

Sheriff's Department Office of Inspector General and Sheriff's Department Oversight Board*
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. In San Francisco, the Sheriff's primary duties are managing and operating City jails, to be responsible for persons in custody or on parole, and preserving the peace as required by California State Law. 

The San Francisco Sheriff directs a staff of about 800 sworn deputies and staff. Under state law, the Board of Supervisors has no power to control the Sheriff in the performance of their duties. Sheriff's Office oversight generally is the responsibility of the Sheriff's Bureau of Internal Affairs. The City Attorney may investigate and prosecute criminal misconduct by the Sheriff and Sheriff's Department employees. The City's Ethics Commission may investigate violations of **standards** of professionalism. The Sheriff's Department also has a policy that governs the use of force by its sworn deputies. 

There is no City Department or **City** Body dedicated **solely** to oversight of the Sheriff or the Sheriff's Department. 

The Proposal: Proposition __ would amend the City 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 independent of the Sheriff's Department. An 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. The OIG would report to the Oversight Board and provide information and recommendations to the Sheriff.

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;
- Monitor Sheriff's Department operations; and
- Refer cases to the City Attorney or the City's Ethic Commission.

The Sheriff's Internal Affairs Bureau would maintain its ability to investigate in-custody deaths, violations of department policies and employee misconduct. Criminal misconduct may still be referred to the City Attorney.

The Oversight Board would consist of 7 members, 4 appointed by the Board of Supervisors, 3 appointed by the Mayor each serving 4-year terms. One of the Board of Supervisor's appointees must be a person with experience in labor and union issues.

Subject to certain limitations, the Oversight Board would have the power to:

**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.*

- Appoint, evaluate, renew and remove the Inspector General;
- Evaluate the performance of the Office of the Inspector General; and
- Seek input from the public and persons in custody regarding the Sheriff's Department's operations and jail conditions.

Based on information from the Office of Inspector General and its own processes, the Oversight Board would make no fewer than four reports a year to the Sheriff and the Board of Supervisors. The Oversight Board is also responsible for an annual report to the Sheriff and the Board of Supervisors about the activity of the OIG and the Oversight Board during that year.

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

Proposition ____ would not prohibit or limit the Sheriff from investigating the conduct of an employee or contractor or taking disciplinary or corrective action.

A "YES" Vote Means: If you vote "yes," you want to amend the City Charter to create a Sheriff's Department Office of Inspector General and a Sheriff's Department Oversight Board that would make recommendations to the Sheriff and the Board of Supervisors about the operations of the Sheriff's Department.

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