



Stephen J. Connolly
Executive Director

Dear Readers:

I am pleased to present the Office of Independent Review's 2013 Business Plan. The 2013 Business Plan is intended to document the Office of Independent Review's (OIR) efforts 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. OIR also works with the County Probation Department in the review of selected internal investigations by that agency. 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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Office of Independent Review 2013 Business Plan

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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 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. 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 responds in person to critical incidents, consults regularly with OCSD decision-makers, and has the unfettered ability to review OCSD operations, files, and records. An attorney-client relationship with the County and the Sheriff’s Department allows for this unusual level of oversight.

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 over a thousand 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. OIR promotes the rigorous assessment of these events from the perspectives of both individual accountability and systemic effectiveness. Every critical incident provides learning opportunities that OIR helps the Department to exploit.

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. Directly and indirectly, OIR's involvement assists the Department in managing the multi-faceted risks associated with law enforcement.

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:** Like other County departments and agencies, OIR has faced financial constraints since it began operations in September of 2008, including budget reductions of some 40%. Mindful of the ongoing fiscal pressures faced by the County, OIR has worked to quantify its contributions to the Sheriff's Department's heightened accountability, public confidence, and risk management.
- **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, and consulting with the Department on high risk issues such as use of force.
- **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, and monitor the OCSD risk, complaint, and force data bases.
 - 1.4 – Make recommendations to OCSD as to appropriate outcomes.
 - 1.5 – Track final dispositions through grievance and appeal process.
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 11-12 Results	FY 12-13 Plan	FY 12-13 Anticipated Results	FY 13-14 Plan
Actively monitor all misconduct investigations and critical incidents.	100% reviewed	100% of all new complaints and critical incidents	100% of new complaints and critical incidents	Continue review of all Internal Affairs cases and citizen complaints; increase monitoring of force and risk management database.
<p>How are we doing? OIR has established an effective protocol for notification and interaction with the Department in these areas. The Sheriff’s Department has experienced a significant decline in annual citizen complaints since 2009, and it continues to work with OIR on improving its decentralized discipline protocols. OIR works with decision-makers at all levels of the process to help ensure an efficient, appropriate, and constructive resolution to misconduct investigations and incident reviews.</p>				

Goal #2 – Reduce Liability through Accountability and Systemic Reform

Strategies to meet Goal #2:

- Increase individual accountability and pursue best practices for effective supervision and intervention.
- 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 and evaluate litigation of significance.
- Continue to look for ways to help the Department insulate itself from liability through sound training and policy.

Performance Measure: *Statistical tracking across various risk factors and management initiatives.*

- **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	2011 Results	FY 12-13 Plan	FY 2012 Results	FY 13-14 Plan
Misconduct Investigations (Formal)	254	Reduction	189	Consult with Department on additional policies as needed, including Inmate Complaint process and Early Intervention system.
Cases handled through decentralized discipline	119	Increase	157	
Preventable traffic collisions	72	Reduction	102	
New risk management claims against Sheriff’s Department	295 (10/11)	Reduction	197	

How are we doing? OIR has also contributed to new internal review systems including the Traffic Collision Review Board, the Critical Incident Review Board, the Personnel History Index, and others, all of which directly or indirectly influence risk-related conduct. OIR also meets regularly with OCSD risk management re pending cases, and consults with the Board of Supervisors regarding issues related to the County’s liability. OIR is also renewing its focus on traffic collision issues; while overall numbers of preventable accidents are declining, unsafe speed is still responsible for several incidents per year involving injury and property damage.

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

Strategies to meet Goal #3:

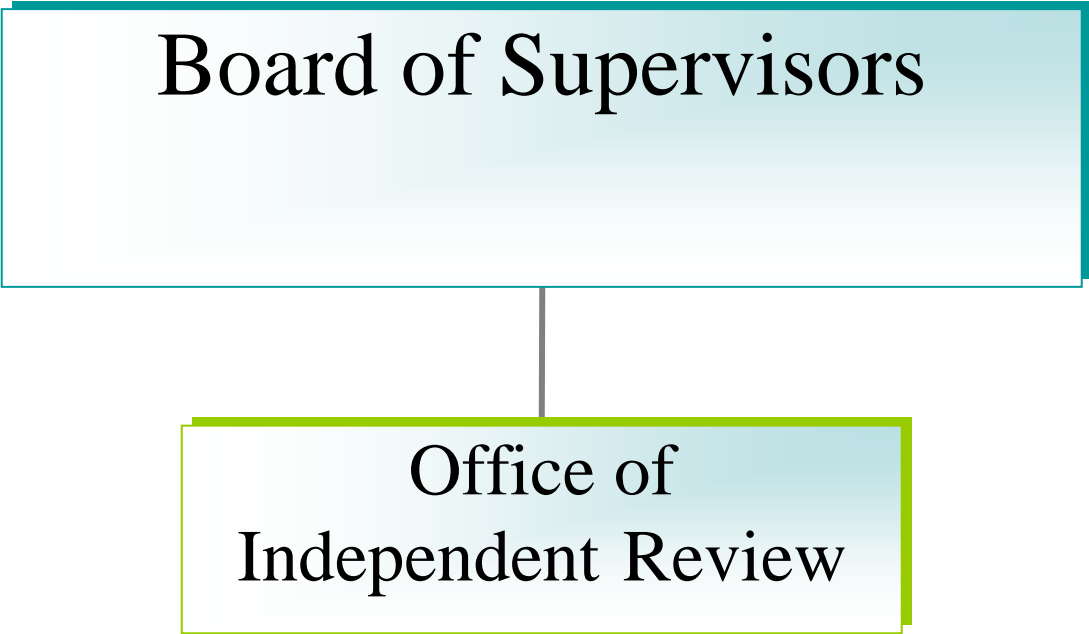
- Provide regular reports and updates to the Board of Supervisors.
- Make OIR staff available to the public through telephone, e-mail and correspondence.
- Communicate with outside individuals and groups regarding OCSD issues.

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 helps to make the Department more responsive to public concerns and ultimately create a more effective law enforcement agency.

Performance Measure	FY11-12 results	FY 12-13 Plan	FY 12-13 Results	FY 13-14 Plan
Provide regular reports to the Board of Supervisors and make those reports available to the public through the OIR website.	Increased public reporting at request of BOS (bi-monthly).	Increased communication with public through reporting and other available forums.	5 published reports to BOS, along with regular updates regarding specific issues	Increased communication with public through reporting and other available forums.
How are we doing? OIR continues to facilitate communications between the Sheriff’s Department and members of the public who have a specific complaint or concern. OIR’s web site also provides a forum for the public to learn more about OIR and its ongoing efforts to strengthen OCSD’s internal review processes.				

APPENDIX A
Office of Independent Review 2012 Organizational Chart



APPENDIX B

Significant Accomplishments: 2012

1. Continued to monitor all formal misconduct cases to ensure the thoroughness of OCSD's investigations and the appropriateness of outcomes.
2. Assisted OCSD in refining the OCSD Commendation and Complaint system for intake and assessment of public feedback and the new "Decentralized Discipline" process that gives each unit direct responsibility for the initial prioritization and review of complaints. Implementation of these new systems has resulted in less cases being referred to Internal Affairs for full and formal investigation. Instead complaints are receiving appropriate levels of consideration and are being addressed using methods that are reasonable and constructive.
3. Worked with OCSD's SAFE (Strategy, Accountability, Focus and Evaluation) Division in developing a checklist to give additional structure and uniformity to the assessment of force incidents. Additionally, OIR is part of a new protocol in which all force cases that feature several identified "risk factors" will be subject to automatic additional review and risk management consideration. OIR meets regularly with SAFE representatives to evaluate these cases and determine what further action might be beneficial.
4. Worked closely with OCSD in its review of 20 designated "critical incidents," including deputy-involved shootings, in-custody deaths, and significant use of force. These assessments produced numerous changes in policy and training in an effort to improve future performance.
5. Issued several public reports, and met with the Board of Supervisors, in an effort to increase transparency and offer an independent, outside perspective to the work of OCSD.