

CIVIL SERVICE COMMISSION
Thursday, November 5, 2020
3:00 p.m.

In accordance with Executive Orders N-25-20 and N-29-20 the November 5, 2020 Civil Service Commission meeting will be held virtually.

MEMBERS OF THE PUBLIC MAY NOT ATTEND THIS MEETING IN PERSON

The November 5, 2020 Civil Service Commission will be facilitated virtually through Zoom.

1. Join the Zoom meeting application on your computer, tablet or smartphone:

Go to:<https://sonomacounty.zoom.us/j/98113642216?pwd=ZU5ja2NrNmpxMjQ5eVFOemRPR2Rydz09>

2. Call-in and listen to the meeting:

By telephone:

Number: +1 (669) 900-9128

Webinar ID: 981 1364 2216

Password: 542025

PUBLIC COMMENT PRIOR TO THE COMMISSION MEETING: Public Comment may be submitted via email.

EMAIL PUBLIC COMMENT: To submit an emailed public comment to the Commission Secretary email marissa.georges@sonoma-county.org by November 2, 2020. Please provide your name, the agenda items on which you wish to speak, and your comment. These comments will be emailed to all Civil Service Commission members.

PUBLIC COMMENT DURING THE COMMISSION MEETING:

PUBLIC COMMENT USING ZOOM: Members of the public who join the Zoom meeting, either through the Zoom app or by calling in, will be able to provide live public comment at specific points throughout the meeting.

DISABLED ACCOMMODATION: If you have a disability which requires an accommodation or an alternative format to assist you in observing and commenting on this meeting, please contact the Commission Secretary at (707) 565-6195 or by email marissa.georges@sonoma-county.org by 12pm Monday, November 2, 2020 to ensure arrangements for accommodation.

The rules for public observation and comment supersede and replace the standard provisions on page two for the duration of the public health emergency.

CIVIL SERVICE COMMISSION AGENDA

November 5, 2020

Disabled Accommodation: If you have a disability which requires an accommodation, an alternative format, or requires another person to assist you while attending this meeting, please contact Marissa Georges at (707) 565-6195, as soon as possible to ensure arrangements for accommodation.

Public Comment: Any member of the public may address the Commission on a matter listed on the agenda. Commenters are requested to come forward to the podium when recognized by the Commission Chair. Please state your name and limit your comments to the agenda or report item under discussion. Available time for comments is determined by the Commission Chair based on agenda scheduling demands and total number of speakers.

Materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Human Resources office at the above address during normal business hours.

I. Call to Order

II. Approval of Minutes of October 1, 2020

III. Director's Report

IV. Public Comment

Any member of the public may address the Commission on a matter not listed on the agenda. Please state your name and who you represent, if applicable. Comments will be limited to 3 minutes.

V. Agenda Items

VI. Reports

A. Law Enforcement Auditor – Independent Office of Law Enforcement Review – New Classification Study

Recommendation: Approve the new classification of Law Enforcement Auditor Gail Papworth, Human Resources Analyst

VII. Appeals

A. Pre-hearing Meeting on Hearing Procedures Regarding Upcoming Appeal of Termination – Esquivel

Jeff Walters, Civil Service Commission Special Counsel

VIII. Other Scheduling Matters

IX. Commissioners Closed Session

X. Reconvene from Closed Session

XI. Commissioners Open Session

XII. Adjourn

CIVIL SERVICE COMMISSION AGENDA

November 5, 2020

The next Civil Service Commission meeting will be **Thursday, November 19, 2020** at 3:00 p.m., virtually with Zoom. The Agenda deadline for this meeting is 2:00 p.m., Monday, November 9, 2020.



REPORT TO THE CIVIL SERVICE COMMISSION NEW CLASSIFICATION STUDY

Job Classification Studied:	N/A
Department/Division:	Independent Office of Law Enforcement Review and Outreach (IOLERO)
Position Reports to (Classification):	Director, IOLERO
Incumbent:	N/A
Bargaining Unit:	SCAMC – 50
Study Requested by:	Director of IOLERO
Recommendation:	
Approve the new job classification of Law Enforcement Auditor for the Independent Office of Law Enforcement Review and Outreach.	
Justification Submitted in the Request:	
<p>The Director of the Independent Office of Law Enforcement Review and Outreach (IOLERO) requested Human Resources develop a new job classification to assist in the auditing of law enforcement investigations, and other related duties associated with advancement of community engagement and review of administrative and public complaint investigations concerning the Sonoma County Sheriff’s Office.</p> <p>Presently the IOLERO Director is the sole legal professional performing audits of complaint investigations at IOLERO. Due to workload and the number of active audits, additional staffing resources were requested in the 20/21 budget and approved by the Board of Supervisors in August of 2020.</p>	
Summary of Recommendation:	
<p>The Independent Office of Law Enforcement Review and Outreach was established by the Sonoma County Board of Supervisors on September 15, 2015. With the support of the elected Sheriff, IOLERO was created to conduct independent reviews of investigations alleging law enforcement misconduct including use of force, and to engage the community in the review and possible recommendation of policy changes to the Sheriff’s Office and the Board of Supervisors. The Office is intended to serve as one of the foundations upon which improved transparency and accountability may be built for the community.</p> <p>In July of 2020, the IOLERO Director requested the Board of Supervisors approve additional resources to help meet the demands of the Office. In addition to executive staffing duties for community advisory councils, committees and sub-committees, the IOLERO Director performs the necessary legal review and audit of administrative and public complaints of the Sheriff’s Office personnel. In recognition of the workload, The Board of Supervisors approved funding two</p>	

additional professional positions for the Office. The sensitive nature of the audits and the required confidentiality and client/attorney privilege associated with these audits, necessitates that the new positions to be professional level, licensed attorney classifications.

In response to this recommendation, Human Resources has developed the attorney classification of Law Enforcement Auditor. This class will work under general direction to conduct audits of law enforcement citizen complaints, personnel, and administrative investigations which include allegations of misconduct and use of force; analyze data and draft reports; make recommendations for executive review on related law enforcement policies, training, procedures, and other preventative measures; represent the Office and promote collaboration between County law enforcement and the various communities of the County; and assist with community outreach and education of the public on the role of the Office.

Due to the position's level and scope of responsibilities, a considerable amount of knowledge in legal proceedings and law enforcement is required. As such, the qualifications for the classification will include: Possession of a Juris Doctor degree or equivalent from an accredited U.S. law school and at least three years of related legal experience, typically civil rights and/or criminal law, and experience working with individuals of diverse ethnic, cultural, and socio-economic backgrounds. Prior professional level experience in a law enforcement oversight/audit organization, bilingual Spanish, and supervisory experience are desirable.

Consistent with the Director's classification, additional requirements include successful completion of a thorough background investigation; having not been a sworn law enforcement officer within the last five years; and no immediate family members (defined as spouse, child, sibling, parent) who are currently in sworn law enforcement positions. Possession of the Certified Practitioner of Oversight (CPO) Credential from the National Association for Civilian Oversight of Law Enforcement (NACOLE) is desirable.

Measure P (Evelyn Cheatham IOLERO Initiative Ordinance) is currently on the November 3rd ballot. If passed, this measure will expand the oversight authority and independence of IOLERO in the review, analysis, and investigation of complaints of Sheriff's Office personnel, and would also expand the independence and role of the Community Advisory Council (CAC) as appointed by the IOLERO Director. However, the Measure does not change the general purpose of IOLERO and the review, audit, of complaints and investigations. At this point, the voter outcome of Measure P should not affect this job classification as presented.

Recommendation

Approve the new job classification of Law Enforcement Auditor for the Independent Office of Law Enforcement Review and Outreach.

Report Prepared by:	Gail Papworth, Human Resources Analyst III
Report Approved by:	Spencer Keyword, Recruitment and Classification Manager
CSC meeting Date:	November 5, 2020

LAW ENFORCEMENT AUDITOR

Definition

Under general direction, conducts audits of law enforcement citizen complaints, allegations of misconduct including use of force, personnel, and administrative investigations through the Independent Office of Law Enforcement Review and Outreach (IOLERO); analyzes data, drafts reports, and makes recommendations for executive review on law enforcement policies, training, procedures, and other preventative measures. Represents the Office to promote collaboration between County law enforcement and the various communities of the County, and assists with community outreach and education of the public on the role of the Office.

Distinguishing Characteristics

This professional attorney classification performs case audits and legal work assessing public complaints and investigations related to law enforcement personnel misconduct. Incumbents report to the Director of IOLERO and may be required to represent the Office and/or Director in her/his absence. These positions may provide direction to support staff as assigned.

This class is distinguished from other County professional attorney classifications by its discretion and independence of action in the performance of law enforcement oversight and also may be required to appear in court to attend or to conduct trials.

Because of the sensitive nature of the subject matter, the incumbent in this classification is responsible for strict observance of confidentiality and is provided access to all documents, records, and other information related to complaints and independent audits. The work performed is subject to review in terms of adherence to policy, initiative, and sound judgement.

Typical Duties

Duties include, but are not limited to, the following:

Performs complex and sensitive inquiries into disciplinary situations and other operational issues in compliance with related County Ordinance, IOLERO internal protocols, and any related policies promulgated by the Board of Supervisors.

Performs audits of investigations involving highly confidential issues. Prepares audit reports as required evaluating the adequacy and thoroughness of the investigation, and the quality and accuracy of the investigation report.

Assesses and makes recommendations regarding policies, procedures, strategies, training and practices to reduce incidents or allegations to law enforcement offices. Advises if any investigations appear incomplete or otherwise deficient, and requests further review as

deemed necessary. When warranted, proposes independent recommendations or determinations regarding investigations.

Audits investigations of complaints involving Sheriff's Office sworn personnel including the review of available evidence such as surveillance video, dispatch records, recorded interviews, medical records, transcripts and police reports.

Maintains liaison with Sheriff's Office management, outside law enforcement agencies, community groups and CAC members. Works collaboratively with law enforcement staff, educates the community on law enforcement practices, policies, strategies, incident trends and challenges.

Attends Community Advisory Council meetings and give presentations at other community outreach events or board of supervisors' meetings. Provides additional information, policy and legal-related advice as required.

Conducts legal research in relation to the independent law enforcement oversight and review. Tracks and analyzes legislative actions and law enforcement audit trends which may have an effect on the functions of the Office. Advises on legislative and audit trends and makes recommendations to the Director of IOLERO.

Assists in the preparation of the Office's annual report to the Board of Supervisors including gathering data such as statistical information, analysis of trends of the law enforcement offices, trends in law enforcement review, and prepares ad hoc reports.

At the direction of the Director, may advise, coordinate and assist attorneys and other professional, technical, and clerical support staff in the handling and preparation of assigned work.

Performs related duties as required.

Knowledge and Abilities

Considerable knowledge of: the principles of civil and criminal law and rules of evidence; legal research methods and judicial procedures; the statutory and constitutional laws of the State of California; applicable policies/laws, weighing evidence in accordance with legal standards; the fundamentals of investigations including interviewing and interrogating principles and techniques; legal research principles; written and oral communications including language mechanics, syntax and English composition; legal document formatting and writing.

Working Knowledge of: the responsibilities, functions, policies, and procedures of law enforcement; the fundamentals of investigations including evidence collection; conducting critical evaluations of findings and supporting analysis; current Federal and California case law and statutes in the civil and/or criminal law; techniques of law enforcement training,

instruction, and evaluation of work performance; techniques for dealing with persons of various ages and ethnic and socio-economic backgrounds, who may have physical and/or emotional problems.

Knowledge of: limitations and authorities of the Independent Office of Law Enforcement Review and Outreach; local government organization, structure, and administration and its procedures, principles, and concepts; office practices and procedures, including filing and operation of standard office equipment such as a computer.

Ability to: Interpret and apply laws, policies, procedures, and regulations; conduct independent research and fact finding assignments, perform statistical analysis, and prepare reports; act independently and remain unbiased, objective, and professional; demonstrate integrity and sensitivity; honor confidentiality and basic constitutional and legislative rights of all affected parties; establish and maintain effective and collaborative working relationships with other employees, public officials, community groups, other governmental agencies, and the general public, particularly those with diverse ethnic, cultural, and socio-economic backgrounds; maintain effective media relations; work effectively under pressure; effectively facilitate and gain cooperation and participation of interested parties to achieve desired results; present recommendations and alternative proposals; prepare and/or edit clear, concise reports and to present them effectively both orally and in writing to a variety of audiences; provide training, and instruction to attorney staff and other related department personnel, as requested.

Minimum Qualifications

Education and Experience: Any combination of education, training, and experience which would likely provide for possession of the stated knowledge and abilities. Normally this would include possession of a Juris Doctor degree or equivalent from an accredited U.S. law school and at least three years of related legal experience, including two years as a licensed attorney, typically in civil rights and/or criminal law, and experience working with individuals of diverse ethnic, cultural, and socio-economic backgrounds. Prior professional level experience in a law enforcement oversight/audit organization, and bilingual Spanish/English skills are desirable.

Special Requirements: Successful completion of a thorough background investigation; have not been a sworn law enforcement officer within the last five years; and does not have any immediate family members (defined as spouse, child, sibling, parent) who are currently in sworn law enforcement positions. Possession of the Certified Practitioner of Oversight (CPO) Credential is desirable.

License: Current active membership in the State Bar of California is required. Possession of a valid driver's license at the appropriate level including special endorsements, as required by the State of California, may be required depending upon assignment to perform the essential job functions of the position.

CIVIL SERVICE COMMISSION MINUTES
Sonoma County Human Resources Department
October 1, 2020

PRESENT

Commissioners:	Jerry Dunn, Mark Walsh, Anthony Withington, Pat Sabo, John Hadzess
Human Resources Staff:	Spencer Keywood, Michael Nielsen, Colleen Goetz, Gail Papworth, Jennifer Tamayo, Jane Lloyd, Marissa Georges
Commission Counsel:	Not Present

I. CALL TO ORDER

The virtual meeting was called to order at 3:00 p.m.

II. APPROVAL OF MINUTES

Motion: Commissioner Dunn

Second: Commissioner Sabo

Ayes - Roll Call Vote: 5 **Absent:** 0

III. DIRECTOR'S REPORT

Christina Cramer was absent due to a personal appointment. Spencer Keywood, Recruitment & Classification Manager, reported that the County had activated the Emergency Operations Center (EOC) for the Shady Fire disaster. Spencer reported that Human Resources Staff have been working the logistics desk at the EOC to deploy Disaster Service Workers to local shelters and local assistance centers to assist with Shady Fire evacuees. Spencer reported that Risk Management is investigating the impacts of the fire on county facilities.

IV. PUBLIC COMMENT

V. AGENDA ITEMS

A. Update on Ordinance Reconciliation

Ad Hoc Committee reported

VI. REPORTS

VII. Other Scheduling Matters

Commission Secretary has scheduled the hearing of termination for 12/2, 12/3, 12/10 and 12/11. Commission Secretary will ask each party for updated documents and to solidify the hearing dates.

VIII. Commissioners Closed Session

IX. Reconvene from Closed Session

X. Commissioners Open Session

XI. Appeals

XII. Adjourn

The Civil Service Commission meeting adjourned at 3:57 p.m.