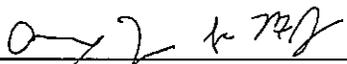


ANALYSIS

This ordinance amends Section 6.44.190 of Title 6 – Salaries of the Los Angeles County Code to clarify the duties and responsibilities of the Office of Inspector General in light of the creation of the Sheriff Civilian Oversight Commission.

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County Counsel

By  _____
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Law Enforcement Services Division

RHG:mj

Requested: 1/8/16
Revised: 10/18/16

ORDINANCE NO. _____

An ordinance amending Title 6 - Salaries of the Los Angeles County Code to clarify the duties and responsibilities of the Office of Inspector General in light of the creation of the Sheriff Civilian Oversight Commission.

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

SECTION 1. Section 6.44.190 is hereby amended 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 promote constitutional policing, to promote the common interest of the Board of Supervisors and the Sheriff in effective and lawful policing, and 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 and the contractors and employees involved with the jails, as set forth in this Section under the leadership of an Inspector General appointed by the Board of Supervisors.
- C. As used in this section, the terms "audit," "inquiry," "investigation," and "monitoring" shall have the following definitions:

(1) Audit: A formal process following professional guidelines to answer specific questions regarding specific operations.

(2) Inquiry: Gathering of information as in monitoring, but with the goal of obtaining additional information regarding a potential problem area.

(3) Investigation: A formal gathering of information targeted at producing actionable information regarding an employee, employees, or other matter to be done in compliance with the confidentiality protections contained in subsection K, below.

(4) Monitoring: Gathering of information regarding facilities and operations, including by direct observation, discussions with staff and the public, and review of records, in order to identify problem areas or to ensure compliance with existing laws, policies, and other imposed obligations.

D. The County of Los Angeles Sheriff Civilian Oversight Commission ("Commission") shall supervise and evaluate all work performed by the Inspector General that is done at the request of the Commission. The Executive Officer of the Board of Supervisors shall supervise and evaluate both the Commission and the Inspector General. When there is a vacancy in the Office of the Inspector General, the Commission may nominate a successor, subject to final appointment by the Board of Supervisors. A decision to terminate the Inspector General shall be either initiated by the Board of Supervisors with the input of the Commission or may be recommended by the Commission, subject to the final decision of the Board of Supervisors.

E. The OIG shall provide its public reports and investigations to the Board of Supervisors and the Sheriff at the same time it provides such public reports and investigations to the Commission.

~~GE.~~ The OIG shall have four primary functions: (1) monitoring the Sheriff's Department's operations, the conditions in the jail facilities of confinement in the jails and other custody-related facilities, including monitoring the provision of services to inmates and the conduct of contractors and employees who provide such services, including, but not limited to, medical, pharmaceutical, and mental health services, and the Sheriff's Department's response to inmate and public complaints related to the Sheriff's Department operations or conditions of confinement, including provisions of services to inmates and the conduct of contractors and employees who provide such services; (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, the Commission, 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.

G. The OIG is specifically authorized to monitor compliance with civil rights laws and to review inmate health information to determine compliance with such laws.

~~DH.~~ Without interfering with the Sheriff's investigative functions, the OIG shall have the authority to undertake an inquiry and audit or perform monitoring at the request of the Board of Supervisors, the Commission, or the Sheriff, or on its own initiative. ~~€~~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~~makes a factually based determination 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 or his staff 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 Commission and the Board of Supervisors and shall make regular reports to the Commission and 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 or contain confidential inmate medical or mental health records or protected health information of inmates. 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. The Inspector General shall also serve as special counsel to the Commission and have an attorney-client relationship with the Commission.

FJ. 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, inmate medical and mental health records, and protected health information of inmates 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. The OIG shall not make any use of a compelled statement or any evidence therefrom that would jeopardize a criminal investigation.

GK. The confidentiality of peace officer personnel records, inmate medical and mental health records, protected health information of inmates, 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 sharing of information with 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 is not a disclosure. The OIG

shall not disclose any confidential inmate medical or mental health records or protected health information of inmates, unless the disclosure is permitted by law.

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