

#### 6.44.190 - Office of Inspector General.

- A. As part of the Board of Supervisors' duty to supervise the official conduct of County officers under Government Code section 25303, the Office of Inspector General ("OIG") is created in the Department of the Board of Supervisors to promote constitutional policing and the fair and impartial administration of justice, and to facilitate the Board of Supervisors' responsibility without obstructing the Sheriff's criminal investigative function. The OIG's scope includes matters relevant to the policies, procedures, practices, and operations of the Sheriff's and Probation departments (collectively, the "Departments"). In accordance with Government Code section 25303, the OIG shall have access to all Departments' information; documents; materials; facilities; and meetings, reviews, and other proceedings necessary to carry out the OIG's duties under this section.
- B. The OIG shall provide, within its scope of authority, independent and comprehensive oversight, monitoring of, and reporting about the Departments; the County's custody or detention facilities; and the departments, contractors, and employees involved with the Departments, and serve as the investigative arm of the Los Angeles County Sheriff Civilian Oversight Commission ("COC") and Probation Oversight Commission ("POC") (collectively, the "Commissions"), 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: A 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 J, below. Any investigation conducted under this subsection shall comply with Government Code section 3300, et seq., commonly known as the Public Safety Officers Procedural Bill of Rights Act, if applicable.
  - (4) Monitoring: A 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 Commissions shall supervise and evaluate all work performed by the Inspector General that is done at their respective requests. The Executive Officer of the Board of Supervisors shall supervise and evaluate both the Commissions and the Inspector General. When there is a vacancy in the Office of the Inspector General, the Commissions may each nominate a successor, subject to final appointment by the Board of Supervisors. A decision to terminate the Inspector General may be initiated by the Board of Supervisors with the input of the Commissions or may be recommended to the Board of Supervisors by either commission. The Board of Supervisors shall make all final decisions regarding vacancies or terminations for the position of Inspector General.
- E. The OIG shall provide its public reports and investigations to the Board of Supervisors and the Sheriff or the Chief Probation Officer ("CPO"), as appropriate, at the same time it provides such public reports and investigations to the COC or POC as applicable. Before public release, the Inspector General may allow involved departments a reasonable opportunity to verify that the reports do not contain confidential or erroneous information.
- F. The OIG's functions include the following:
  - (1) Monitoring the Departments' operations, the conditions of confinement in the County's custody or detention facilities, including monitoring in-progress investigations, the provision of services to inmates and probationers, and the conduct of contractors and employees who provide such services, including medical, pharmaceutical, and mental health services, and the Departments'

responses to complaints related to the Departments' operations, the conditions of confinement, including the supervision and provision of services to inmates and probationers, and the conduct of contractors and employees who provide such services;

- (a) As part of this function, the OIG may attend meetings, reviews, and proceedings regarding the Departments' incidents, operations, investigations, disciplinary matters, and corrective actions, unless the OIG's presence would obstruct an ongoing criminal investigation; and
    - (b) The OIG is specifically authorized to monitor compliance with civil rights laws and to review health information, as permitted by law, to determine compliance with such laws;
  - (2) Reviewing the Departments' use-of-force patterns, trends, and statistics, the Departments' investigations of force incidents and allegations of misconduct, and the Departments' disciplinary decisions;
  - (3) Reviewing the quality of the Departments' internal audits and inspections and conducting its own audits and inspections;
  - (4) Regularly communicating with the public, the Board of Supervisors, the Commissions, and the Departments regarding OIG findings. Complaints relating to specific conduct shall be referred, with the permission of the complainant, to the appropriate department for action consistent with Penal Code section 832.5 and other applicable laws; and
  - (5) Issuing subpoenas for records, documents, information, or testimony when directed to do so upon action by the Board of Supervisors or the COC or POC, and administering oaths pursuant to Government Code sections 53060.4 and 24057 to effectuate any subpoenas issued under this section. The records, documents, and information received by the OIG may be provided to the directing party in compliance with all laws and consistent with subsection J of this section.
- G. The OIG shall have the authority to undertake an inquiry and audit or perform monitoring at the request of the Board of Supervisors, the COC or POC, or the Sheriff or the CPO, or on its own initiative. The OIG shall have the authority to investigate matters involving the Departments, employees of the Departments, or any other entity or service provider regarding matters within the authority of the Commissions in the following circumstances:
- (1) When requested by, or with authorization of, the Sheriff or the CPO, as appropriate;
  - (2) When the Inspector General makes a factually based determination that such investigation is necessary and appropriate; provided, however, that the Inspector General shall, when appropriate, first meet and confer with the Sheriff or CPO or the Sheriff or CPO's staff for their respective departments and afford the applicable department the reasonable opportunity to respond (not to exceed 30 calendar days) before the OIG conducts an investigation pursuant to this subpart; or
  - (3) When the Board of Supervisors or the COC or POC makes a formal request to the Inspector General.
- H. The Inspector General shall serve as an agent of the Board of Supervisors and the Commissions and shall make regular reports to the Board of Supervisors and to each Commission on the appropriate 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 juvenile, medical or mental health records, or protected health information.

The OIG shall work under the direction of the Inspector General, who shall be a member of 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, lawsuit, or matter giving rise to significant exposure to litigation arising out of the actions of the Departments or their personnel.

The Inspector General shall also serve as special counsel to the Commissions and have an attorney-client relationship with the Commissions consistent with the attorney-client relationship the Inspector General has with the Board of Supervisors.

- I. The Departments and their employees and all other County departments shall cooperate with the OIG and promptly provide any information or records requested by the OIG, including confidential peace officer personnel records, juvenile records, medical and mental health records, and protected health information necessary for the OIG to carry out its duties. The OIG may direct the manner in which information is provided. The OIG shall not make any use of a compelled statement or any evidence therefrom that would jeopardize a criminal investigation. Failure to comply may result in disciplinary action at the involved department's discretion.
- J. The confidentiality of peace officer personnel records, juvenile records, medical and mental health records, protected health information, 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 and as necessary to maintain any applicable privileges or the confidentiality of the information. The OIG shall not disclose any confidential records, including peace officer personnel records, juvenile records, medical and mental health records, or protected health information, unless the disclosure is permitted by law. Other than juvenile records (Welfare and Institutions Code section 827), the OIG's sharing of information, including confidential information, with the COC staff, POC staff, or ad hoc committees of the Commissions does not constitute a disclosure. The OIG's sharing of information including confidential and juvenile information with the Board of Supervisors does not constitute a disclosure.
- K. Nothing in this section shall be interpreted or applied so as to create any power or duty in conflict with any federal or State law. Nothing in this section is designed to obstruct the criminal investigative function of the Sheriff. If any provision of this section or the application thereof to any person or circumstance is held invalid, the remainder of this section or the application of such provision to other persons or circumstances shall not be affected thereby.

(Ord. 2020-0007 § 2, 2020: Ord. 2016-0049 § 1, 2016: Ord. 2014-0034 § 2, 2014.)