

PROPOSED AMENDMENTS TO CHARTER SECTION 4.137

Last Updated: February 20, 2024 JDS

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SEC. 4.137. SHERIFF'S DEPARTMENT OVERSIGHT.

(a) **Establishment of Oversight Board.**

(1) ~~The Sheriff's Department Oversight Board ("SDOB") is hereby established. established in November 2020 shall be renamed Board of Sheriff Oversight ("BSO") to distinguish BSO as a separate entity from the Sheriff's Department, now known as the Sheriff's Office. The SDOB BSO shall consist of seven members.~~ The Board of Supervisors shall appoint four members (to Seats 1, 2, 3, and 4), and the Mayor shall appoint three members (to Seats 5, 6, and 7). Seat 4 shall be held by a person with experience in labor representation.

(2) Members shall serve four-year terms, beginning at noon on March 1, 2021; provided, however, the term of the initial appointees to Seats 1, 3, and 5 shall expire at noon on March 1, 2023, whereas the term of the initial appointees to Seats 2, 4, 6, and 7 shall expire at noon on March 1, 2025.

(3) No person may serve more than three successive terms as a member. No person having served three successive terms may serve as a member until at least four years after the expiration of the third successive term. Service for a part of a term that is more than half the period of the term shall count as a full term; further, this subsection (a)(3) makes no distinction between the two-year terms referenced in subsection (a)(2) and four-year terms.

(4) Members may be removed from office only for official misconduct under Article XV.

(5) ~~All members shall complete a 20 hours of training and orientation~~ orientation and training on custodial law enforcement, constitutional policing, and Sheriff's Department Office ("SFSDO") policies and procedures, within 90 180 days of assuming office for their first term. The Sheriff or the Sheriff's designee shall prescribe the content of and shall administer the ~~training and orientation~~ orientation and training regarding SFSDO patrol and custodial law enforcement, policies and procedures. ~~SFSD~~ The Inspector General and the Sheriff or the Sheriff's designee shall develop the ongoing training content based on guidelines recommended by the National Association of Civilian Oversight for Law Enforcement ("NACOLE") or successor association, the Bar Association of San Francisco or successor association, and/or the American Civil Liberties Union, and ~~SFSD~~ shall consult with the Department of Police Accountability, Public Defender, and the District Attorney in developing the training content.

(b) **SDOB BSO Powers and Duties.** ~~The SDOB BSO~~ shall:

(1) Appoint, and may remove, the Inspector General in the ~~Sheriff's Department Office of the~~ Inspector General ("OIG"), established in subsection (d).

(2) Evaluate the work of ~~the OIG~~, and may review the Inspector General's individual work performance.

(3) Compile, evaluate, and recommend law enforcement custodial and patrol best practices.

(4) Conduct community outreach and receive community input regarding ~~SFSDO~~ operations and jail conditions, by holding public meetings and soliciting input from persons incarcerated in ~~the~~ City and County facilities.

(5) Prepare and submit a quarterly report to the Sheriff and Board of Supervisors regarding ~~the~~ SDOB BSO evaluations and outreach, and OIG reports submitted to ~~SDOB BSO~~.

(6) By March 1 of each year, prepare and present to the Board of Supervisors or a committee designated by the President of the Board, an annual report that includes a summary of ~~SDOB BSO~~ evaluations and outreach, and OIG reports submitted to ~~SDOB BSO~~, for the prior calendar year.

(c) In performing its duties, ~~the SDOB BSO~~ may hold hearings, issue subpoenas to witnesses to appear and for the production of evidence, administer oaths, and take testimony.

(d) **Establishment of Office of the Inspector General.** There is hereby established the Sheriff's Department Office of Inspector the General ("OIG"), which shall be a department under the SDOB BOS, and separate from the Sheriff's Department Office. The OIG shall be headed by the Inspector General, appointed by the SDOB BSO as set forth in subsection (b)(1). The Inspector General shall be exempt from civil service selection, appointment, and removal procedures.

(e) **OIG Powers and Duties.** The OIG shall:

(1) Receive, review, and investigate complaints against SFSDO employees and SFSDO contractors, between SFSO employees, or between SFSO employees and SFSO contractors; provided, however, that the OIG shall refer complaints alleging criminal misconduct to the District Attorney, and refer complaints alleging violations of ethics laws to the Ethics Commission.

(2) Investigate the death of any individual in the custody of the SFSDO. The OIG shall refer evidence of criminal misconduct regarding any death in custody to the District Attorney. Notwithstanding such a referral, the OIG may continue to investigate a death in custody unless OIG's investigation will interfere with a criminal investigation conducted by the District Attorney, or any law enforcement agency to which the District Attorney may refer the evidence of criminal misconduct.

(3) Recommend disciplinary action to the Sheriff where, following an investigation pursuant to subsection (e)(1) or (e)(2), the OIG determines that an employee's actions or omissions violated law or SFSDO policy; provide notice of and a copy of the recommendation, the reasons for the recommendation, and supporting records, to the extent permitted by State or federal law, to the employee; and, make available to the public any records and information regarding OIG's disciplinary recommendations to the extent permitted by State or federal law.

(4) Develop and recommend to the Sheriff an SFSDO use of force policy and a comprehensive internal review process for all use of force and critical incidents.

(5) Prepare and submit a quarterly report to the Sheriff and the SDOB BSO regarding OIG investigations that includes the number and type of complaints under subsection (e)(1) filed; trend analysis; the outcome of the complaints; any determination that the acts or omissions of an employee or contractor, in connection with the subject matter of a complaint under subsection (e)(1), or a death in custody under subsection (e)(2), violated law or SFSDO policy; the OIG's recommendations, if any, for discipline; the outcome of any discipline recommendations; and, the OIG's policy recommendations under subsection (e)(4).

(6) Monitor SFSDO operations, including the provision of services to incarcerated individuals, through audits and investigations, to ensure compliance with applicable laws and policies.

(7) Submit an audit report to the Sheriff and BOS and risk management recommendations no less than every other year beginning with a first report in 2026.

(f) In performing its duties, the OIG may hold hearings, issue subpoenas to witnesses to appear and for the production of evidence, administer oaths, and take testimony. The OIG also may request and the Sheriff shall require the testimony or attendance of any SFSO employee of the SFSO.

(g) **Cooperation and Assistance from City Departments.** In carrying out their duties, the SDOB BSO and OIG shall receive prompt and full cooperation and assistance from all City departments, officers, and employees, including the Sheriff and SFSDO and its employees, which shall, unless prohibited by State or federal law, promptly produce all records and information requested by the SDOB BSO or OIG, including but not limited to (1) personnel and disciplinary records of SFSDO employees, (2) SFSDO criminal investigative files, (3) health information pertaining to incarcerated individuals subject to federal Health Insurance Portability and Accountability Act (HIPAA) Privacy Rights and other applicable privacy laws; and, (4) all records

and databases to which the SFSDO has access, regardless of whether those records pertain to a particular complaint or incident. The Sheriff also shall, unless prohibited by State or federal law, allow the OIG unrestricted and unescorted access to all facilities, including the jails. The SDOB BSO and OIG shall maintain the confidentiality of any records and information it receives or accesses to the extent required by local, State, or federal law governing such records or information.

In carrying out their duties, the SDOB BSO and OIG shall cooperate and collaborate with organizations that contract with SFSD to provide legal services to incarcerated individuals.

(h) **Budget and Staffing.** Subject to the fiscal, budgetary, and civil service provisions of the Charter, the OIG staff shall include no fewer than one investigator for every 100 sworn SFSDO employees or for every 200 incarcerated individuals based on a three-year average, whichever is greater. No SDOB BSO or OIG staff, including the Inspector General, shall have been employed previously by a law enforcement agency the San Francisco Sheriff's Office or the San Francisco Police Department as a sworn law enforcement officer or by a San Francisco labor organization representing law enforcement employees.

(i) Nothing in this Section 4.137 shall prohibit, limit, or otherwise restrict the Sheriff or the Sheriff's designee from investigating the conduct of an employee or an SFSDO contractor of the SFSD, or taking disciplinary or corrective action permitted by City or State law.

(j) Nothing in this Section 4.137, including but not limited to subsections (f) and (g), is intended to or shall be interpreted to abrogate, interfere with, or obstruct the independent and constitutionally and statutorily designated duties of the Sheriff, including the Sheriff's duty to investigate citizens' complaints against SFSDO personnel and the duty to operate and manage the jails, the California Attorney General's constitutional and statutory responsibility to oversee the Sheriff, or other applicable State law. In carrying out their duties, the SDOB BSO and OIG shall cooperate and coordinate with the Sheriff so that the Sheriff, the SDOB BSO, and the OIG may properly discharge their respective responsibilities.

(Added by [Proposition D](#), Approved 11/3/2020)

SEC. 4.138. [REPEALED.]

(Added by [Proposition B](#), Approved 11/3/2020; repealed by [Proposition B](#), Approved 11/8/2022)

Amended by _____, Approved __ / __ / __.