



Office of
Independent
Review

2010 Business Plan





Stephen J. Connolly
Executive Director

Dear Readers:

I am pleased to present the Office of Independent Review's 2010 Business Plan. The 2010 Business Plan is intended to document the Office of Independent Review's (OIR) actions to "monitor, assist, oversee and advise" the Orange County Sheriff-Coroner Department (OCSD) in its handling of critical incidents and allegations of employee misconduct. The agency, created by the Board of Supervisors in February 2008, is dedicated to ensuring that the OCSD response to these matters is thorough, fair, and effective.

OIR provides civilian oversight for the County's Sheriff's Department from an independent, outside perspective and coordinates with various public and private groups to ensure that relevant issues are identified and addressed. Stakeholders include the Board of Supervisors, County Counsel, District Attorney, County Executive Office, Human Resources, Human Relations Commission, employee unions, relevant federal agencies, and various community-based groups and individuals.

I encourage you to read our Business Plan for more information about our office and the services we provide. I welcome your comments on how OIR can better serve Orange County.

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Executive Director

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Executive Summary

The Office of Independent Review (OIR), established by the Board of Supervisors in 2008, was instituted in order to “monitor, assist, oversee and advise” the Orange County Sheriff-Coroner Department (OCSD) in its handling of critical incidents and allegations of employee misconduct. The fundamental responsibility of the OIR is to ensure that the OCSD response to these matters is thorough, fair, and effective.

The civilian oversight of law enforcement has been a developing trend throughout the United States since the 1970’s. Experts in police “best practices” recognize that even the most progressive and ethical agencies stand to benefit from the formal involvement of outside voices. In response to a series of controversies that undermined public confidence in the Sheriff’s Department, the Board of Supervisors evaluated various potential models of oversight and then created OIR through County Ordinance in February of 2008. The addition of OIR as a County Department has brought unprecedented levels of outside scrutiny to the OCSD’s internal review processes.

Critical features of the OIR model of oversight include the following:

Independence: The Executive Director and professional staff of the OIR are independent contractors – not employees of the County or part of the OCSD chain of command. This promotes the objectivity of OIR’s findings and recommendations.

Access: OIR personnel respond in person to critical incidents, consult regularly with OCSD decision-makers, and have the unfettered ability to review OCSD operations, files, and records.

Integration into OCSD’s Review Process: Rather than conducting its own investigations, OIR monitors and contributes to OCSD’s existing protocols.

Transparency: OIR serves as a conduit between the public and OCSD. It seeks to represent the public’s interest and perspectives when monitoring the Department’s activities, and provides reports to heighten public awareness and understanding.

OIR monitors all OCSD administrative complaint investigations from the beginning to the end of the process. These cases range in seriousness from allegations of discourtesy to excessive force and fundamental integrity issues including false statements. OIR works with the Department to insure that investigations have the proper scope and thoroughness, and consults with

decision-makers regarding the disposition of each matter. OIR has assessed more than 500 new cases since starting operations in late 2008.

OIR also monitors critical incidents, including deputy-involved shootings, significant force cases, and in-custody deaths. OIR encourages the holistic assessment of these events and ensures that the Department addresses issues of individual officer performance as well as tactics, training, and policy.

OIR's consulting relationship with the Department also includes helping to identify systemic concerns and gaps in policy or procedure.

The mission of the OIR is to make the Orange County Sheriff's Department a more effective law enforcement agency by providing full-time oversight. OIR's involvement in the OCSD internal review process strengthens that process in various ways. Its access to investigative files and records helps to promote thoroughness of review and legitimacy of result. Its perspective as an outside voice helps to make the Department more responsive to public concerns. Its emphasis on systemic reform and risk management pushes the Department toward lasting improvement in its operations. Through these contributions, OIR supports the County of Orange mission of "Making Orange County a safe, healthy, and fulfilling place to live, work, and play, today and for generations to come, by providing outstanding, cost-effective regional public services."

OIR is funded by County General Fund as approved by the Board of Supervisors. The Office is cognizant of the financial challenges faced by the County and continues to be able to operate within the General Fund resources as currently allocated.

Section I: Agency Overview

The Office of Independent Review was established by the Board of Supervisors in 2008 in order to “monitor, assist, oversee and advise” the Orange County Sheriff-Coroner Department (OCSD) in its handling of critical incidents and allegations of employee misconduct. The fundamental responsibility of the OIR is to ensure that the OCSD response to these matters is thorough, fair, and effective.

Vision Statement

OIR brings independent outside scrutiny to the Sheriff’s Department in an effort to ensure and enhance the legitimacy of the Department’s internal review processes. By making the Department more accountable and responsive, OIR helps to improve the quality of law enforcement in Orange County and strengthens the Department’s ties to the people it serves.

Mission Statement

The mission of the Office of Independent Review (OIR) is to monitor the Sheriff’s Department from an outside perspective and promote the integrity and effectiveness of the Department’s internal investigations and reform efforts.

Core Services

As set forth in the founding County Ordinance, the OIR model of civilian oversight provides several core services:

Monitoring Function

OIR takes a “start to finish” approach to monitoring new complaint cases, from initial handling to final disposition.

It meets with and advises investigators as cases are being handled, it reviews cases for completeness, and it makes recommendations to OCSD decision-makers as to final outcomes. While OIR has no structural authority to compel a particular result, it *can* share its impressions of the Department’s actions with the Board, the media, and the public, and can do so from a position of detailed knowledge.

Apart from misconduct cases, OIR also reviews a range of critical incidents. These include force cases involving serious injury to the suspect, deputy-involved shootings, in-custody deaths, and K-9 bite cases. These events are inherently important from a risk management perspective and/or as exercises of police power. Accordingly, they warrant careful, holistic scrutiny by OCSD.

Consulting Function

Along with the active monitoring of individual cases, OIR also consults with the Department on issues of potential reform. Many of these systemic issues arise in the context of specific incidents. OIR works with OCSD to identify, design, and implement measures to address gaps in policy or training or respond to new concerns.

OIR is also a resource to the Department on legal issues relating to administrative investigations and other potential concerns. OIR offers training to Department members regarding investigations and attempts to bring the public's viewpoint into internal assessments.

Liaison Function

OIR coordinates with various public and private groups outside the Department to ensure that relevant issues are identified and addressed, and that available information is disseminated appropriately in both directions. These entities include key groups within County government (Board of Supervisors, County Counsel, District Attorney, County Executive Office, Human Resources, Human Relations Commission), employee unions, relevant federal agencies, and various community-based groups and individuals.

OIR is available as an intake mechanism for private individuals who have a concern or complaint about OCSD. OIR provides information and guidance to the public regarding Departmental processes and procedures, and monitors all cases that are ultimately referred to the Department for further actions.

Reporting Function

The Executive Director provides regular status reports to the Board of Supervisors "on all investigations and significant matters within the purview of OIR." Additionally, OIR provides written reports to the Board to address the outcome of individual matters relating to the OIR oversight responsibilities. Some of these reports may be confidential and protected by the attorney-client privilege; in other instances, the Board may choose to release the reports in a manner consistent with state law and the privacy rights of involved parties.

Section II: Operational Plan

A. Environment

Clients: OIR provides civilian oversight for the County's Sheriff's Department from an independent, outside perspective. It coordinates with various public and private groups to ensure that relevant issues are identified and addressed. Stakeholders include the Board of Supervisors, the Sheriff's Department, County Counsel, District Attorney, County Executive Office, Human Resources, Human Relations Commission, employee unions, relevant federal agencies, and various community-based groups and individuals.

Challenges: Prevailing budgetary difficulties have had various implications for OIR. Some are direct and have affected OIR staffing levels, including original plans to add a second full-time attorney. Others are indirect, and relate to the impacts of reductions on Sheriff's Department programs and staffing levels. The Department's emphasis on front-line public safety services is of course appropriate, but its commitment to effective supervision and thorough internal review mechanisms must also remain as strong as possible under the operative constraints. OIR has worked with the Department in devising efficient ways to maintain or even enhance its review processes in the wake of evolving circumstances.

Resources: OIR is funded by County General Fund as approved by the Board of Supervisors. OIR is cognizant of the financial challenges faced by the County and continues to be able to operate within the General Fund resources as currently allocated.

B. Action Plan

a. Strategic Goals

Goal #1: Contribute to the effectiveness and integrity of the OCSD internal review process by monitoring all misconduct investigations and critical incidents from an independent outside perspective.

Goal #2: Help the Department to reduce liability and improve operations by identifying systemic and policy reforms.

Goal #3: Serve as a conduit between the public and OCSD by providing reports to heighten public awareness and understanding.

b. Strategies to Accomplish Goals:

1. Goal #1: Monitor investigations

1.1 – Maintain regular notification protocols with OCSD management regarding new matters.

1.2. – Respond to the scenes of select critical incidents, and participate in the subsequent review process.

1.3 – Review all investigation files for thoroughness, fairness, and effectiveness.

1.4 – Make recommendations to OCSD as to appropriate outcomes.

1.5 – Track final dispositions, grievance process, etc.

2. Goal #2: Reduce Liability through Systemic Reform

2.1 – Identify policy and training issues as they arise through individual incidents or trends.

2.2 – Co-ordinate with County Risk Management re issues revealed through claims and litigation.

2.3. – Participate in developing new policies and new procedures.

3. Goal #3: Serve as a conduit between the public and OCSD

3.1 – Disseminate investigation information between public and OCSD

3.2 – Provide information and guidance to the public

c. Performance Measures:

Goal #1 – Monitor Investigations Effectively

Strategies to meet Goal #1:

- Review all cases and consult with the Department regarding appropriate outcomes through scheduled weekly meetings and regular on-going communication with Department decision-makers.
- Respond to the scene in the event of a deputy-involved shooting or an in-custody death, as well as participate in Major Incident Review Board meetings and Critical Incident Review Board meetings.

Performance Measure: *Actively monitor all misconduct investigations and critical incidents.*

- **WHAT:** The fundamental responsibility of OIR is to ensure that the OCSD response to these matters is thorough, fair and effective.
- **WHY:** By making the Department more accountable and responsive, OIR helps to improve the quality of law enforcement in Orange County and strengthens the Department's ties to the people it serves.

Performance Measure	FY 08-09 Results	FY 09-10 Plan	FY 09-10 Anticipated Results	FY 10-11 Plan
Actively monitor all misconduct investigations and critical incidents.	100% reviewed (9/08 -12/09)	100% of all new complaints and critical incidents	100% of approx. 430 new complaints and critical incidents	100% of approx. 400 new complaints and critical incidents
How are we doing? OIR has established an effective protocol for notification and interaction with the Department in these areas. In calendar year 2009, OCSD opened nearly 400 new complaint investigations and, though OIR regularly concurred with the Department's initial handling of a particular case, OIR's perspective and recommendations directly influenced the decision-making process in a substantial number of those investigations. This influence took the form of additional investigative work and/or findings regarding whether and how much discipline was warranted in light of the evidence. Along with continuing its case-by-case involvement, OIR will continue to work with Department personnel on reforms relating to the discipline process and other internal review mechanisms.				

Goal #2 – Reduce Liability through Systemic Reform

Strategies to meet Goal #2:

- Identify policy and training issues as they arise through individual incidents or trends.
- Communicate on a regular basis with the County's Risk Management office and the Board of Supervisor's to identify litigation of significance.
- Continue to look for ways to help the Department insulate itself from liability through sound training and policy.

Performance Measure: *Contribute to policy review and reform*

- **WHAT:** By participating in the development of new policies and procedures, OIR will assist in improving the Department's performance as well as ensure officer safety.
- **WHY:** Continued policy review and reform will minimize liability for the Department and the County.

Performance Measure	FY 08-09 Results	FY 09-10 Plan	FY 09-10 Anticipated Results	FY 10-11 Plan
Contribute to policy review and reform	Consulted with OCSD in development of 1 new major policy and 1 new major review board.	Consult with Department re additional policy areas. 1) "Use of Force" review policy, 2) Inmate Grievance policy, 3) Commendation & Complaint policy	Development (with OCSD) of 4 new policies and 1 new review process	Consult with Department on additional policies as needed, including Inmate Complaint process and Early Intervention system.
How are we doing? In 2008-09 OIR participated in the creation of the Critical Incident Review Board (CIRB) and assisted in the development of the Department's new "Decentralized Discipline" process. During 2009-10 OIR also worked on the Department's new "Use of Force" review protocol and a new "Taser" policy. OIR evaluates OCSD policies and systems on a regular basis and works with the Department to recommend and implement needed reforms.				

Goal #3 – Serve as a conduit between the public and OCSD

Strategies to meet Goal #3:

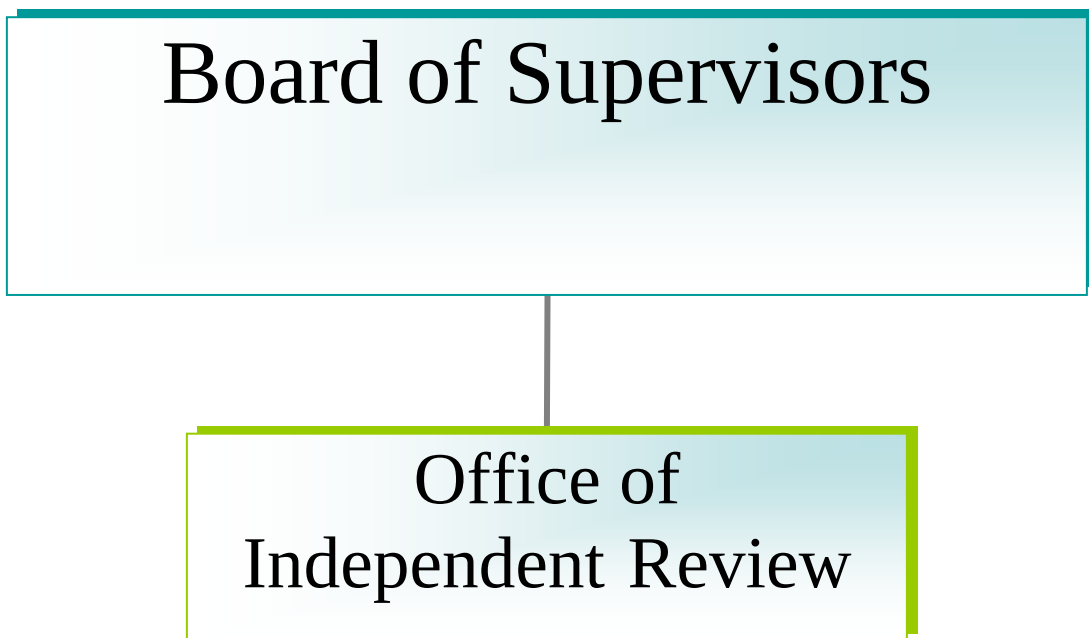
- Provide regular reports to the Board of Supervisors.
- Link these reports to OIR's website for public viewing.
- Make OIR staff available to the public through telephone, e-mail and correspondence.

Performance Measure: Provide regular reports to the Board of Supervisors and make reports available to the public through the OIR website.

- OIR seeks to heighten public awareness and understanding of the operations of the Orange County Sheriff's Department.
- By providing a window for the public into OCSD, OIR's helps to make the Department more responsive to public concerns and ultimately create a more effective law enforcement agency.

Performance Measure	FY 08-09 Results	FY 09-10 Plan	FY 09-10 Anticipated Results	FY 10-11 Plan
Provide regular reports to the Board of Supervisors and make those reports available to the public through the OIR website.	Provided 3 OIR status reports and presentations at Board meetings.	Provide regular activity reports to the Board and post to OIR's website. Complete special projects as requested by the BOS.	Provide 5 regular activity reports, 1 year end report, and 2 Special Projects.	Provide 4 regular reports and complete special projects as requested by the BOS.
How are we doing? At the request of the Board of Supervisors, OIR published a total of eight reports in 2009, including several monthly status reports and an overview on OCSD's Taser policy. All were made public. OIR also has regular communications with individual members of the public through telephone, e-mail, and correspondence. OIR continues to look for ways to bring useful information to the public through various media options.				

APPENDIX A
Office of Independent Review 2010 Organizational Chart



APPENDIX B

Significant Accomplishments: 2009

1. Established protocols with the Orange County Sheriff's Department (OCSD) that integrate OIR's oversight into OCSD's review protocols.
2. Reviewed approximately 400 cases involving various levels of significance ranging from reports of misconduct to major or critical incidents.
3. Monitored the investigation and review of deputy-involved shootings, custodial deaths, and multiple reports of uses of force by OCSD.
4. Consulted with Department personnel on various policy reforms and new internal review mechanisms.
5. Issued several public reports covering various aspects of the OCSD discipline process as well as other issues. These reports are available on our website at <http://egov.ocgov.com/ocgov/Office%20of%20Independent%20Review>