

Adopted:

June 21, 2022

## **COMMUNITY REVIEW COMMISSION RULES AND REGULATIONS**

### **SECTION 1. Authority**

The Community Review Commission (hereafter "the Commission") is established pursuant to Sacramento County Board of Supervisors Resolution Number 2021-0256 adopted May 4, 2021 (the "Establishing Resolution"). The Commission shall be governed by the Establishing Resolution and these Community Review Commission Rules and Regulations (the "Rules and Regulations"). The Commission shall be subject to the Ralph M. Brown Act (the "Brown Act"). Legal services shall be provided solely by County Counsel unless determined otherwise by County Counsel or the Board of Supervisors. Service on this Commission does not provide special or additional access to confidential information beyond what is allowed by law and members of the Commission shall be subject to all applicable limitations and laws concerning confidentiality, including but not limited to County policies.

### **SECTION 2. Powers and Duties of the Commission**

As provided by the Establishing Resolution, in a support role to the Office of Inspector General, and acting as a conduit between the community and the Office of Inspector General, the powers and duties of the Commission shall be as follows:

A. Work with the Office of Inspector General to develop an annual review to the Board of Supervisors concerning complaints and public concerns received from the community related to Sheriff operations, policies and procedures. When appropriate, provide an independent report to the Board of Supervisors;

B. Review, analyze and where appropriate solicit community input, and make recommendations to the Office of Inspector General on the Sheriff's Office operational policies and procedures that affect the community or make recommendations to create additional operational policies and procedures affecting the community;

C. Review policy recommendations made by outside entities or recommendations made in other reports that, in the judgment of the Commission, merit its analysis and report to the Office of Inspector General whether or not the recommendation(s) should be implemented by the Board of Supervisors or the Sheriff or, if the recommendation(s) is being implemented, the status of implementation. The Commission's reports shall

contain an analysis supporting its recommendations and shall seek the input of the Office of Inspector General before publishing its reports;

D. Obtain community input and feedback on specific incidents involving the use of force, detention conditions, or other civil rights concerns regarding the Sheriff's Department, convey to the Office of Inspector General community complaints, concerns or positive feedback received by the Commission, and where appropriate, make recommendations;

E. Function as a bridge between the Office of Inspector General and the community by providing the community an additional means of giving input to the Office of Inspector General, bringing an additional perspective to the Office of Inspector General's decision-making to ensure an ongoing balance between the sometimes competing factors of ensuring public safety and constitutional, civil and human rights, and communicating community concerns to the Office of Inspector General that otherwise might not be as clear or might go unnoticed;

F. Following the affirmative vote of two-thirds (2/3) of those Commission members present and in compliance with these Rules, the Chair of the Commission may issue a subpoena or subpoena duces tecum in accordance with Sections 1985 to 1985.4, inclusive, of the Code of Civil Procedure whenever the Commission deems it necessary or important to examine the following:

(1) Any person as a witness upon any subject matter within the jurisdiction of the Commission.

(2) Any officer of the County in relation to the discharge of their official duties on behalf of the Sheriff's Department upon any subject matter within the jurisdiction of the Commission.

(3) Any books, papers, or documents in the possession of or under the control of a person or officer relating to the affairs of the Sheriff's Department upon any subject matter within the jurisdiction of the Commission.

A subpoena shall be served in accordance with Sections 1987 and 1988 of the Code of Civil Procedure. If a witness fails to attend, or in the case of a subpoena duces tecum, if an item is not produced as set forth therein, the Chair or the Chair authorized deputy issuing the subpoena upon proof of service thereof, may certify the facts to the Sacramento Superior Court. The Chair or the Inspector General shall confer with County Counsel prior to issuing a subpoena.

G. Serve in an advisory capacity to the Office of Inspector General and Board of Supervisors, and without the authority to manage or operate the Sheriff's

Department or direct the activities of Sheriff's Department employees, including but not limited to the imposition of discipline;

H. Participate on speakers' bureaus on issues relevant to the Commission; and,

I. Such other activities that are consistent with the purpose of the Commission at the request of the Office of Inspector General.

### **SECTION 3. Commission Membership**

A. The Commission shall consist of eleven (11) members of the public, with two (2) members appointed by each member of the Board of Supervisors and one (1) member of staff from the County of Sacramento appointed by the County Executive.

B. All members shall complete a training and orientation on custodial law enforcement, constitutional policing, and Sacramento Sheriff's Office policies and procedures within ninety (90) days of assuming office. The type and length of training will be determined by County staff.

### **SECTION 4. Members Appointment and Term of Office**

A. Members shall serve for a term of two years. A member may be reappointed at the discretion of the appointing Supervisor or the County Executive Officer for one additional two-year term.

B. The position of any member who fails to attend, in succession, three or more regular meetings of the Commission shall automatically become vacant and a replacement shall be appointed by that district's Supervisor.

C. Members shall serve without compensation for their service on the Commission.

### **SECTION 5. Rules of Order**

Meetings shall follow Robert's Rules of Order (most current version), except as otherwise proved by these Rules and Regulations.

### **SECTION 6. Meetings**

The Commission shall meet at least four (4) times per year or as necessary, according to the Officer of Inspector General or the Chair. The Commission shall establish a regular meeting place and time and a meeting schedule. Special meetings may be called as provided in the Brown Act. The Clerk of the

Board of the Sacramento County Board of Supervisors shall serve as clerk of the Commission and provide record of meetings as customary to the Board of Supervisors.

**SECTION 7. Notices and Agenda: Regular Meetings**

The Chair in conjunction with assigned County staff, shall be responsible for advising the Clerk of the Board of agenda items. Items may be placed on the Commission agenda by the Chair or by majority vote of the Commission.

**SECTION 8. Quorum and Voting**

An affirmative vote of the Commission is required to take any action to exercise the powers and duties of the Commission. Six (6) members of the Commission must be present to constitute a quorum for the conduct of Commission business. Members must be present in person at the meeting in order to vote unless provided otherwise by law. Where a quorum is present, action may be taken only by a majority vote of the members at the meeting, unless specified otherwise in these Rules and Regulations. A tie vote on a motion means the motion did not pass, in which case a motion for reconsideration may be allowed.

**SECTION 9. Order of Business**

Generally, the order of business for regular Commission meetings shall be:

1. Call to order and roll call
2. Non-Agenda public comment
3. Chair's report
4. Information items
5. Action items
6. Commission comments/announcements
7. Adjournment

**SECTION 10. Commission Officers**

The Officers of the Commission shall be Chair and Vice Chair, who shall be elected by the Commission and serve in that capacity for a one-year term beginning on July 1<sup>st</sup> of each year. The Chair and Vice Chair shall serve at the pleasure of the Commission and may be removed from office by an affirmative vote of two-thirds (2/3) of those Commission members present. The Chair and Vice Chair shall not be appointed from the same district.

**SECTION 11. Duties of Chair and Vice Chair**

The Chair shall have the following duties:

1. Presiding at meetings.

2. Imposing reasonable time limits on any speakers in order to effectuate the orderly transaction of Commission business.
3. Appearing before other bodies and the public to present and discuss the official actions of the Commission and comment to the press.
4. Working with the Clerk of the Board and assigned County staff to develop meeting agendas with the required advance notice prior to each meeting as determined by the Clerk of the Board.
5. Sign all subpoenas issued by the Commission.

The Vice Chair shall assume the duties of the Chair in the absence or incapacity of the Chair. In the event of absence or incapacity of both the Chair and Vice Chair, the appointed County staff member shall assume the duties of the Chair until a new Chair and Vice Chair are elected.

### **SECTION 12. Vacancies in Offices and Membership**

Vacancies in the offices of Chair and Vice Chair shall be filled by election at the next regular meeting after the vacancy occurs and the vacancy is announced at a meeting of the Commission. In the event of vacancy of the Chair, the Vice Chair shall temporarily fill the vacancy until the election for the new Chair. Commissioners shall serve at the pleasure of the Board of Supervisors or the County Executive Officer. Commissioners wishing to resign shall communicate directly in writing to the Commission Chair. The Clerk of the Board or Chair shall advise the Board of Supervisors of any membership vacancy which may occur.

### **SECTION 13. Statements from the Commission**

All Commission press releases and statements shall be approved by the Chair, Vice Chair and a designee appointed by the Commission from a district not represented by the Chair or Vice Chair. Draft press releases and statements may be provided to the County Executive appointee for review. Only the Chair, or the Vice Chair if the Chair is unavailable, shall make any approved statements, verbal or written, on behalf of the Commission.

The designee shall be appointed at the same time as the Chair and Vice Chair, serve a term of one-year and may be removed from office by an affirmative vote of two-thirds of those Commission members present.

### **SECTION 14. Ad Hoc Committees**

The Commission may establish ad hoc committees on subjects within the powers and duties of the Commission. The Chair may appoint the ad hoc committee Chair with concurrence of the Commission.

## **SECTION 15. Subpoena Protocol**

The Commission may issue a subpoena independent of the Inspector General for information within the scope of its powers and duties contained in section 2, paragraphs A through E above only and all Commission subpoenas must follow the following protocol. Before use of a subpoena may be considered, an effort must be made to obtain whatever is being considered to be sought by subpoena, by other voluntary means without the use of a subpoena. If such effort is unsuccessful, the Commission may approve by an affirmative vote of two-thirds (2/3) of those Commission members present, that the Commission finds the requested information falls within the powers, duties, and scope of the Commission and request the Chair to make a request to County Counsel to prepare a draft subpoena, which request should be made as soon as possible but at least five (5) working days in advance, or such other time agreed to by County Counsel. The Chair shall inform the Inspector General of all requests for draft subpoenas made to County Counsel at the time the request is made to County Counsel. All subpoenas shall require conferring with County Counsel regarding whether the requested subpoena is within the powers and duties of the Commission and in compliance with these Rules and Regulations and applicable law before being placed on the Commission's agenda for approval to issue the subpoena. Approval to issue the subpoena shall require an affirmative vote of two-thirds (2/3) of those Commission Members present. The Chair shall sign all subpoenas, or if the Chair is unavailable, the Vice Chair shall sign. The Inspector General shall serve all subpoenas or may request County Counsel coordinate the serving of subpoenas. Use of outside process servers should be avoided or minimized. Anyone subpoenaed to give testimony before the Commission will give it at a Commission meeting except as otherwise allowed or required by law. Documents are to be produced at the County Counsel's Office or the Office of Inspector General. Any noncompliance with a subpoena issued by the Commission shall be referred to County Counsel. An affirmative vote of two-thirds (2/3) of those Commission members present is required for a determination that a Commission subpoena has not been complied with and referral to County Counsel.

## **SECTION 16. Confidentiality**

Commission members shall not disclose any confidential information made known to them during the discharge of their duties except as required by law. The disclosure of information in the Commission's agenda, at Commission meetings, and in public documents shall be in compliance with applicable law.

## **SECTION 17. Timing and Content of Annual Review Report**

The Commission shall submit their annual review report to the Board of Supervisors no later than June 30<sup>th</sup> of each year. The annual review report shall contain background information about the Commission, identify the Commission members, detail the activities of the Commission during the previous year, any recommendations made by the Commission to the Office of Inspector General, and provide contact information. The Commission shall seek the input of the Office of Inspector General before publishing its report.

### **SECTION 18. Commission Recommendations**

All recommendations by the Commission must include thorough analysis and documentation to support the recommendation. The Commission shall seek input of the Office of Inspector General before making their recommendations public.

### **SECTION 19. Amendment**

These Rules and Regulations may be amended to the extent consistent with the Establishing Resolution by an affirmative vote of two-thirds (2/3) of those Commission members present at any regular meeting after introduction of the proposed amendment following review by County Counsel and thirty (30) days' written notice of the proposed amendment to all Commission members. A copy of the amended Rules and Regulations shall be filed with the Clerk of the Board of Supervisors within five (5) business days of approval by the Commission.