

## SEC. 4.137. SHERIFF'S DEPARTMENT OVERSIGHT.

### (a) Establishment of Oversight Board.

(1) The Sheriff's ~~Office~~Department Oversight Board ("SO~~D~~OB") is hereby established. The SO~~D~~OB 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~~two successive terms as a member. No person having served ~~two~~three successive terms may serve as a member until at least four years after the expiration of the ~~second~~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) Within 180 days of assuming office for their first term, each Board member shall receive 20 hours of orientation and training on constitutional policing, civilian oversight practices and principles, custodial law enforcement, and Sheriff's Office ("SFSO") policies and procedures. The Inspector General and the Sheriff shall work together to develop the curriculum, which shall be based on guidelines recommended by the National Association for Civilian Oversight for Law Enforcement ("NACOLE"), the Bar Association of San Francisco or successor association, and the San Francisco Public Defender's Office. The training shall be administered by the appropriate experts as determined by the content.~~

~~(5) All members shall complete a training and orientation on custodial law enforcement, constitutional policing, and Sheriff's Department ("SFSD") policies and procedures, within 90 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 regarding SFSD patrol and custodial law enforcement, policies and procedures. SFSD shall develop the 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) **SO~~D~~OB Powers and Duties.** The SO~~D~~OB shall:

(1) Appoint, and may remove, the Inspector General in the Sheriff's Department Office of 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 SFSO~~D~~ operations and jail conditions, by holding public meetings and soliciting input from persons incarcerated in the City and County.

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

(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 SO~~D~~OB evaluations and outreach, and OIG reports submitted to SO~~D~~OB, for the prior calendar year.

(c) In performing its duties, the SO~~D~~OB 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 Inspector General.** There is hereby established the Sheriff's ~~Office~~~~Department~~ Office of Inspector General ("OIG"), which shall be a department under the ~~SOB~~SOB, and separate from the Sheriff's Department. The OIG shall be headed by the Inspector General, appointed by the ~~SOB~~SOB 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 ~~SFS~~SFS employees and ~~SFS~~SFS 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 ~~SFS~~SFS. 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 ~~SFS~~SFS 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 ~~SFS~~SFS 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 ~~SOB~~SOB 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 SFS policy; the OIG's recommendations, if any, for discipline; the outcome of any discipline recommendations; audits conducted by the OIG; and the OIG's policy recommendations under subsection (e)(4).

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

(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 employee of the ~~SFS~~SFS.

(g) **Cooperation and Assistance from City Departments.** In carrying out their duties, the ~~SOB~~SOB and OIG shall receive prompt and full cooperation and assistance from all City departments, officers, and employees, including the Sheriff and ~~SFS~~SFS and its employees, which shall, unless prohibited by State or federal law, promptly produce all records and information requested by the ~~SOB~~SOB or OIG, including but not limited to (1) personnel and disciplinary records of ~~SFS~~SFS employees, (2) ~~SFS~~SFS criminal investigative files,

(3) health information pertaining to incarcerated individuals; and (4) all records and databases to which the ~~SFS~~SFS 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 and members of the SOB unrestricted and unescorted access to all facilities, including the jails. The ~~SOB~~SOB 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 ~~SOB~~SOB and OIG shall cooperate and collaborate with organizations that

contract with SFSO~~D~~ 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 line, non-supervisory investigator for every 100 sworn SFSO ~~D~~ employees. Whenever the ratio of investigators to sworn SFSO employees specified by this section is not met for more than 30 consecutive days, the Inspector General shall have the power to hire, and the City Controller must pay, temporary investigators to meet such staffing requirements. No SDOB or OIG staff, including the Inspector General, shall have been a uniformed or a sworn member with peace officer status of the San Francisco Sheriff's Office employed previously by a law enforcement agency or an employee of a labor organization representing law enforcement employees.

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**Commented [JW1]:** This language duplicates similar language in Section 4.136 (c) regarding minimum investigative staffing at the Department of Police Accountability.

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(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 contractor of the SFSO~~D~~, 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 SFSD 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 and OIG shall cooperate and coordinate with the Sheriff so that the Sheriff, the SDOB, and the OIG may properly discharge their respective responsibilities.

(k) At least every 3 years, an entity independent of the SOOB and the OIG shall evaluate the structure, performance, staffing and resources of the OIG and the powers, duties and structure of the SOOB to determine whether they are consistent with effective practices in the national civilian oversight of law enforcement community, and whether the need exists to make changes to improve the performance of the OIG or the effectiveness of the SOOB.

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