

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

275



FROM: Executive Office

SUBMITTAL DATE:
September 28, 2010

SUBJECT: 2009-10 Grand Jury Report: Riverside County Sheriff's Department – General Orders Policy and Procedures and Less-Lethal Weapon Devices

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve with or without modifications, the attached response to the Grand Jury's recommendations regarding Riverside County Sheriff's Department – General Orders Policy and Procedures and Less-Lethal Weapon Devices.
- 2) Direct the Clerk of the Board to immediately forward the attached response to the Grand Jury, to the Presiding Judge, and the County Clerk-Recorder (for mandatory filing with the State).

BACKGROUND: On July 13, 2010, the Board directed staff to prepare a draft of the Board's response to the Grand Jury's report regarding the Riverside County Sheriff's Department General Orders Policy and Procedures and Less-Lethal Weapon Devices.

Section 933 (c) of the Penal Code requires that the Board of Supervisors comment on the Grand Jury's recommendations pertaining to the matters under the control of the Board, and that a response be provided to the Presiding Judge of the Superior Court within 90 days. In addition, as an independently elected official, the Sheriff has transmitted his response to the Grand Jury's findings and recommendations. The Executive Office concurs with the Sheriff's response.

90dayresponseforNPPolicyweapons09-10

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget: Budget Adjustment: For Fiscal Year:
	Current F.Y. Net County Cost:	\$	
	Annual Net County Cost:	\$	

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30:	<input type="checkbox"/>
	Requires 4/5 Vote:	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY: Jay E. Orr
Jay E. Orr

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Buster and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: September 28, 2010
xc: EO, Grand Jury, Presiding Judge, Sheriff, Recorder

Kecia Harper-Ihem
Clerk of the Board
By: [Signature]
Deputy

3.6

Departmental Concurrence

Policy
 Policy
 Consent
 Consent
 sp't Recomm.
 ar Exec. Ofc.

RIVERSIDE COUNTY

STANLEY SNIFF, SHERIFF



Sheriff

P.O. BOX 512 • RIVERSIDE, CALIFORNIA 92502 • (951) 955-2400 • FAX (951) 955-2428

September 13, 2010

Honorable Thomas H. Cahraman
Presiding Judge
Riverside County Superior Court
4050 Main Street
P.O. Box 431
Riverside, CA 92501

Reference: Response to 2009-2010 Grand Jury Reports: Riverside County Sheriff's Department General Orders Policy and Procedure & Riverside County Sheriff's Department Less-Lethal Weapon Devices

Dear Judge Cahraman:

Pursuant to California Penal Code Section 933 et. seq. please find enclosed the response of the Riverside County Sheriff's Department to the above entitled Grand Jury Reports within the designated 90 day period. As always please feel free to contact me should you have any questions regarding this or any other matter. I may be reached at (951) 955-0163.

Sincerely,

A handwritten signature in black ink, appearing to read "Stanley L. Sniff".

STANLEY L. SNIFF, SHERIFF-CORONER

cc. Clerk of the Board of Supervisors
County of Riverside

Mr. Bill Luna
County Executive Officer

SLS:pk

2009-2010 GRAND JURY REPORT

Riverside County Sheriff's Department

General Orders Policy and Procedures

Finding 1

The general orders fail to specifically mention the use of tasers. There is no direct reference in the general orders paragraph 1011.02, which states: The Sheriff may authorize the use of alternative types of weapon systems that include, but are not limited to, chemical agents, tear gas guns, grenade launch devices and other special weapon systems, such as fully automatic weapons."

Response:

Respondent disagrees partially with the finding.

Respondent acknowledges Section 1011.02 does not specifically mention the use of Taser ECDs. However, Section 1011.02 of the General Orders is a subsection of section 1011, which concerns the use of chemical agents or special types of devices. While this section could include the authorization for the use of "Tasers," the section is more appropriately designed to regulate items consistent with chemical weaponry and delivery systems associated with that type of defense.

Section 1003.00 of the General Orders concerns Other Weapon Systems. While ECDs are not specifically named, the policy allows for "other such special weapon systems appropriate for the situation." An ECD falls into this category as a defensive weapon for use in the Department.

The General Orders are a guideline outlining policy, procedures, rules or regulations regarding matters that affect the entire Department or a portion thereof. General Orders are permanent directives and remain in full effect until amended or canceled by the Sheriff. Concurrently, Department Directives are written directives or communication issued by the Sheriff, or at his direction, outlining or advising a policy or an operational procedure to be followed on a specific operation or topic. Department Directives may modify portions of the General Orders. A Department Directive is to be viewed as a direct order from the Sheriff.

Grand Jury Recommendation

1. *Update the general orders paragraph 1011.02 to include the taser.*

Response:

The recommendation will not be implemented.

General Orders are general guidelines for policies. The appropriate General Orders' section (1003.00) is sufficiently generic to encompass ECD weaponry. Department Directives are designed to enhance and supplement General Orders, thus making them more concrete. Department Directive 06-020 concerning ECDs provides comprehensive policy and procedure for use of the weaponry.

Finding 2

The general orders section 700.00 Coroner's Office and section 800.00 Public Administrator's Office has been left blank.

Response:

Respondent agrees with the finding in part.

Respondent acknowledges that General Orders sections 700.00 Coroner's Office and section 800.00 Public Administrator's Office are not contained within the General Orders manual. However, the respondent asserts that those sections are incorporated by reference in the table of contents. The sections themselves are two voluminous manuals maintained within the Coroner's/Public Administrator's Bureau. The issue has been discussed on several occasions over the years; however, the sections solely concern operations within that bureau and it would be inefficient to place them in every manual printed. Therefore, the inclusion had been rejected.

Grand Jury Recommendation

- 2. Update the general order section 700.00 Coroner's Office and 800.00, Public Administrator's Office, to include at a minimum a reference to the appropriate operations manual and/or policy and procedures manual.*

Response:

The recommendation has not yet been implemented, but may be in the future.

The titles in General Orders sections 700 (Coroner's Office Operations) and 800 (Public Administrator's Office Operations) represents the minimum reference to existing and comprehensive policy maintained by the Coroner's/Public Administrator's Bureau. To incorporate those voluminous policies into General Orders and then print and distribute the amended General Orders to all employees is fiscally and operationally unsound. However, in an effort to ensure availability of the sections to all employees, respondent is reviewing the ability to make the entire policy referenced in General Orders available on the RSO Intranet. The incorporation of the sections by reference and the housing of the sections in the Coroner's Bureau has not caused operational problems for respondent.

Finding 3

Attachment (b) of the general orders, (County of Riverside Harassment Policy and Complaint Procedure), states:

"An employee or job applicant who believes he or she has been harassed has a responsibility to immediately make a complaint orally or in writing with any of the following:

-Immediate Supervisor.

-Any supervisor or management employee/officer within the department, including the department head.

-The Human Resources Director for the County of Riverside.

The employee or job applicant also has the right to file a complaint with the State Department of Fair Employment and Housing or the federal Equal Employment Opportunity Commission.

Any supervisor or management employee, or County Officer who receives a harassment complaint shall immediately notify the County's Human Resources Director."

Six former employees of the Lake Elsinore Sheriffs Station complained on numerous occasions to department personnel, including a supervision office assistant, sergeants, lieutenants, a captain and a chief deputy. The complaints included: allegations of sexual harassment, felonious battery, false imprisonment, perjury, malicious prosecution, hostile work environment, rude and discourteous conduct and age discrimination. When human resources were contacted they found no record of any complaints filed during the period of 2007-2009 from Lake Elsinore Sheriffs Station; however, there were records of complaints from other sheriff stations.

Response:

Respondent disagrees with the finding.

The Riverside County Sheriff's Department conducted a comprehensive 11 month investigation into the referenced complaint. The results of the investigation found that there were some allegations of misconduct that were sustained, while others were not. The lack of record of complaints from Lake Elsinore station was part of the focus of the internal investigation. For the sustained allegations, appropriate administrative action was taken. The all encompassing investigation was made available to and reviewed by the Grand Jury.

The respondent has gone to great lengths to increase the gender and ethnic diversity of personnel within the chain of command. This includes the recent appointments of female undersheriffs, as well as a significant increase of female commanders since taking office in 2007. This diversity aids in checks and balances for the Department and especially so in allegations of sexual harassment. The respondent takes all reports of sexual harassment and misconduct seriously and conducts an unbiased, thorough, and complete investigation. Female command staff provides significant oversight in that entire process.

Grand Jury Recommendation

3. *Ensure all supervisors and managers are properly trained and complying with harassment policy and complaint procedure.*

Response:

The recommendation is already in place. It was, and remains, a standard operational policy.

All departmental training is recorded through the Ben Clark Training Center, and or the County human resources department. All supervisors and managers are mandated by law to attend harassment policy training, a standard which has been in place for a number of years. Additionally, respondent conducts at minimum annual training with all personnel regarding harassment policy and complaint procedures. Any personnel found not complying with policy are subject to discipline. Failure to follow the policy is a separate discipline issue and handled accordingly.

The County of Riverside Harassment Policy and Complaint Procedure (C-25 policy) is designed to encompass all of the departments within the County and provide a method for reporting and investigating harassment complaints for those departments that do not have an internal investigation mechanism. The respondent is unique in comparison to other county entities because as a public safety agency, the respondent is regulated by State statutes, namely the Peace Officer Bill of Rights (POBR). As such, the respondent, unlike other departments within the County, has a Professional Standards Bureau that is charged with conducting internal complaint investigations that follow the mandates of POBR. This method of handling complaints has been recognized and accepted by the County Human Resources Department for several years.

The respondent's General Orders has a mechanism of complaint process and investigation that is specific to the laws related to the investigation of peace officers. While complaints may or may not be filed directly with human resources, complaints relating to harassment that are received by the human resources department are referred back to the respondent's Professional Standards Bureau for investigation.

Respondent recommends that the County consider updating the C-25 policy to reflect the accepted de facto process currently being utilized by the respondent, as it has served the County well.