

ANALYSIS

This Ordinance amends Title 6 – Salaries of the Los Angeles County Code, Section 6.44.190, related to the Office of Inspector General, to access Sheriff's Department and Probation Department information, documents, and testimony necessary for the oversight functions of the Sheriff Civilian Oversight Commission and the Probation Oversight Commission, respectively, and to issue a subpoena for such information when deemed necessary by the Board of Supervisors or a majority of members of the appropriate commission. This Ordinance also amends Title 5 – Personnel of the Los Angeles County Code, Chapter 5.64, the County Badge Ordinance, to authorize the Executive Office of the Board of Supervisors to issue badges to the Inspector General, deputy inspectors general, and inspector general investigators.

MARY C. WICKHAM
County Counsel

By 

VERONICA PAWLOWSKI
Deputy County Counsel
Social Services Division

VP:jn

Requested: 01/07/20

Revised: 01/21/20

ORDINANCE NO. 2020-0007

An ordinance amending Title 5 – Personnel and Title 6 – Salaries of the Los Angeles County Code, relating to the Office of Inspector General.

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

SECTION 1. Section 5.64.130 is hereby amended to read as follows:

5.64.130 Issuance—Executive Officer of the Board of Supervisors

Order Prerequisite—Criteria.

Notwithstanding anything to the contrary in Ordinance 7753 and this chapter, no badge may be issued except by order of the Executive Officer of the Board of Supervisors. A County badge may be issued to and possessed by only those persons who meet one or more of the following criteria:

A. County officers and employees who are required to wear a uniform and whose duties include the enforcement of penal statutes and ordinances a substantial portion of the time, or sheriff's personnel as designated by the sheriff and approved by the Executive Officer of the Board of Supervisors.

B. County officers and employees who are peace officers pursuant to the provisions of sections 830 et seq. of the California Penal Code.

C. County personnel holding the following positions:

—Public ~~d~~Defender investigators,

—Building inspectors,

—Animal control inspectors,

—Agricultural inspectors,

- Deputy fish and game warden,
- Weights and measures inspectors,
- Warrant investigators,
- Treasurer-Tax collector investigators,
- County eCounsel investigators,
- Deputy dDistrict aAttorneys,
- Deputy public administrators/Guardians,
- Superior eCourt clerks,
- Ambulance medical technicians,
- Ambulance drivers,
- Inspector General, deputy inspectors general, and inspector general investigators.

D. Persons designated by the Director of Health Services and approved by the Executive Officer of the Board of Supervisors who are assigned to perform public health investigations, health facilities investigations, environmental health work, hazardous materials management work, or radiation protection work as a member of an environmental health unit.

E. Persons who retire from a position described in subsections A or B of this Section.

SECTION 2. 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~~County officers under Government Code section 25303, the Office of Inspector General ("OIG") is created in the ~~d~~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 the fair and impartial administration of justice, and to facilitate the Board of Supervisors' responsibility without interfering with~~obstructing the Sheriff's criminal investigative functions. The OIG's ~~shall focus on~~scope includes matters relevant to ~~department-wide~~the policies and, procedures, practices, and operations of the Sheriff's and Probation departments (collectively, the "Departments") ~~and shall not interfere with criminal, personnel, and other investigations by the Sheriff's Department. 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 ~~Sheriff's Departments; and its jail~~the County's custody or detention facilities; and the departments, contractors, and employees involved with the jailsDepartments, 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 ~~G~~athering 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 ~~G~~athering 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")~~Commissions shall supervise and evaluate all work performed by the Inspector General that is done at their respective requests ~~of the Commission~~. 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 ~~shall~~may be ~~either~~ initiated by the Board of Supervisors with the input of the Commissions or may be recommended ~~by the Commission, subject to the final decision~~ of 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 Commission POC or 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 ~~shall have four primary functions~~ include the following:

(1) ~~m~~Monitoring the Sheriff's Department's' operations, the conditions of confinement in the ~~jails and other custody-related~~ 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, ~~but not limited to,~~ medical, pharmaceutical, and mental health services, and the Sheriff's Department's' responses to inmate and public complaints related to the Sheriff's Departments'

~~operations or,~~ the conditions of confinement, including the supervision and
provisions 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) ~~periodically r~~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) ~~r~~Reviewing the quality of the Departments' internal audits and
inspections ~~conducted by the Sheriff's Department~~ and conducting its own
~~periodic~~ audits and inspections; ~~and~~

(4) ~~r~~Regularly communicating with the public, the Board of
Supervisors, the Commissions, and the ~~Sheriff's Departments~~ regarding the
~~Sheriff's Department's operations~~ OIG findings. Complaints relating to specific
conduct shall be referred, with the permission of the complainant, to the ~~Sheriff's~~

appropriate Department for action pursuant to 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 is specifically authorized to monitor compliance with civil rights laws and to review inmate health information to determine compliance with such laws.~~

~~HG. Without interfering with the Sheriff's investigative functions, t~~The OIG shall have the authority to undertake an inquiry and audit or perform monitoring at the request of the Board of Supervisors, the CommissionCOC or POC, or the Sheriff or the CPO, or on its own initiative. The OIG shall have the authority to investigate specific incidentsmatters involving Sheriff's Department personnel onlythe 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 the ~~Sheriff's Department has not adequately investigated an incident~~such

investigation is necessary and appropriate; provided, however, that the Inspector General shall, when appropriate, first meet and confer with the Sheriff or his CPO or the Sheriff or CPO's staff for their respective departments and afford the ~~Sheriff's Department~~applicable department the reasonable opportunity to ~~investigate the incident further~~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 ~~for privileged legal advice pertaining to a claim or lawsuit arising out of the actions of the Sheriff's Department or its personnel.~~

~~H.~~ The Inspector General shall serve as an agent of ~~the Commission~~ and the Board of Supervisors and the Commissions and shall make regular reports to the ~~Commission and the Board of Supervisors~~ and to each Commission on the Sheriff's ~~Department's~~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 ~~inmate~~juvenile, 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~~ 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 ~~or~~, lawsuit, or matter giving rise to

significant exposure to litigation arising out of the actions of the ~~Sheriff's Departments~~ or ~~its~~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.

J. The ~~Sheriff's Departments~~ and their employees and all other County departments shall cooperate with the OIG and promptly ~~supply~~provide any information or records requested by the OIG, including confidential peace officer personnel records, juvenile records, ~~inmate~~ medical and mental health records, and protected health information of ~~inmates~~ necessary for the OIG to carry out its duties; The OIG may direct the manner in which information is 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. Failure to comply may result in disciplinary action at the involved department's discretion.

K. The confidentiality of peace officer personnel records, juvenile 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~~and 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 records, including peace officer personnel, investigative, or disciplinary information unless such information is already a matter of public record. The 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 records, juvenile records, medical or and mental health records, or protected health information of inmates, 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.

[564130VPCC]

SECTION 3 This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.



Kathryn Barger
Chair

ATTEST:

Celia Zavala

Celia Zavala
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of January 28, 2020 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes

Supervisors Hilda Solis
Mark Ridley-Thomas
Sheila Kuehl
Janice Hahn
Kathryn Barger

Noes

Supervisors None

Effective Date: February 27, 2020

Operative Date:

Celia Zavala

Celia Zavala
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

hereby certify that pursuant to
Section 25103 of the Government Code,
delivery of this document has been made.

CELIA ZAVALA
Executive Officer
Clerk of the Board of Supervisors

By [Signature]
Deputy



APPROVED AS TO FORM:
MARY C. WICKHAM
County Counsel

By [Signature]
Lester J. Tolnai
Chief Deputy County Counsel