<u>Sheriff's Department Office of Inspector General and Sheriff's Department Oversight Board</u>*
Digest by the Ballot Simplification Committee

Status:	Draft for Consideration
On:	Thursday, July 23, 2020
Members:	Packard, Anderson, Girardin, Patterson

Deadline to Request Reconsideration: TBD

The Way It Is Now: The Sheriff is elected by San Francisco voters. Under the City Charter and state law, the Sheriff's primary duties are to manage and operate City jails and to carry out the City's responsibilities regarding persons in custody in these facilities. These responsibilities include providing food and health care, as well as access to in-custody programs relating to education, job training, substance use, family-related services, and re-entry.

The Sheriff's Department has about 800 sworn employees who work under the Sheriff's direction. The Internal Affairs Bureau of the Sheriff's Department may investigate deaths of persons that occur in the department's custody ("in-custody deaths") and other employee misconduct. The Sheriff's Department also has a policy that governs the use of force by its sworn employees in carrying out their duties.

There is no City department or City body dedicated solely to overseeing the Sheriff or the Sheriff's Department. The District Attorney may investigate and prosecute criminal misconduct committed by Sheriff's Department staff, and the San Francisco Ethics Commission may investigate violations of conflict of interest and ethics laws.

The Proposal: Proposition __ would amend the Charter to create the Sheriff's Department Office of Inspector General ("OIG") and the Sheriff's Department Oversight Board ("Oversight Board").

The OIG would be a new City department—separate from the Sheriff's Department—and would operate under the Oversight Board's direction. The Inspector General would head this new department. The new OIG would have at least one investigator for every 100 sworn employees of the Sheriff's Department.

Subject to certain limitations, the OIG would have the power to:

•   investigate certain complaints regarding Sheriff's Department's employees and contractors;

•   investigate in-custody deaths, unless that investigation would interfere with a law enforcement criminal investigation;

•   recommend the Sheriff take disciplinary action when the OIG determines an employee violated the law or Sheriff's Department policy;

•   make recommendations regarding the Sheriff's Department's use of force policy; and

•   monitor Sheriff's Department operations.

In addition to the OIG, the Internal Affairs Bureau of the Sheriff's Department would maintain its ability to investigate in-custody deaths and employee misconduct.

The Oversight Board would consist of seven members, four appointed by the Board of Supervisors and three appointed by the Mayor. Subject to certain limitations, the Oversight Board would has the power to:

•   appoint and remove the Inspector General, and evaluate the performance of the OIG and the Inspector General individually;

Working title, for identification only. The Director of Elections determines the title of each local ballot measure; measure titles are not considered during Ballot Simplification Committee meetings.

- seek input from the public and persons in custody regarding the Sheriff's Department's operations and jail conditions; and

- make recommendations to the Sheriff's Department regarding best practices.

Subject to certain limitations, both the Oversight Board and the OIG would also have the power to hold hearings and to subpoena witnesses.

A "YES" Vote Means: If you vote "yes," you want to amend the Charter to create a Sheriff's Department Office of Inspector General and a Sheriff's Department Oversight Board to investigate complaints regarding Sheriff's Department employees and contractors and in-custody deaths, seek input from the public and persons in custody, and make recommendations to the Sheriff about the Department's use of force policy, disciplinary actions and best practices.

A "NO" Vote Means: If you vote "no," you do not want to make this change.