to his Department.

The Monitor and Consultants have reviewed the ordinance, organizational structure, and operational model and concur that it will satisfy the CCJV's recommendation to establish an OIG. They also concur with County Counsel that the attorney-client privilege should be limited to the Board of Supervisors, pursuant to the CCJV recommendations.

The Executive Office has identified and confirmed the resources necessary to support the OIG.

CEO Real Estate Division has identified office space; Asset Planning and Strategy approved the Space Request/Evaluation; and both have coordinated program requirements with the Executive Office.

CSS' Office of Ombudsman will be dissolved upon adoption of the attached ordinance. The Department of Human Resources (DHR) is assisting in developing a Workforce Reduction Plan in accordance with applicable Civil Service Rules.

The Chief Information Office has been consulted regarding the information technology resources required by the OIG.

The accompanying ordinance implementing an amendment to Title 2 - Administration and Title 6 - Salaries of the County Code has been approved as to form by County Counsel.

## IMPACT ON CURRENT SERVICES (OR PROJECTS)

Existing Monitoring Structure

Investigatory monitoring of the Department has been performed through service contracts with Special Counsel Merrick Bobb (Special Counsel), who conducts macro-level policy review, and the Office of Independent Review (OIR), which conducts micro-level investigations such as significant use of force incidents. In addition, the CSS Ombudsman reviews public and inmate complaints against the Department. Although each monitoring entity functions effectively within its mandated responsibilities, the CCJV raised the following concerns with the current monitoring structure:

- Limitations within their respective scopes of responsibility;

- Critical gaps in identifying problematic patterns, trends and tactical issues, and continuing problems in the Department;

- Despite the identification and public reporting of recurrent critical issues, there has been limited sustained follow up on the Department's progress to implement reform recommendations; and

- ". . . outside projects raise concerns regarding OIR's [and Special Counsel's] ability to devote its full time and attention to comprehensive oversight of the Department and its jail facilities."

Consolidation of Monitoring Responsibilities

In order to address the aforementioned concerns and provide more robust monitoring of the Department, the CCJV recommended consolidation of the functions of Special Counsel, OIR, and CSS Ombudsman under a single OIG.

Proposed Organizational Structure

The recommended OIG organizational structure is based on consultations with the Inspector General, the Monitor, and Consultants (Attachment IV). The proposal places the OIG within the Executive Office to ensure responsiveness to the Board and organizational independence from the Department. The Executive Office will provide the OIG with administrative support services such as human resources, budget/fiscal/procurement services, information systems, etc. This will allow the County to leverage its existing infrastructure instead of having to build a separate administrative unit for the OIG.

The OIG has developed an operational model utilizing three functional units that will have department-wide responsibility:

- Review and Analysis - A team of attorneys and inspectors will analyze and review data for the production of reports and the identification of trends. The team will also have responsibility for the real-time monitoring of disciplinary activity in coordination with the Audits and Investigations Unit. This unit will assume some of the functions of the OIR and Special Counsel.

- Audits and Investigations - A team of inspectors will audit the Department's compliance with policy and procedures, including the quality of its internal audits and inspections reports. This unit also will assume some of the functions of Special Counsel.

- Monitoring and Community Outreach - A team of community liaisons and inspectors will monitor conditions within the jail facilities, the Department's responses to complaints from inmates and the public, and take input from the public. This unit will assume the functions of the CSS Ombudsman.

The Inspector General and Chief Deputy will be responsible for ensuring ongoing internal communications between the functional units and identify problematic patterns, trends and tactical issues, and continuing problems within the Department.

Dissolution of the CSS Ombudsman

The functions of the CSS Ombudsman will be assumed by the OIG. CSS will work with DHR to develop a Workforce Reduction Plan in accordance with applicable Civil Service Rules.

OIR Monitoring of Probation Department

In addition to the Department, the OIR also monitors the Probation Department. The continuation of OIR oversight of the Probation Department has been addressed in a separate Board letter.

## CONCLUSION

The accompanying ordinance, organizational structure, operational model, and budget provide the resources necessary to establish the OIG.

Respectfully submitted,

WILLIAM T FUJIOKA

Chief Executive Officer

WTF:GAM:SW
DT:llm

Enclosures

c: Executive Office, Board of Supervisors
County Counsel
Sheriff
Chief Information Office
Community and Senior Services
Human Resources
Probation

**REQUEST FOR INTERIM ORDINANCE AUTHORITY**
**PROVISIONAL ALLOCATION FOR THE BOARD OF SUPERVISORS**
**FISCAL YEAR 2014-2015**

| ***OFFICE OF INSPECTOR GENERAL*** Classification *(corresponding working title)* | Budgeted Positions | Frozen Positions | **Total Positions** |
|---|---|---|---|
| Inspector General (UC) (#9973) | 1 | | **1** |
| Chief Deputy Inspector General (UC) (#9975) | 1 | | **1** |
| Assistant Inspector General (UC) (#9974) | 3 | | **3** |
| Deputy Inspector General (#1651) | 4 | 1 | **5** |
| Inspector, OIG (#1650) *(Inspector II)* | 4 | 2 | **6** |
| Investigator II (#2915) *(Inspector I)* | 2 | 2 | **4** |
| Paralegal (#9232) *(Special Assistant)* | 1 | | **1** |
| Administrative Services Manager I (#1002) *(Statistician)* | 0 | 1 | **1** |
| Senior Management Secretary III (#2116) *(Secretary to Inspector General)* | 1 | | **1** |
| Management Secretary III (#2109) *(Secretaries to Assistant Inspector Generals)* | 3 | | **3** |
| Senior Board Specialist (#1100) *(Community Liaison)* | 1 | 1 | **2** |
| **Total** | 21.0 | 7.0 | **28.0** |

| ***EXECUTIVE OFFICE*** Classification | Budgeted Positions | Frozen Positions | **Total Positions** |
|---|---|---|---|
| Senior IT Technical Support Analyst (#2547) | 1 | | **1** |
| Principal Application Developer (#2526) | 1 | | **1** |
| Principal Network Systems Administrator (#2561) | 1 | | **1** |
| Database Administrator (#2620) | 1 | | **1** |
| Management Analyst (#1848) | 1 | | **1** |
| Senior Board Specialist (#1100) | 1 | | **1** |
| Intermediate Board Specialist (#1099) | 1 | | **1** |
| Administrative Services Manager II (#1003) | 0 | 1 | **1** |
| Head Board Specialist (#1108) | 1 | | **1** |
| **Total** | 8.0 | 1.0 | **9.0** |
| **TOTAL POSITIONS REQUESTED** | 29.0 | 8.0 | **37.0** |

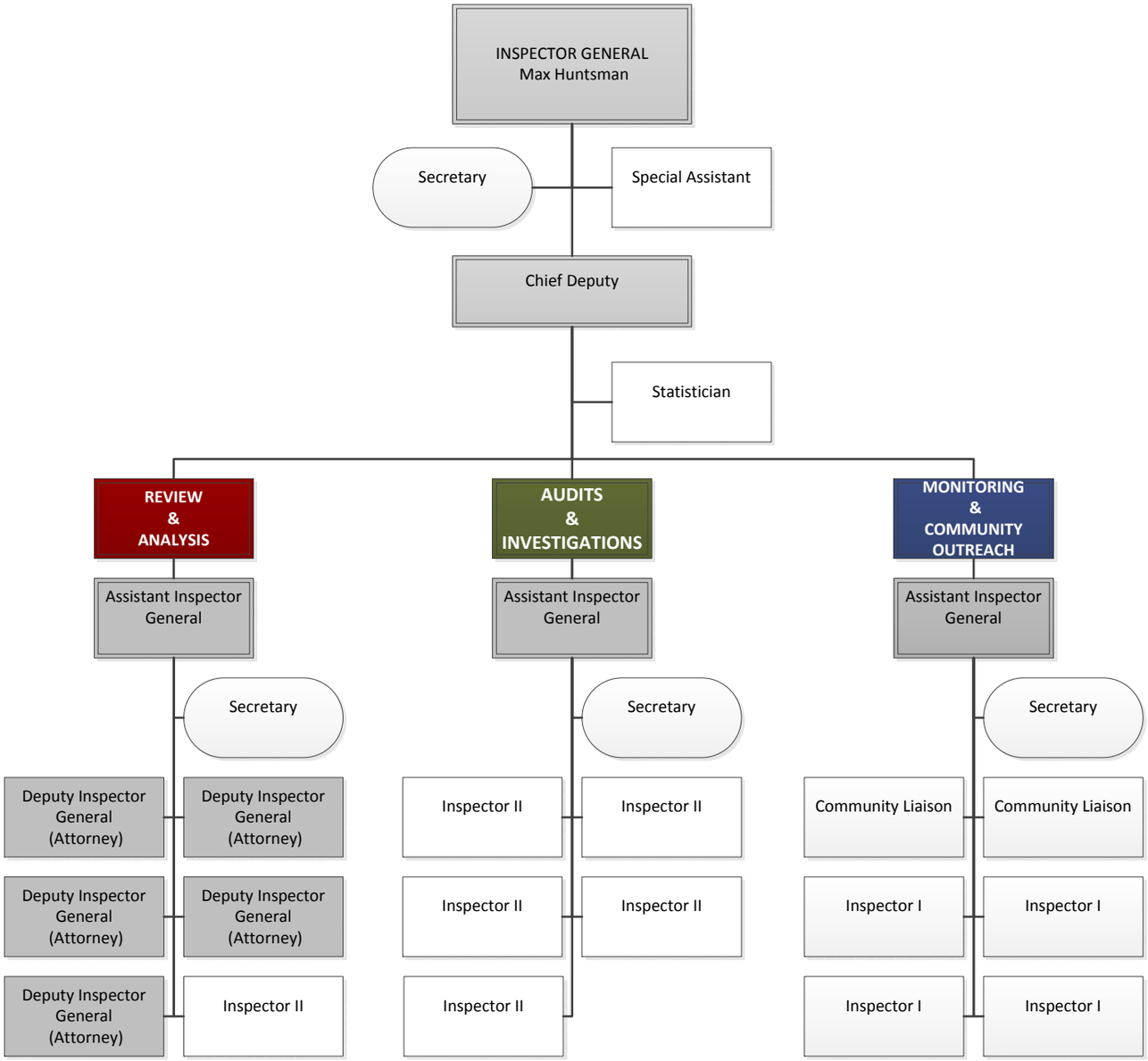
**OFFICE OF THE INSPECTOR GENERAL: FINANCING PROPOSAL**

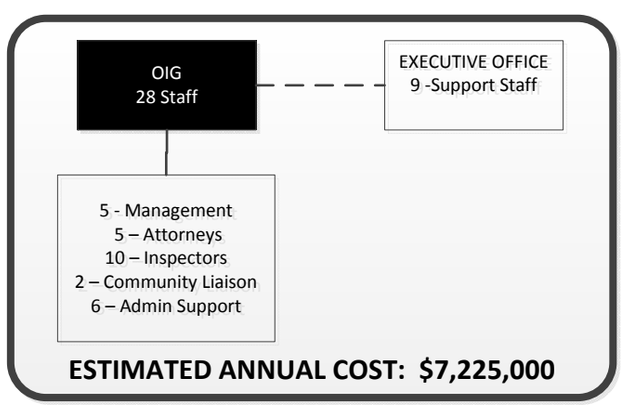
| | FY 2013-14 | FY 2014-15 (Initial Funding) | FY 2014-15+ (Full Funding) |
|---|---|---|---|
| **Pre-OIG Sheriff Monitoring Cost** | | | |
| Ombudsman (funded by Community & Senior Services) | $641,000 | $0 | $0 |
| Special Counsel (funded by Judgments & Damages budget) | $334,000 | $0 | $0 |
| Office of Independent Review (funded by Sheriff's Department) | $1,194,000 | $0 | $0 |
| **Total Pre-OIG Monitoring Cost** | **$2,169,000** | **$0** | **$0** |
| **RECOMMENDED MONITORING** | | | |
| **OFFICE OF THE INSPECTOR GENERAL** | **$1,000,000** | **$5,000,000** | **$7,225,000** |
| **OIG Funding by Permanently Transferring Net County Cost From:** | | | |
| Provisional Financing Uses ($5M was set aside during 2013-14 Recommended Budget) | $1,000,000 | $5,000,000 | $5,000,000 |
| Dissolution of Ombudsman (reflects COLAs) | $0 | $0 | $697,000 |
| Expiration of Special Counsel Contract* | $0 | $0 | $334,000 |
| Expiration of Office of Independent Review Contract | $0 | $0 | $1,194,000 |
| **Total NCC Transfer** | **$1,000,000** | **$5,000,000** | **$7,225,000** |

* Following the transition of responsibilities to the OIG, the Inspector General may recommend a special projects contract for as-needed services.

# OFFICE OF THE INSPECTOR GENERAL

## Organizational Structure



## ANALYSIS

This ordinance amends Title 2 - Administration of the Los Angeles County Code by repealing Chapter 2.37, relating to the Ombudsman, in its entirety. This ordinance also amends Title 6 - Salaries of the Los Angeles County Code by adding Section 6.44.190, relating to the Office of Inspector General.

JOHN F. KRATTLI
County Counsel

By _____
MICHELE JACKSON
Senior Deputy County Counsel
Law Enforcement Services Division

MJJ:cn
03/13/14 (requested)
03/19/14 (revised)

**ORDINANCE NO. _____**

An ordinance amending Title 2 – Administration and Title 6 - Salaries of the Los Angeles County Code, relating to the Ombudsman and the Office of Inspector General, respectively.

The Board of Supervisors of the County of Los Angeles ordains as follows:

**SECTION 1.** Chapter 2.37 is hereby repealed in its entirety:

~~**2.37 OMBUDSMAN**~~

~~**2.37.010 - Creation—Functions.**~~

~~There shall be created a department of the county, which shall be known as the "office of ombudsman." The office of ombudsman shall perform the following duties with regard to complaints concerning the sheriff's department and duties with regard to other county departments and agencies as the board of supervisors may direct:~~

~~A. Facilitate Timely Investigation of Complaints. Upon complainant request, the ombudsman, having been selected as such by the board of supervisors and the sheriff, shall inquire whether complaints involving sheriff's personnel are being investigated in a timely fashion, and will communicate to the complainant the progress of an investigation and its results to the extent permitted by law.~~

~~B. Review Complaint Investigations. The ombudsman will review unfounded or unresolved complaint investigations upon complainant request except as outlined below.~~

~~C. Select Reviewing Judge from Panel. Whenever a complaint concerning allegedly excessive force resulting in hospital examination or treatment, or, in addition, such other complaints as the sheriff determines may be appropriate for submission to a panel~~

~~judge, has been determined to be unfounded or unable to be resolved and the complainant requests a review of those findings, the ombudsman shall select and assign a retired judge from the panel of retired judges approved by and authorized by the board of supervisors and the sheriff to review the records in connection with the adjudication of the complaint.~~

~~D. Access Within Sheriff's Department and Final Determination. The ombudsman and judges will be provided sufficient access within the sheriff's department to be able to perform the assigned functions. The ombudsman or reviewing judge will either determine that the investigation was sufficient and that the findings are appropriate, or will return it to the sheriff's department with a written explanation as to why he or she feels it is deficient. The sheriff will make the final determination as to whether additional investigation or modification to the findings are appropriate.~~

**~~2.37.020 - Ombudsman—Appointment and authority.~~**

~~A. The office of ombudsman shall be under the direction of the ombudsman who shall be a person of great integrity and independence selected by the sheriff and the board of supervisors. The ombudsman shall be an appointive county officer. The ombudsman and panel judges shall not have independent investigative authority and are not empowered to initiate or conduct investigations or interview witnesses. The ombudsman will not become involved in reviewing criminal investigations, nor will the ombudsman so involve any member of the panel of judges.~~

~~B. The ombudsman shall refer any complaint of dissatisfaction to one of the judges in any case which represents a conflict of interest to him. In any case in which reviewing~~

~~a specific case could create a conflict of interest for a judge, the designated judge shall notify the ombudsman to select another judge.~~

~~C. The ombudsman and panel judges shall be considered confidential employees and, as such, shall be bound by the same restrictions that apply to employees of the sheriff's department regarding the sharing or divulging of information relative to administrative investigations or their dispositions.~~

**~~2.37.030 - Complainant waiver.~~**

~~In any case in which a complainant involves the ombudsman in a review of his or her complaint, the complainant must formally waive his or her right to subpoena the ombudsman and or panel judge as a witness in any future legal action involving their complaint, other complaints or the complaint review process. This waiver shall also extend to all files kept by the ombudsman or any panel judge. In performing tasks under this chapter the panel judges are presiding at quasi-judicial proceedings performing quasi-judicial functions within the meaning of Evidence Code Section 703.5. The only public record of action of the ombudsman or any panel judge is the written finding that the investigation was sufficient and that the sheriff's findings are appropriate, or the written explanation to the sheriff as to why the panel judge feels it is deficient. All other records or communications are to be kept confidential as "official information" acquired in confidence by a public employee in the course of his or her duty and not open, or officially disclosed to the public within the meaning of Evidence Code Section 1040, and the ombudsman and panel judges shall assert the privilege provided for by that section on the grounds that it has been determined that disclosure of the information is against~~

~~the public interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice.~~

**SECTION 2.** Section 6.44.190 is hereby added to read as follows:

**6.44.190 OFFICE OF INSPECTOR GENERAL**

A. As part of the Board of Supervisors' duty to supervise the official conduct of the Sheriff under Government Code section 25303, the Office of Inspector General ("OIG") is created in the department of the Board of Supervisors. The OIG is created to facilitate the Board of Supervisors' responsibility without interfering with the Sheriff's investigative functions. The OIG shall focus on matters relevant to department-wide policies and procedures and shall not interfere with criminal, personnel, and other investigations by the Sheriff's Department.

B. The OIG shall provide independent and comprehensive oversight, monitoring of, and reporting about the Sheriff's Department and its jail facilities as set forth in this Section under the leadership of an Inspector General appointed by the Board of Supervisors.

C. The OIG shall have four primary functions: (1) monitoring the Sheriff's Department's operations, conditions in the jail facilities, and the Sheriff's Department's response to inmate and public complaints related to the Sheriff's Department operations; (2) periodically reviewing the Sheriff's Department's use of force patterns, trends, and statistics, the Sheriff's Department's investigations of force incidents and allegations of misconduct, and the Sheriff's Department's disciplinary decisions; (3) reviewing the quality of audits and inspections conducted by the Sheriff's Department and conducting its own periodic audits and inspections; and (4) regularly communicating

with the public, the Board of Supervisors, and the Sheriff's Department regarding the Sheriff's Department's operations. Complaints relating to specific conduct shall be referred, with the permission of the complainant, to the Sheriff's Department for action pursuant to Penal Code section 832.5.

D. Without interfering with the Sheriff's investigative functions, the OIG shall have the authority to investigate specific incidents involving Sheriff's Department personnel only in the following circumstances:

(1) when requested by, or with authorization of, the Sheriff;

(2) when the Inspector General determines that the Sheriff's Department has not adequately investigated an incident; provided, however, that the Inspector General shall first meet and confer with the Sheriff and afford the Sheriff's Department the opportunity to investigate the incident further before the OIG conducts an investigation pursuant to this subpart; or

(3) when the Board of Supervisors makes a formal request to the Inspector General for privileged legal advice pertaining to a claim or lawsuit arising out of the actions of the Sheriff's Department or its personnel.

E. The Inspector General shall report directly to, and serve as an agent of, the Board of Supervisors and shall make regular reports to the Board of Supervisors on the Sheriff's Department's operations. Such reports to the Board of Supervisors shall be public reports, except to the extent they relate to confidential personnel or otherwise privileged matters. The OIG shall work under the direction of the Inspector General, who shall be an attorney licensed by the State Bar of California. The Inspector General shall serve as special counsel to the Board of Supervisors and have an attorney-client

relationship with the Board of Supervisors when requested by the Board to provide privileged legal advice pertaining to a claim or lawsuit arising out of the actions of the Sheriff's Department or its personnel.

F. The Sheriff's Department and all other County departments shall cooperate with the OIG and promptly supply any information or records requested by the OIG, including confidential peace officer personnel records necessary for the OIG to carry out its duties; provided, however, that the OIG shall not have the authority to compel Sheriff's Department personnel involved in a specific incident to respond to questions concerning that incident without the authorization of the Sheriff.

G. The confidentiality of peace officer personnel records and all other privileged or confidential information received by the OIG in connection with the discharge of the OIG's duties shall be safeguarded and maintained by the OIG as required by law or as necessary to maintain any applicable privileges or the confidentiality of the information. The OIG shall not disclose, without the Sheriff's authorization, any of the Sheriff's Department's confidential personnel, investigative, or disciplinary information unless such information is already a matter of public record or the disclosure is to the Board of Supervisors in response to a formal request by the Board of Supervisors for privileged legal advice pertaining to a claim or lawsuit arising out of the actions of the Sheriff's Department or its personnel.

[237010MJCC]