

Office of Inspector General

Section 6.44.190 of the Los Angeles County Ordinances is amended as follows:

- A. As part of the Board of Supervisors' duty to supervise the official conduct of the Sheriff under Government Code section 25303, the Office of Inspector General ("OIG") is created in the department of the Board of Supervisors. The OIG is created to promote constitutional policing and to promote the common interest of the Board and the Sheriff in effective and lawful policing and to facilitate the Board of Supervisors' responsibility without interfering with the Sheriff's investigative functions. The OIG shall focus on matters relevant to department-wide policies and procedures and shall not interfere with criminal, personnel, and other investigations by the Sheriff's Department. The Office of the Inspector General shall report to and be supervised by the Citizens Oversight Commission.
- B. The OIG shall provide independent and comprehensive oversight, monitoring of, and reporting about the Sheriff's Department and its jail facilities and the contractors and employees involved with the jails, as set forth in this Section under the leadership of an Inspector General appointed by the Commission and confirmed by the Board of Supervisors.

As used in this Ordinance, the terms "investigation," "audit," "inquiry" and "monitoring" shall have the following definitions:

1. Monitoring: Gathering of information regarding facilities and operations, including by direct observation, discussions with staff and public, and review of records, in order to identify problem areas.
2. Inquiry: Gathering of information as in monitoring, but with the goal of obtaining additional information regarding a potential problem area.
3. Audit: A formal process following professional guidelines to answer specific questions regarding specific operations.
4. Investigation: A formal gathering of information targeted at producing actionable information regarding an individual employee to be done in compliance with the Confidentiality Protection of Section ~~G~~ of this ordinance.

Supervision of the OIG. The Inspector General shall report to the Commission. The Commission shall supervise the work of the OIG and evaluate the Inspector General. When there is a vacancy in the office of the Inspector General, the Commission shall nominate a successor, subject to the confirmation of the Board of Supervisors.

Alternative A

A decision to terminate the Inspector General shall be recommended by the Commission, subject to the confirmation of the Board of Supervisors.

Alternate B

A decision to terminate the Inspector General shall be either made by the Board of Supervisors with the advice of the Commission or shall be recommended by the Commission, subject to the confirmation of the Board of Supervisors.

The OIG shall provide its reports and investigations to the Board and the Sheriff at the same time it provides them to the Commission.

The Board of Supervisors may directly request that the OIG undertake an investigation, audit, inquiry or monitoring.

- C. The OIG shall have four primary functions: (1) monitoring the Sheriff's Department's operations, conditions of confinement in jail and other custody-related facilities including monitoring the conduct of contractors and employees who provide services to inmates in custody, including, but not limited to, medical, pharmaceutical and mental health, and the Sheriff's Department's response to inmate and public complaints related to the Sheriff's Department operations; (2) periodically 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) reviewing the quality of audits and inspections conducted by the Sheriff's Department and conducting its own periodic audits and inspections; and (4) regularly communicating with the public, the Board of Supervisors, the Commission, and the Sheriff's Department regarding the Sheriff's Department's operations. Complaints relating to specific conduct shall be referred, with the permission of the complainant, to the Sheriff's Department for action pursuant to Penal Code section 832.5.

The OIG is specifically authorized by this ordinance to monitor civil rights issues for which health information is relevant and qualifies as a Health Oversight Agency pursuant to the federal Health Insurance Portability and Accountability Act of 1996 and any other relevant California or local laws.

- D. Without interfering with the Sheriff's investigative functions, the OIG shall have the authority to investigate specific incidents involving Sheriff's Department personnel only in the following circumstances:
1. when requested by, or with authorization of, the Sheriff;
 2. when the Inspector General determines that the Sheriff's Department has not adequately investigated an incident; provided, however, that the Inspector General shall first meet and confer with the Sheriff or his staff and afford the Sheriff's Department the opportunity to investigate the incident further before the OIG conducts an investigation pursuant to this subpart; or
 3. when the Board of Supervisors 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.

Without interfering with the Sheriff's investigative functions, the OIG shall have the authority to undertake an investigation, an inquiry and audit or perform monitoring at the request of the Board of Supervisors, the Sheriff, the Commission or at its own initiative.

- E. The Inspector General shall report directly to, and serve as an agent of the Commission and the Board of Supervisors and shall make regular reports to the Commission and the Board of Supervisors on the Sheriff's 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 protected inmate health information. The OIG shall work under the direction of the Inspector General, who shall be an attorney licensed by 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 arising out of the actions of the Sheriff's Department or its personnel. The Inspector General shall serve as special counsel to the Commission and have an attorney-client relationship with the Commission.
- F. The Sheriff's Department and all other County departments shall cooperate with the OIG and promptly supply any information or records requested by the OIG, including confidential peace officer personnel records, medical and mental health records and all other protected health information of inmates, necessary for the OIG to carry out its duties; 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 the incident without the authorization of the Sheriff. The Inspector General may authorize identification for staff to assist them in the performance of their duties, including lapel pins, pocket placards, and badges, provided that no such identification shall be authorized if a reasonable person would believe the bearer to be a peace officer.
- G. The confidentiality of peace officer personnel records, medical and mental health records and all other 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 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 personnel, investigative, or disciplinary information unless such information is already a matter of public record or the disclosure is to 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.