

CALIFORNIA ATTORNEY GENERAL
v.
KERN COUNTY SHERIFF’S OFFICE

*The Cost of Transparency
for the Kern County Taxpayer*

SUMMARY:

In December 2016, California’s Attorney General, prompted by complaints from individuals, community organizations and media reports alleging use of force violations and other serious misconduct, opened a civil investigation into the Kern County Sheriff’s Office (KCSO) conducted by the State Department of Justice Civil Rights Enforcement Section (DOJ). The Attorney General’s Office determined that, *“because of defective or inadequate policies, practices, and procedures, Kern County Sheriff’s Office had failed to uniformly and adequately enforce the law.”* KCSO generally and specifically, *“denied each and every allegation”* contained in that complaint.

In December 2020, KCSO and Kern County agreed with the California Attorney General to a Stipulated Judgment with the stated purpose to, *“protect individuals’ statutory and constitutional rights, treat individuals with dignity and respect, and promote public safety in a manner that is fiscally responsible and responsive to community priorities.”*

Kern County has been mandated to pay for the independent monitors agreed to by both the KCSO and California’s DOJ. From within the 59 pages of changes included in the Stipulated Judgment, the Grand Jury narrowed the focus of the investigation to three entities; Kern County Human Resources (KCHR), Kern County Sheriff’s Office, Community Advisory Committee (CAC), and appointed Court Monitors (Monitors).

This investigation will attempt to determine the progress in achieving compliance with the Stipulated Judgment and being met by both parties — the KCSO and the DOJ and what, if any, obstacles have arisen.

PURPOSE OF INQUIRY:

Pursuant to Cal. Penal Code § 925(a), the 2021-2022 Kern County Grand Jury (Grand Jury) is authorized to investigate and report on the operations, accounts, and records maintained by the Kern County Sheriff’s Office, and the related expenses the County incurs, which is then passed on to the taxpayers.

A series of incidents involving the KCSO has raised questions about the department’s use of force policy, accountability, and oversight. These events have placed Kern County in the

national spotlight regarding policing practices, and opened a public and passionate conversation around the KCSO's community engagement, transparency, and accountability.

The Grand Jury opened an investigation into the Stipulated Judgment after reading various stories, opinion pieces, and community groups' reports. The intent of the investigation is to determine the status in enacting the changes ordered by the Stipulated Judgment and whether the \$1.3 million in tax monies this fiscal year (FY) are being spent appropriately and for their intended purposes. The Kern County Grand Jury acts as a civil watchdog for Kern County taxpayers, ensuring honest and efficient government practices.

METHODOLOGY:

Utilizing mixed methods from traditional quantitative and qualitative approaches, the Grand Jury incorporated surveys, questionnaires, raw data from reports, archival data, agency specific documentation, and interviews of relevant personnel. The Grand Jury also interviewed personnel from KCSO, Kern County Human Resources, and the County of Kern:

- Complaint for Injunctive Relief, People of the State of California v. County of Kern and The Kern County Sheriff's Office (BCV-20-102971).
- Stipulated Judgment, People of the State of California v. County of Kern and The Kern County Sheriff's Office (BCV-20-102971).
- Kern County Sheriff's Office reports, meeting minutes, use of force reports.
- County and KCSO budgets.
- Review of the citizen complaint procedure.
- Interviews with personnel from other law enforcement agencies also under Stipulated Judgments with court appointed Monitors.

Research was hampered by the KCSO's reliance on non-digital systems in getting relevant Diversity, Equity, and Inclusion data.

DISCUSSION OF FACTS:

TO SUMMERIZE, THE STIPULATED JUDGMENT REQUIRES:

Use of Force Reporting Policy

KCSO agrees to revise its use of force policies and practices in accordance with both federal and state constitutions; federal and state laws; and to include the concepts of sanctity of life, necessity, proportionality, and de-escalation. Deputies shall receive training on all new and updated policies. KCSO deputies and staff will use force only when necessary to defend against an imminent threat of death or serious bodily injury; when feasible, they will use de-escalation techniques, crisis intervention tactics, and other alternatives.

Stops, Seizures, and Searches

KCSO agrees to ensure that all investigatory stops, seizures, and searches are conducted in accordance with federal and state constitutions. All investigatory stops will be adequately documented for tracking and supervision purposes. KCSO shall provide training on bias-free policing and implement additional accountability and supervision practices to ensure that unlawful stops, searches, and seizures are detected and effectively addressed. KCSO will work with the Monitor on a semiannual basis to analyze its stop data and revise policies and trainings as warranted.

Responding to and interacting with people with Behavioral Health Disabilities or in Crisis

KCSO shall revise its policies to establish that deputies who are specifically trained in de-escalation techniques be dispatched to respond to calls involving a person in mental health crisis or suffering from a mental health disability. KCSO shall ensure deputies are equipped with methods to properly interact with this community, to reduce the number of individuals with behavioral health disabilities in the criminal justice system.

Management and Supervisory Oversight

KCSO will ensure all supervisors and managers exercise oversight of use of force incidents, conduct impartial investigations of those matters, are held accountable for meeting agency standards and expectations, engage with and listen to community feedback, and incorporate said feedback when able and appropriate. KCSO will develop specific metrics and guidelines for evaluating the effectiveness of the supervision of deputies and perform these evaluations annually.

Language Access

KCSO will ensure that all members of the Kern County community, regardless of their ability to speak, read, write, or understand English, will be provided with timely and meaningful access to police services and with effective communication. KCSO agrees to partner with the CAC and community stakeholders to develop and implement a language access policy consistent with applicable federal and state laws. KCSO will develop and audit protocol to determine how it is managing language access services and whether the services align with community needs. Audit results will be reported annually to the public.

Recruitment, Hiring, and Promotions

KCSO will develop and implement plans and policies to ensure it successfully attracts and hires a diverse group of qualified individuals for both patrol and detentions. These shall be designed to ensure that recruitment, hiring, and promotion decisions are made without favoritism or unlawful discrimination and incorporate enhanced strategies for promoting qualified applicant representatives of the Kern County community. KCSO will report annually on their promotional activities and outcomes.

Community Policing

KCSO agrees to enhance, promote, and strengthen partnerships within the community, to engage constructively with the community to ensure collaborative problem-solving and bias-free policing, and to increase transparency and community confidence in KCSO.

Complaint Review

KCSO will ensure that all allegations of personnel misconduct are received and fully and fairly investigated. Personnel who commit misconduct will be held accountable pursuant to a fair disciplinary system and consistent standards. All KCSO deputies and supervisors will receive training about proper complaint intake, classification, and investigative techniques. Audits of these practices will be conducted annually.¹

THE GRAND JURY NOTED THE FOLLOWING:

- a) The KCSO has appointed a Compliance Coordinator at the Chief Deputy level. They lead a team comprised of staff from several departments and act as a liaison between the Monitors and KCSO to plan and initiate items to achieve Stipulated Judgment compliance.
- b) The KCHR has created Kern County's first Director of Diversity, Equity, and Inclusion:
 - The Monitors recommend a team of people to fulfill the requirements of the job and the compliance with the Stipulated Judgment as needed.
 - Analysis as how to best serve non-English speakers is ongoing by both KCSO and KCHR, with the coordination of the Director of Diversity, Equity, and Inclusion.
 - Bilingual staff in KCSO are compensated with an additional \$25/\$50 per pay period depending on written and verbal fluency.
 - Bilingual certification requires staff to perform extra work and be tasked to work in sometimes remote or undesirable locations.
 - There are 15 written/verbal bilingual civilian staff, 15 written/verbal bilingual detention staff and 10 written/verbal bilingual field staff. There are 20 verbal only civilian staff, 21 verbal only detention staff and 15 verbal only field staff.
- c) A Community Advisory Committee was formed in October 2020. The Stipulated Judgment empowers CAC to review KCSO's policy and to act as a liaison between the Sheriff's Office and the community:
 - The KCSO has partnered with MLK CommUNITY and 33 other organizations.
 - Participation is accorded by invitation.

¹ From the Court Monitors website <https://kcsomonitoring.info/about/about-the-stipulated-judgment/>

- KCSO is actively engaged with CAC.
 - The Stipulated Judgment and the Monitors require CAC to provide substantial input, assistance into policy and strategic plans of the KCSO.
 - CAC Meetings have no minutes or agendas posted for review by the public.
- d) The KCSO officially stated 70% of the Stipulated Judgment recommendations have already been achieved:
- The Monitors agree that progress has been significant but they are still very much in the beginning of the review and analysis, developing formalized metrics to assess compliance with the Stipulated Judgment.
- e) The KCSO is experiencing a large shortfall in personnel which makes it difficult to adequately staff the department:
- Crisis Intervention Team (CIT) staff are not always available.
 - Use of Force investigations are hampered by the lack of non-involved supervisors being available for an independent review, which creates a conflict of interest.
 - Bilingual officers are not always available when necessary.
 - Experienced, qualified non-sworn staff are not always available to provide data analysis.
- f) Kern County (8,163 square miles) is the third-largest county by area in California. Its area is nearly the size of the state of New Hampshire. KCSO has 1,417 sworn and civilian employees; 462 deputy sheriffs, 709 detention deputies, and 246 support staff.
- g) The 2021/2022 budget allows for the training of 32 Deputy Sheriffs just to maintain staffing levels. Contingency funding allowed the department to hire and conduct background checks for more potential recruits than they have permanent positions. The department currently has 1,407 authorized positions. The recommended budget includes 1,417 positions. The department will defund 155 vacant positions, resulting in 1,262 funded positions.
- h) Only 90.7% of detention deputy positions are filled; only 91.6% deputy sheriff's positions are filled; and only 79.7% of professional support service positions are filled.²
- i) In December 2021, the KCSO created a department analyst position in the Compliance and Standards Division, which remains unfilled.
- j) KCSO canine policies were being revised before the Stipulated Judgment and are being evaluated by the Monitors for compliance with input from the CAC, DOJ and the Office of the County Counsel.

² Page 272, <https://www.kerncounty.com/home/showpublisheddocument/7751/637731698572030000>

- k) Since December 22, 2020, the Monitors have not conducted formal compliance assessments regarding stops, seizures and searches. However, they have begun identifying areas they claim do not align with the Stipulated Judgment.
- l) The KCSO has numerous data systems which are described as, *antiquated and/or do not have the capacity to link to one another*.³ The Monitors are being hampered by the lack of adequate technology systems in gathering data for analytical purposes to measure compliance with the Stipulated Judgment. The KCSO is exploring options to update their software.
- m) The KCSO's public use of force tool was scheduled to roll out in November 2021. This has now been implemented under the KCSO website "Transparency" tab and is being filled out.⁴
- n) A Crisis Intervention Coordinator position has been created at the KCSO and filled by a deputy of commander rank with assistance from a lieutenant in the training division.
- o) The Stipulated Judgment, paragraph 84, requires CIT trained deputies be deployed during every shift. KCSO states 50% of patrol deputies have received 40 hours of CIT training, 95% of detention deputies received 8 hours of CIT training, and 40% of dispatchers have received 16 hours of CIT training. KCSO has trained 62 staff in crisis intervention during FY 2020-2021.
- p) The Mobile Evaluation Team (MET) is dispatched by law enforcement when a behavioral health crisis is identified in the community. The KCSO does not control MET staffing, but plans on supplementing it by having as a goal, CIT training for every one of their patrol deputies.
- q) The KCSO workforce does not reflect Kern County's demography. As of 2016, KCSO staff consists of 48.1% Caucasian, 45% Hispanic, 2.2% Black, 1.3% Asian, 1.0% American Indian, and 1.4% other.
- r) Kern County Human Resources passes qualified candidates to KCSO. From that point onward, there is no information shared on how KCSO selects new hires and promotions. Information is not shared between the departments. In 2021, KCHR discontinued interviewing candidates and in 2022, KCSO and KCHR eliminated the pre-employment physical agility test. Reasons for dropping out, failing testing, or separation are either not collected nor shared between the departments.
- s) According to the Monitors, pre-employment psychological screenings are minimal and inadequate.

³ Page 12, https://kernsheriff.org/Transparency/Reports/KCSO_1st_Annual_MT_Report-Jan_2022.pdf

⁴ <https://www.kernsheriff.org/Transparency>

- t) The KCSO and the Monitors have produced a matrix timeline at the beginning of the Stipulated Judgment. Deadlines with the Monitors have been pushed out and are not firm or adhered to.
- u) The Monitors' budget for the current fiscal year is \$1.3 million. The Monitors have recommended a software called Speedtrack[®] whose additional cost over five years would be \$595,000 to license the software.

FINDINGS:

- F1. Antiquated software and dissimilar databases severely hamper the ability of KCSO to fulfill the Stipulated Judgment requirements.
- F2. Data is not able to be leveraged as a management and monitoring tool by KCSO due to software age or reliance on paper systems, and its inability to be able to be linked together.
- F3. The KCSO website needs to be modernized and updated with publically available data on use of force incidents.
- F4. Staffing levels are at an all-time low, and the KCSO is strained by a lack of qualified candidates to fill vacancies. Positions remain vacant placing a burden on the existing workforce.
- F5. The KCSO is responsible for an area nearly the size of New Hampshire. They need more funds to be able to comply with the terms of the Stipulated Judgment and to effectively enforce the law.
- F6. Recruitment is not wide or nimble enough to bring in adequate candidates to fulfill vacant positions at the KCSO. Recruitment at present is insufficient and utilizes outdated methods to meet the needs of the County.
- F7. The lack of communication and cooperation between KCHR and KCSO hampers hiring and promotion needs/requirements.
- F8. The Sheriff's Community Advisory Council plays a large role in shaping public policy and practices for KCSO, and how it enforces the law based upon the requirements in the Stipulated Judgment. However, the lack of openness, posted agendas, bylaws and minutes, and the appointed, non-elected nature of the group, raises concerns over how representative of Kern County they are and is contrary to their stated purpose.

COMMENTS:

Since the inception of the Violent Crime Control and Law Enforcement Act of 1994, the Special Litigation Section of the Justice Department's Civil Rights Division has completed at least 50 investigations of police departments alleged to have engaged in a pattern or practice of

misconduct.⁵ When a pattern or practice of misconduct is found, formal legal means are sought to remedy the illegal activity. The United States Department of Justice (USDOJ) has negotiated settlement agreements to remedy several categories of systematic police misconduct. The police use of excessive force is by far the most common violation.⁶

Though the content of each agreement is tailored to the specific pattern or practice of abuse, the USDOJ relies on a core set of reform mechanisms to affect department wide change. In each case, the settlement agreement uses aggressive timelines and a court appointed independent monitor to implement changes to police departments. These reforms can change the process of hiring, promoting, policing, and effect perception and legitimacy of the departments in the eyes of the community, watchdog groups and the media, as well as possible improved relationships between state and local political government branches.

These efforts helped restore accountability and confidence in police while improving public and officer safety. This has been especially helpful among communities of color, where generations of unlawful and unconstitutional policing have devastated police-community relations. However, the Trump administration broke this long-standing precedent. It did not enter into a single court-supervised agreement nor open any formal pattern or practice investigations.⁷ It is argued⁸ that states should empower their own attorneys general to investigate the pattern or practice of police misconduct and pursue court-enforceable police reform agreements when necessary. California's Attorney General explicitly stating, "*as a result of the Trump Administration abandoning its role,*"⁹ has been quick to take up the baton and has concluded negotiated Settlement Agreements with both KCSO and the Bakersfield Police Department.

In California, negotiated settlements and Stipulated Judgment plans often stretch years longer than anticipated, and are increasingly perceived as a "*cottage industry*" harming police morale and frustrating community residents.

Monitoring teams — usually composed of former police officials, lawyers, academics, and police-reform consultants — have typically billed local taxpayers between \$1 million and \$2 million per year. Some consultants have served on oversight teams in more than one city at

⁵ (Alabaster, AL; Austin, TX; Bakersfield, CA; Beacon, NY; Cincinnati, OH; Cleveland, OH; Columbus, OH; Detroit, MI; Easton, Penn; Inglewood, CA; Los Angeles, CA; Orange County, FL; Miami, FL; Mt. Prospect, IL; Pittsburg, PA; Portland, ME; Prince George's County, MD; Schenectady, NY; State of New Jersey, Steubenville, OH; U.S. Virgin Islands; Villa Rica, GA; Warren, OH, Washington, DC and Yonkers, NY from a database found here: <https://www.justice.gov/crt/special-litigation-section-cases-and-matters/download#police> (visited 3/1/22))

⁶ In each case, police departments facing suit chose to avoid formal litigation by signing negotiated settlements in the form of a consent decree, Memorandum of Agreement or Stipulated Judgments <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/interactive-guide-crd.pdf> (Visited 3/3/22)

⁷ <https://www.justice.gov/opa/press-release/file/1109681/download> (Visited 3/10/22)

⁸ <https://www.americanprogress.org/article/expanding-authority-state-attorneys-general-combat-police-misconduct/> accessed 3/1/22

⁹ The California Attorney General also sent a letter — in support of a broader effort by state attorneys general — urging Congress to expand the Violent Crime Control and Law Enforcement Act of 1994 to give state attorneys general [clear statutory authority under federal law](https://oag.ca.gov/news/press-releases/attorney-general-becerra-announces-major-settlement-reform-wide-range-practices) to investigate and resolve patterns or practices of unconstitutional policing <https://oag.ca.gov/news/press-releases/attorney-general-becerra-announces-major-settlement-reform-wide-range-practices>; and <https://oag.ca.gov/news/press-releases/attorney-general-becerra-calls-broad-police-reforms-and-proactive-efforts> accessed 3/3/22

the same time, drawing criticism over conflicts of interest and with little accountability to the public.

The Albuquerque Police Department, for instance, has been drawn into several extensions and has paid over \$20 million to their monitoring team. The listed office has no signage, is located inside a city-owned senior center, and is not accessible to the public, with public officials being warned by the courts not to interfere.¹⁰

The Los Angeles Sheriff's Department (LASD) - Antelope Valley Judgment has been in place since 2015. Local taxpayers are paying about \$1.459 million per year to court monitors. Some of the same Monitors who are overseeing the KCSO Stipulated Judgment, also oversee the LASD Judgment.

The City of Oakland's Negotiated Settlement Agreement dates from January 22, 2003, when the City of Oakland and the Oakland Police Department entered into an agreement resolving allegations of police misconduct raised by private plaintiffs in the civil lawsuit, Delphine Allen, et al., v. City of Oakland, et al. Oversight was supposed to end in 2008. Oakland's local taxpayers have spent \$30 million between 2003 and 2015 with ongoing costs totaling \$1.555 million per year.¹¹

In 2021/2022 alone, the total cost to Kern County and Bakersfield City residents will be in excess of \$2.9 million.

The relationship between the Monitors and the County is productive and amicable. With all of the parties working to effect the changes necessary for the Stipulated Judgment requirements to be met, there remain nationwide issues regarding the use and implementation of the Stipulated Judgment, negotiated settlements, and independent court monitors. The appearance of conflicts of interest by double dipping into the administration of multiple Stipulated Judgment agreements is not prohibited. Monitoring is a public service and should encourage the use of alternative fee structures, flat rate billing, pro-bono fees, etc. However, this is not done. Monitors have no term limits, Stipulated Judgments are not designed with partial compliance, and sustainability terms are not built in.

RECOMMENDATIONS:

- R1. No later than December 30, 2022, funding levels should be increased for the KCSO to allow for investment in technology and data upgrades. (Findings F1, F2, F3, F5)
- R2. No later than November 1, 2022, KCSO should recommend to the Board of Supervisors a ballot measure to increase the County sales tax by one percent from 7.25% to 8.25% to fund the modernization and maintenance of KCSO technology and computer software systems, to adequately staff vacant positions and to increase the scale and scope of recruitment for KCSO. (Findings F1, F2, F3, F4, F5, F6)

¹⁰ <https://www.koat.com/article/doj-settlement-agreement-with-the-city-enters-7th-year-dollar20-million/35421909>

¹¹ <https://oaktalk.com/2018/03/23/a-guide-to-the-negotiated-settlement-agreement-nsa-the-cost/>

- R3. No later than November 1, 2022, KCSO should recommend to the Board of Supervisors that a general tax be levied to fund general government purposes, which goes into the Kern County's general fund to be approved by voters. (Findings F1, F2, F3, F4, F5, F6)
- R4. No later than November 1, 2022, KCSO should recommend to the Board of Supervisors to commission an independent cost-benefit analysis of the digitization of the computer systems, in which the cost to all stakeholders, in property tax revenues, is considered. (Findings F1, F2, F3, F5)
- R5. No later than November 1, 2022, the KCSO's CAC should abide by the Brown Act (regardless of whether they are a Brown Act body), California's Political Reform Act, set up a public website publishing meetings, agendas, and minutes for the public and set up an open, accountable process to allow community members/groups to have a seat. (Finding F8)
- R6. No later than November 1, 2022, a working committee should be set up to achieve closer cooperation between KCSO and KCHR for hiring and promotion needs to be achieved. (Findings F4, F5, F6, F7)
- R7. No later than November 1, 2022, KCSO should recommend to the Board of Supervisors to commission an independent study of the KCSO and KCHR hiring and recruitment program. This study should determine whether the program comports with those in other counties and with best practices, recommend revisions to the program, including the Peace Officers Standard and Training requirements, to be in compliance with Stipulated Judgment requirements for Diversity, Equity and Inclusion. (Findings F4, F5, F6, F7)
- R8. No later than November 1, 2022, KCSO should continue to publish data, including use of force, publicizing CAC's minutes and agenda, as well as other community events, on KCSO's website. (Findings F1, F2, F3, F8)

NOTES:

- The Kern County Sheriff's Office, the Board of Supervisors and Kern County Human Resources should post a copy of this report where it will be available for public review.
- Persons wishing to receive an email notification of newly released reports may sign up at: www.kerncounty.com/grandjury
- Present and past Kern County Grand Jury Final Reports and Responses can be accessed on the Kern County Grand Jury website: www.kerncounty.com/grandjury

RESPONSE DEADLINES:

RESPONSES ARE REQUIRED PURSUANT TO CAL. PENAL CODE § 933 (C) AND 933.05 WITHIN 60 DAYS FROM THE KERN COUNTY SHERIFF'S OFFICE:

- **PRESIDING JUDGE
KERN COUNTY SUPERIOR COURT
1415 TRUXTUN AVENUE, SUITE 212
BAKERSFIELD, CA 93301**
- **FOREPERSON
KERN COUNTY GRAND JURY
1415 TRUXTUN AVENUE, SUITE 600
BAKERSFIELD, CA 93301**

Reports issued by the Grand Jury do not identify individuals interviewed. Cal. Penal Code § 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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- <https://www.mondaq.com/unitedstates/white-collar-crime-anti-corruption-fraud/1117386/doj-announces-new-rules-for-federal-monitors-of-governmental-entities>
- <https://clearinghouse.net/case/14150/>
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APPENDIX

Summary of Expenditures and Revenue

	FY 2019-20		FY 2020-21		FY 2021-22		
	Actual	Adopted Budget	Actual	Department Requested	Preliminary Recommended	Recommended	
APPROPRIATIONS:							
Salaries and Benefits	\$188,756,348	\$192,049,876	\$191,873,112	\$199,540,616	\$199,437,552	\$200,831,395	
Services and Supplies	38,131,264	44,876,580	40,852,781	45,814,086	46,247,001	46,773,635	
Other Charges	3,043,896	3,263,971	3,165,939	2,538,599	2,538,599	2,538,599	
Capital Assets	883,329	2,224,060	3,614,299	261,000	261,000	12,674,478	
Other Financing Uses	0	200,000	0	0	0	200,000	
TOTAL EXPENDITURES	\$230,814,837	\$242,614,487	\$239,506,131	\$248,154,301	\$248,484,152	\$263,018,107	
Expend. Reimb.	(\$276)	\$0	(\$2,990)	\$0	\$0	\$0	
TOTAL NET EXPENDITURES	\$230,814,561	\$242,614,487	\$239,503,141	\$248,154,301	\$248,484,152	\$263,018,107	
REVENUE:							
Licenses and Permits	\$708,156	\$631,100	\$728,326	\$855,000	\$855,000	\$855,000	
Fines and Forfeitures	2,824	4,700	1,364	2,700	2,700	2,700	
Intergovernmental	1,561,618	1,377,095	1,194,211	1,286,832	1,286,832	1,286,832	
Charges for Services	21,329,816	21,370,694	26,564,537	22,024,183	22,024,183	22,024,183	
Miscellaneous	279,611	1,110,700	348,155	1,110,700	1,110,700	1,110,700	
Other Financing Sources:							
CARES Act	1,202,901	0	23,508	0	0	300,000	
2011 Realignment	28,627,762	29,071,058	28,869,898	31,452,997	31,452,997	31,457,982	
Real Estate Fraud	0	360,816	386,557	360,816	650,000	650,000	
DNA Identification	125,000	125,000	125,000	125,000	125,000	125,000	
Local Public Safety	41,433,008	44,850,605	44,850,605	48,403,202	48,403,202	51,253,608	
Sheriff Facility Training Fund	186,270	186,270	92,941	186,270	186,270	186,270	
Automated Fingerprint Fund	0	400,000	0	400,000	400,000	400,000	
Sheriff's Cal-ID	1,375,888	2,391,000	1,422,096	2,391,000	2,409,000	2,409,000	
Sheriff's Training	72,423	139,106	139,106	139,106	139,106	139,106	
Sheriff Work Release	450,000	450,000	450,000	450,000	450,000	450,000	
Sheriff's Civil Automated	142,891	461,720	461,720	252,136	252,136	472,093	
Sheriff's Firearms	2,585	9,500	6,278	2,500	2,500	2,500	
Sheriff Judgement Debtors Fee	392,942	192,942	192,942	192,942	192,942	192,942	
Sheriff's Volunteer Services	15,091	15,000	1,594	15,000	15,000	15,000	
Sheriff Controlled Substance	446,805	265,000	265,000	87,500	87,500	87,500	
Sheriff's State Forfeiture	0	12,000	0	12,000	12,000	12,000	
HIDTA State Asset Forfeiture	32,200	0	0	32,500	32,500	32,500	
Sheriff's Drug Abuse Gang Divr.	50,000	0	0	20,000	20,000	20,000	
Inmate Welfare Fund	2,659,732	3,490,489	1,820,299	3,531,489	3,531,489	3,521,914	
Rural Crimes Impact Fee	613,342	1,587,824	1,587,824	807,764	807,764	807,764	
Cal-MMET State Asset Forfeiture	365,461	25,000	13,265	0	0	0	
Community Development Prg.	549,275	640,000	635,555	621,333	644,000	644,000	
Civil Subpoena	0	15,000	0	15,000	15,000	15,000	
Seizure of Gaming Devices	0	0	0	0	0	30,000	
TOTAL REVENUE	\$102,625,601	\$109,182,619	\$110,180,781	\$114,777,970	\$115,107,821	\$118,503,594	
Less Available BSI *	\$0	(\$200,000)	\$0	\$0	\$0	(\$200,000)	
NET GENERAL FUND COST	\$128,188,960	\$133,231,868	\$129,322,360	\$133,376,331	\$133,376,331	\$144,314,513	
BSI Ending Balance *	\$200,000	N/A	\$200,000	N/A	N/A	N/A	

* BSI = Budget Savings Incentives

Division	Requested			Total	Requested		
	Authorized	Additions	Deletions		Filled	Vacant	Total
Office of the Sheriff	2	0	0	2	2	0	2
Office of the Undersheriff	39	1	(1)	39	37	2	39
Support Services	201	4	0	205	157	48	205
Investigations	98	2	0	100	86	14	100
Law Enforcement	358	4	0	362	337	25	362
Detentions	709	0	0	709	643	66	709
Total	1,407	11	(1)	1,417	1,262	155	1,417

(SOURCE: ¹ <https://www.kerncounty.com/home/showpublisheddocument/7751/637731698572030000>)



1350 Norris Road
Bakersfield, California 93308-2231

July 18, 2022

The Honorable Colette M. Humphrey, Presiding Judge
Kern County Superior Court
1415 Truxtun Avenue
Bakersfield, CA 93301

Dear Judge Humphrey:

On May 25, 2022, the Grand Jury published their *2021-2022 Final Report: California Attorney General v. Kern County Sheriff's Office*. This report outlined the investigation completed by the Grand Jury to determine the status in enacting the changes ordered by the Stipulated Judgment with the California Department of Justice and whether the \$1.3 million in tax monies this fiscal year have been spent appropriately and for their intended purposes. Below is the Sheriff's Office response to the Grand Jury's findings and recommendations.

I would like to express my appreciation to the Grand Jury for its efforts in reviewing our ongoing efforts to improve our operation and ultimately attain compliance with the Stipulated Judgment. The objective review of our operations helps to reinforce the logistical obstacles we have been attempting to overcome and helps to strengthen the foundation of trust between the community and the Sheriff's Office. As always, the Sheriff's Office appreciates the valuable insight the Grand Jury has provided.

Response to Findings:

F1. Antiquated software and dissimilar databases severely hamper the ability of KCSO to fulfill the SJ requirements.

The Kern County Sheriff's Office agrees with this finding.

The Kern County Sheriff's Office currently has (44) different data systems. Each one of these KCSO systems is a different program with a separate database. This requires a significant amount of work for our Programmers to compile and distribute the many different required reports.

The Kern County Sheriff's Office is actively exploring a new Computer Aided Dispatch, Jail Management, and Records Management Software that will replace several separate systems currently in use. This will allow the Sheriff's Office to be more efficient,

increase productivity, and communicate between systems and other departments. This will improve operations and help us fulfill the requirements of the Stipulated Judgement. We requested funds in FY 22-23 budget, which will assist in paying for software programs and databases. Pending approval of the budget, these software programs and databases should be operational within two years of entering into an agreement.

CJIS, which we use as a Jail Management System (e.g. booking, court complaints, transportation logs, etc.) will be obsolete within 2 years. CJIS is on the County mainframe and is an old Common Business Oriented Language (COBOL) language for IBM. COBOL language was created in 1959 and is considered an outdated programming language. The County started to explore solutions, but there is no “one size fits all” system that meets the needs of the various County departments and the Superior Court. All departments are in the process of researching and acquiring a system that will meet their respective needs and will communicate with the other County systems. Our Technology Services Section (TSS) is currently reviewing options for a new Jail Management System to replace CJIS.

The Kern County Sheriff’s Office Training Management System (TMS) is a third-party system that was purchased from Training Innovation, Inc. and is built on an old Microsoft FOXPRO language. FOXPRO met its end of life many years ago and Microsoft is no longer releasing any security patches for it. TMS is currently used for historical reasons and TSS is actively working to decommission this software package.

The Kern County Sheriff’s Office recently started using LEFTA Systems Shield to maintain training records and comply with reporting requirements mandated by the Racial and Identity Profiling Act (RIPA). The Training Section has been tasked with the implementation of LEFTA. LEFTA provides records keeping through ATRAX, METR, PASS, and FTO. ATRAX is utilized to keep training records for the Peace Officer Standards and Training (POST) certified academies and the Standards and Training for Corrections (STC) certified academies. METR is utilized to keep ongoing training records of POST certified staff (Deputies) and STC certified staff (Detentions) staff after they complete their academies. The program is also utilized to keep track of any training bulletins that are sent out to all Sheriff’s Office personnel. PASS is utilized for state reporting mandated by RIPA. FTO is utilized to keep track of trainees in the Field Training Officer and the Detentions Training Officer Programs. ATRAX, PASS, and FTO have been live for over a year. After some initial technical issues, METR recently became live. Some technical issues with METR are still being worked out, but the system is still being utilized.

The Human Resources Management System (HRMS) is an internally built system using a proprietary software package that is outdated by today’s database standards. TSS is actively looking for another HRMS solution.

The Risk Management Unit is using KOFAX PaperPort to store all of its documents. TSS is actively looking to replace this software package with an enterprise Risk Management software solution. TSS continues to convert old Microsoft Access databases to “.NET”

web applications with more modern “.NET” programming languages and Microsoft Windows Structured Query Language (SQL) Server data base platforms utilizing Cloud infrastructure.

Despite significant efforts, TSS has a difficult time finding and recruiting technical staff. There are currently 20 positions in TSS with only 17 filled. TSS is actively conducting interviews and trying to fill our vacant technical support positions.

F2. Data is not able to be leveraged as a management and monitoring tool by KCSO due to software age or reliance on paper systems, and its inability to be able to be linked together.

The Kern County Sheriff’s Office agrees with this finding in part.

Please see response to F1 above. The Sheriff’s Office can access data to manage operations, but the antiquated systems reduce efficiency and can be extremely time-consuming for staff to gather and analyze data. As stated above, many products were built or purchased over time to meet specific needs, resulting in a hodgepodge of systems. The Sheriff’s Office explored the utilization of SpeedTrack software to link these various systems together and pull data from various platforms. However, due to the antiquated nature of these systems and the inherent deficiencies in these systems nearing their end of life, it was not conducive to move forward with such a system. Instead, the Sheriff’s Office has been actively researching various vendors that offer multiple services to consolidate systems and streamline both data entry and analysis.

In addition, the Sheriff’s Office is exploring using Power BI to help connect different databases to provide the information the monitoring team requires. Microsoft software has shown some potential to combine some of our systems and provide real-time data to the Sheriff’s Office while we update current systems. TSS continues to purchase and develop applications using the Microsoft .NET framework with Microsoft Windows SQL Server for our databases. This allows us to pull data from several different databases and compile KCSO requested reports or statistics.

F3. The KCSO website needs to be modernized and updated with publicly available data on use of force incidents.

The Kern County Sheriff’s Office agrees with this finding.

The Sheriff’s Office has created a Transparency page on our external site, which can be accessed at the following link:

www.Kernsheriff.org/Transparency.

This site is dedicated to providing current and historical data on Officer-Involved Shootings, Critical Incidents, Annual Reports, Frequently Asked Questions, and Related Links & Resources. This will include detailed statistics on Officer Involved Shootings and a list of Critical Incident Videos links pertaining to these incidents. Currently, the

site has data from 2018, 2019, and 2020 populated. We are working to populate 2021 and 2022 data into the system. The Transparency page has the Sheriff's Office first annual Use of Force Report, and the Monitoring Team's 1st Annual Report uploaded for the public to access. The Sheriff's Office is continually improving the webpage features and functions to provide the public with updated information.

F4. Staffing levels are at an all-time low, and the KCSO is strained by a lack of qualified candidates to fill vacancies. Positions remain vacant placing a strain on the existing workforce.

The Kern County Sheriff's Office agrees with this finding.

In the 2021-2022 Final Report, the Grand Jury noted the following:

f) Kern County (8,163 square miles) is the third-largest county by area in California. Its area is nearly the size of the state of New Hampshire. KCSO has 1,417 sworn and civilian employees; 462 deputy sheriffs, 709 detention deputies, and 246 support staff.

g) The 2021/2022 budget allows for the training of 32 Deputy Sheriff's just to maintain staffing levels. Contingency funding allowed the department to hire and conduct background checks for more potential recruits than they have permanent positions. The department currently has 1,407 authorized positions. The recommended budget included 1,417 positions. The department will defund 155 vacant positions, resulting in 1,262 funded positions.

h) Only 90.7% of detention deputy positions are filled; only 91.6% deputy sheriff's positions are filled; and only 79.7 % of professional support service positions are filled.

Although this attempts to illustrate the critically low staffing levels, the actual numbers are far worse. The numbers and percentages noted by the Grand Jury appear to be derived from the following table in the County of Kern Fiscal Year 2021-2022 Recommended Budget Report (Page 272). The numbers reflected in the below table are listed per Bureau, which includes both sworn and civilian positions in each area.

Division	Authorized	Additions	Deletions	Requested	Filed	Vacant	Total
				Total			
Office of the Sheriff	2	0	0	2	2	0	2
Office of the Undersheriff	39	1	(1)	39	37	2	39
Support Services	201	4	0	205	157	48	205
Investigations	98	2	0	100	86	14	100
Law Enforcement	358	4	0	362	337	25	362
Detentions	709	0	0	709	643	66	709
Total	1,407	11	(1)	1,417	1,262	155	1,417

The above table showing 155 vacancies are the number of positions unfunded as “salary savings” in order to meet budget guidelines. This does not take into account the number of funded vacancies that exist as a result of funded positions not currently filled, which would be an additional 194. As of May 17, 2022, the Sheriff’s Office currently has 1,416* authorized (1,067 filled / 349 vacancies) for both sworn and civilian employees for a **total of 75.3% of all positions filled.**

- There are 616 authorized (494 filled / 122 vacancies) deputy sheriff positions deployed in patrol, substations, detective, courts services and special investigations units. **Only 80.2% of deputy positions are filled.**
- There are 356 authorized (236 filled / 120 vacancies) detention deputy positions deployed in the detention facilities. **Only 66.3% of detentions deputy positions are filled.**
- There are 444 authorized (337 filled / 107 vacancies) Sheriff’s professional support staff assigned throughout Kern County. **Only 75.9% of civilian positions are filled.**

The following is a 5-year retirement projection of all current sworn staff:

Rank	Total in Class	Current Eligible (Meets 20 years of service)	100 % Eligible (Meets years and age within next year)	5 year Eligible (20 years of service in next 5 years)
UNDERSHERIFF	1	(1) 100%	(1) 100%	(1) 100%
SHERIFF'S CHIEF DEPUTY	4	(3) 75%	(1) 25%	(4) 100%
SHERIFF'S COMMANDER	8	(5) 63%	(1) 13%	(8) 100%
SHERIFF'S LIEUTENANT	17	(11) 65%	(3) 18%	(15) 88%
SHERIFF'S SERGEANT	51	(21) 41%	(6) 12%	(38) 75%
SHERIFF'S SENIOR DEPUTY	71	(11) 15%	(5) 7%	(30) 42%
SHERIFF'S DEPUTY	340	(24) 7%	(15) 4%	(47) 14%
DETENTIONS LIEUTENANT	7	(6) 86%	(3) 43%	(7) 100%
DETENTIONS SERGEANT	24	(7) 29%	(1) 4%	(14) 58%
DETENTIONS SENIOR DEPUTY	24	(6) 25%	(1) 4%	(10) 42%
DETENTIONS DEPUTY	182	(25) 14%	(10) 5%	(43) 24%
SWORN TOTAL	729	(120) 16%	(46) 6%	(217) 30%

F5. The KCSO is responsible for an area nearly the size of New Hampshire. They need more funds to be able to comply with the terms of the Stipulated Judgement and to effectively enforce the law.

The Kern County Sheriff's Office agrees with this finding.

Please see response to F4 above. As demand for services have increased, coupled with inflation, legislative mandates, and additional requirements imposed by the Stipulated Judgment, the budget was reduced in 2016 and has remained status quo through 2021. In FY 2021-22, KCSO received an increase in funding for the addition of five sergeant positions to provide more supervision to comply with the Stipulated Judgment. In FY 2022-23, KCSO received increased funding for four additional sergeant positions to comply with the Stipulated Judgment, as well as fifteen Community Service Technician (CST) positions. These CST positions added to respond to non-hazardous, non-emergency calls for service to allow sworn personnel to be available to respond to emergency services. Despite these additions, the Sheriff's budget leaves 141 positions vacant and unfunded, of which, 131 are sworn classifications (72 Deputy Sheriff and 59 Detentions Deputies), which are not available to provide for the safety and security of Kern County residents and visitors. As stated above, this does not consider the existing funded positions that remain unfilled. As a result of these vacancies, the Kern County Sheriff's Office has been unable to fill the nine newly created sergeant positions for the increased supervision outlined in the Stipulated Judgment.

F6. Recruitment is not wide enough or nimble enough to bring in enough personnel to fulfil vacant positions at the KCSO. Recruitment at present is insufficient and utilizes outdated methods to meet the needs of the County.

The Kern County Sheriff's Office agrees with this finding.

Please see F4 and F5 above. Currently, recruitment for both entry level positions and promotional positions is insufficient and utilizes outdated methods to meet the needs of the County. Over the years, some applicants for both have reported concern over their application being rejected by Kern County Human Resources (KCHR) with minimal feedback. If we do not streamline these types of issues, potential applicants will become discouraged and existing staff will leave if they do not have an opportunity to grow or advance in their career. This lack of clarity around the process makes it difficult for applicants to know where they are falling short and a lack of specific or meaningful feedback makes it difficult for existing employees to prepare for advancement. The Sheriff's Office is in active discussions with KCHR to finalize a Recruitment Plan and Promotional Plan, which will seek to address issues such as these.

To rectify this issue, the Sheriff's Office has also been working to create a recruitment website. The Board of Supervisors and County Administrative Office have committed \$46,500 toward this effort and we have entered into a contract to utilize the services of TOC Public Relations. TOC Public Relations will provide web design and consulting

services. The services provided will be focused on creating a standalone recruitment website for the Kern County Sheriff's Office. TOC Public Relations specializes in digital marketing, strategic communication, and all aspects of public relations. TOC Public Relations will create and maintain a recruitment website and produce three recruitment videos for the Kern County Sheriff's Office. The contract with TOC Public Relations was completed on May 5, 2022, with a four to six month estimate to launch the website.

The Kern County Sheriff's Office has also been working to improve recruitment strategies. The Board of Supervisors and County Administrative Office have committed \$15,000 toward this effort and we have entered into a contract with Interview Now, a recruitment agency. Interview Now allows our agency to adopt a high-tech approach for modern-day job seekers to connect with our recruitment team, pre-qualify, and apply for open positions. The recruitment agency will also assist in managing our candidate pool, streamline our communication, and track advertisements for the best cost-effective referral sources.

F7. The lack of communication and cooperation between KCHR and KCSO hampers hiring and promotion needs/requirements.

The Kern County Sheriff's Office agrees with this finding.

Historically, both departments have been compartmentalized and progress limited due to delayed communication, turn over in staff, and a lack of mutual understanding of priorities and guidelines. Efforts to correct this disparity were undertaken upon entering into the Stipulated Judgment. Since that time, both KCHR and KCSO have been meeting regularly with the Monitoring Team to improve communication, collaboration, and accountability. Recommendations to correct these issues have been proposed, but a lack of sustained effort, as a result of internal movement and shifting responsibilities, on the part of KCHR has led to minimal progress.

F8. The Sheriffs Community Advisory Council plays a large role in shaping public policy and practices for KCSO, and how it enforces the law based upon the requirements in the Judgement. However the lack of openness, posted agendas, bylaws and minutes, and the appointed, non-elected nature of the group, raises concerns over how representative of Kern County they are and is contrary to their stated purpose.

The Kern County Sheriff's Office agrees with this finding in part.

The Brown Act (Government Code 54950 et. al) imposes the requirements of openness, posted agendas, bylaws, and minutes on the legislative bodies of California local agencies. The Community Advisory Committee ("CAC") was formed in October 2020 as an independent committee. It was not commissioned by the County or KCSO and is therefore not a legislative body nor is it subject to County or KCSO control. In addition, the CAC was formed several months before the finalization of the Stipulated Judgment on December 18, 2020. Even if the CAC had been a County commission, since it was formed prior to the Stipulated Judgment it would not be subject to the Brown Act. While

neither the County nor KCSO has control or jurisdiction over the CAC, the Kern County Sheriff's Office is aware that the CAC meetings are open to the public via Zoom and meeting dates and times are posted on the following website: <https://kcsomonitoring.info/>

The CAC has informed KCSO that the CAC desires to be as transparent and open as possible, but lack of funding has made it difficult to perform its functions. Again, the CAC is not a County commission, not subject to the Stipulated Judgment, and is not funded by the County or KCSO. Accordingly, the CAC is obligated to secure its own funding from other sources. KCSO can confirm that the CAC also does not have a dedicated venue to host public meetings. CAC meetings are currently held via Zoom and all meetings have been since the pandemic in 2020.

The purpose of the CAC is to review KCSO's policies and to act as a liaison between the Sheriff's Office and the community. In an effort to ensure that the CAC adequately represents the community, MLK CommUNITY has partnered with other organizations including, but not limited to the California Rural Legal Assistance (CRLA), the American Civil Liberties Union (ACLU), the Dolores Huerta Foundation (DHF), as well as LGBTQ+ community members to work with KCSO.

Response to Recommendations:

R1. No later than December 30, 2022, funding levels should be increased for the KCSO to allow for investment in technology and data upgrades. (Findings F1, F2, F3, F5)

The Kern County Sheriff's Office does not have the authority to implement this recommendation. This is a budgetary matter to be addressed by the Board of Supervisors.

R2. No later than November 1, 2022, KCSO should recommend to the Board of Supervisors a ballot measure to increase the County sales tax by one percent from 7.25% to 8.25% to fund the modernization and maintenance of KCSO technology and computer software systems, to adequately staff vacant positions and to increase the scale and scope of recruitment for KCSO. (Findings F1, F2, F3, F4, F5, F6)

This recommendation was implemented in 2018 and is in the process of being implemented again in 2022. As the Sheriff, I identified this need several years ago after public safety departments in the County had incurred nearly \$10 million in ongoing operational reductions and had put off critical hiring, as well as equipment purchases. In an effort to mitigate the long-term impact to vital service resulting from the ongoing budgetary reductions, I made such a proposal before the Board of Supervisors on July 10, 2018. I made the request for the Board of Supervisors for the placement of a general purpose 1% transactions and use tax measure on the November 6, 2018, general election ballot. The Board of Supervisors at that time approved the motion and directed County Counsel to draft the proposed sample ballot language, ordinance, and resolution for their consideration on July 24, 2018. The Board of Supervisors adopted revised Resolution 2018-152 approving revised ordinance establishing a 1% (1 cent) sales tax in the

unincorporated area and placing the ordinance on the November 6, 2018, ballot for voter approval, pursuant to Revenue and Taxation Code 7285.

This measure (Measure I) would have imposed a one percent (1%) retail transactions and use tax in the unincorporated area of the County only, effective April 1, 2019. The tax was estimated to generate an estimated \$35 million in annual revenue. After being used to reimburse the County for the costs of the election and to pay any fees charged by the State for preparing and administering the tax, the remaining revenue was to be deposited in the County general fund, where it would be segregated in a separate revenue account. The revenue was to be used for general purposes, including vital services such as protection of the public from criminal activity in the unincorporated area only. This also required input from a citizen advisory committee comprised of residents of the unincorporated area. On November 6, 2018, Measure I failed to be passed by voters of Kern County.

On June 21, 2022, the County Administrative Office made a presentation to the Board of Supervisors on community engagement efforts, community needs, and public service prioritization. The Board approved the CAO's Office and County Counsel to draft proposed sample ballot language on June 28, 2022, for their consideration of placing a one cent sales tax measure, with a provision for a citizen's oversight commission, on the November 8, 2022, ballot.

On June 28, 2022, the Board of Supervisors voted 4-1 to place an unincorporated Kern County public safety, vital services, and local control one-cent (1%) sales tax measure for unincorporated area voters to consider on the November 8, 2022, ballot. This too, if approved by the voters, is to be used for general purposes in the unincorporated area only. Such general purposes include, but is not limited to, public safety, homelessness, road improvements, infrastructure, and other vital services.

R3. No later than November 1, 2022, KCSO should recommend to the Board of Supervisors that a general tax be levied to fund general government purposes, which goes into the Kern County's general fund to be approved by voters. (Findings F1, F2, F3, F4, F5, F6)

The Kern County Sheriff's Office does not have the authority to implement this recommendation. This is a budgetary matter to be addressed by the Board of Supervisors. As Sheriff, it is not my role to recommend to the Board how to fund and run general government operations.

R4. No later than November 1, 2022, KCSO should recommend to the Board of Supervisors to commission an independent cost-benefit analysis of the digitization of the computer systems, in which the cost to all stakeholders, in property tax revenues, is considered. (Findings F1, F2, F3, F5)

This recommendation requires additional clarification and further analysis. It is unclear what "digitization of the computer systems" references and what the cost-analysis is to consider as a comparison. To the extent that digitization of the computer systems refers

to updating the antiquated software and programs that are currently being utilized by the Kern County Sheriff's Office, such a plan is already in place and programs are being explored as stated in F1 and F2.

R5. No later than November 1, 2022, the KCSO's CAC should abide by the Brown Act (regardless of whether they are a Brown Act body), California's Political Reform Act, set up a public website publishing meetings, agendas, and minutes for the public and set up an open, accountable process to allow community members/groups to have a seat. (Finding F8)

A stated above in F8, the CAC is not a Brown Act body. In addition, the Sheriff does not control or oversee the CAC. Although a Chief Deputy and Commander serve as liaisons to the CAC, the CAC is composed of independent community stakeholders that work with us to improve community policing efforts. The CAC is currently in the process of establishing their own website, which can be accessed at the following link:

<https://kerncac.org/>

R6. No later than November 1, 2022, a working committee should be set up to achieve closer cooperation between KCSO and KCHR for hiring and promotion needs to be achieved. (Findings F4, F5, F6, F7)

This was implemented upon entering into the Stipulated Judgment. Since that time both KCHR and KCSO have been meeting regularly and are involved in ongoing discussions with the Monitoring Team to develop a Recruitment Plan and Promotional Plan, while working to improve communication.

R7. No later than November 1, 2022, KCSO should recommend to the Board of Supervisors to commission an independent study of the KCSO and KCHR hiring and recruitment program. This study should determine whether the program comports with those in other counties and with best practices, recommend revisions to the program, including the Peace Officers Standard and Training requirements, to be in compliance with Stipulated Judgment requirements for Diversity, Equity and Inclusion. (Findings F4, F5, F6, F7)

This recommendation will not be implemented, because it is redundant. Current HR processes are under review by the Monitoring Team, who have made similar recommendations for best practices, as well as determining compliance with the Stipulated Judgment in all areas. The County of Kern is already providing funding for the Monitoring Team, which included subject matter experts for HR practices.

The Kern County Sheriff's Office does recommend a Countywide survey be developed for departments to provide information on demographics, as well as feedback on relations and experience with KCHR. This would aid in determining if these issues are isolated to just KCSO or if there are improvements to be made Countywide.

R8. No later than November 1, 2022, KCSO should continue to publish data, including use of force, publicizing CAC's minutes and agenda, as well as other community events, on KCSO's website. (Findings F1, F2, F3, F8)

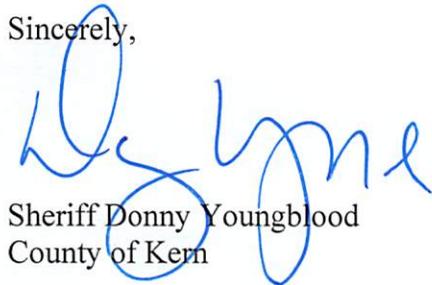
This recommendation is in the process of being implemented on the Sheriff's website. The Transparency webpage is live and is in the process of being updated. Once complete, it will display the past five years of Critical Incidents and Officer-Involved Shooting data. The Sheriff's Office has published its first annual Use of Force Report for the public. We are working on posting content on the website from our other social media platforms, but found that upgrades to the website are needed before we can display community events. In the meantime, we keep the public informed of community event through social media and through KCSO input during the CAC meetings. Our external website (www.Kernsheriff.org) is currently being redesigned and upgraded to current standards. Once completed, we will be able to better inform the public of relevant information.

As the Sheriff, I do not control or oversee the CAC. The Sheriff's Office has never posted the CAC's minutes or agenda. As stated in F8, the CAC is an autonomous community-led group of residents, committed to partnering with the Kern County Sheriff's Office in furtherance of its mission. I have designated a Chief Deputy and Commander to serve as liaisons to the CAC, but the CAC is comprised of independent community stakeholders that work with us to improve community policing efforts. They are in the process of establishing their own website, which can be accessed at the following link:

<https://kerncac.org/>

Please let me know if I can be of further assistance. Thank you

Sincerely,



Sheriff Donny Youngblood
County of Kern

CC: Kern County Grand Jury Foreman Michael Bryant
Undersheriff Doug Jauch
Chief Deputy Larry McCurtain
Chief Deputy Adam Plugge
Chief Deputy Erik Levig
Clerk of the Board of Supervisors
CAO Chief Operations Officer James Zervis
CAO Chief Administrative Officer Ryan Alsop
CAO Compliance and Accountability Officer
Chief Human Resources Officer Devin Brown
County Counsel Margo Raison

BOARD OF SUPERVISORS

SUPERVISORS

Phillip Peters District 1
Zack Scrivner..... District 2
Mike Maggard District 3
David R. Couch District 4
Leticia Perez..... District 5



KATHLEEN KRAUSE
CLERK OF BOARD OF SUPERVISORS
Kern County Administrative Center
1115 Truxtun Avenue, 5th Floor
Bakersfield, California 93301
Telephone (661) 868-3585
TTY Relay 800-735-2929

August 9, 2022

The Honorable Colette M. Humphrey, Presiding Judge
Kern County Superior Court
1415 Truxtun Avenue
Bakersfield, CA 93301

Dear Judge Humphrey:

Transmitted herewith is the Board of Supervisors' response to the 2021-2022 Grand Jury's Final Report titled California Attorney General V. Kern County Sheriff's Office.

The Board of Supervisors appreciates the Grand Jury's review and input.

Sincerely,

A handwritten signature in blue ink, appearing to read "Zack Scrivner", is written over a faint, larger version of the signature.

Zack Scrivner, Chair
Kern County Board of Supervisors

ZS/EN/COMPL_GJ California AG

Attachment

cc: Grand Jury

BOARD OF SUPERVISORS
COUNTY OF KERN

TRACKING PAGE

AUGUST 9, 2022

TUESDAY - 2:00 P.M.

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COUNTY ADMINISTRATIVE OFFICE

CA-18) Proposed response to Grand Jury report titled California Attorney General v. Kern County Sheriff's Office (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

Couch-Peters: 3 Ayes; 2 Absent - Maggard, Perez

RECEIVED

AUG 15 2022

By _____

Kern County Board of Supervisors
Response to Grand Jury Final Report
California Attorney General v. Kern County Sheriff's Office

Response to Recommendation:

Kern County agrees with the Grand Jury's findings.

Response to Recommendation:

R1: *No later than December 30, 2022, funding levels should be increased for the KCSO to allow for investment in technology and data upgrades.*

The recommendation requires further analysis. The County concurs that there is a need to invest in technology. Taking into consideration the limited resources available, the County will review this need along with other pertinent needs across the County.

R2: *No later than November 1, 2022, KCSO should recommend to the Board of Supervisors a ballot measure to increase the County Sales tax by one percent from 7.25% to 8.25% to fund the modernization and maintenance of KCSO technology and computer software systems, to adequately staff vacant positions and to increase the scale and scope of recruitment for KCSO.*

The County Concurs with the Sheriff's response. Voters residing in unincorporated Kern County will have an opportunity to vote on a general tax measure to provide additional funding for vital services in November 2022.

R3: *No later than November 1, 2022, KCSO should recommend to the Board of Supervisors that a general tax be levied to fund general government purposes, which goes into the Kern County's general fund to be approved by voters.*

The recommendation requires further analysis. Voters residing in unincorporated Kern County will have an opportunity to vote on a general tax measure to provide additional funding for vital services in November 2022. If that measure to increase sales tax by 1% on the November ballot passes by voters, an additional 1% general tax may not be needed and could put an unnecessary burden on taxpayers.

R4: *No later than November 1, 2022, KCSO should recommend to the Board of Supervisors to commission an independent cost-benefit analysis of the digitization of the computer systems, in which the cost to all stakeholders, in property tax revenues, is considered.*

The County Concurs with the Sheriff's response. While it is not clear what "digitization of the computer Systems" references to, the assumption made is it is referring to the need for updating Sheriff's computer systems. In which case, County will review this need along with other pertinent needs across the County.

R5: *No later than November 1, 2022, the KCSO's CAC should abide by the Brown Act (regardless of whether they are a Brown Act body), California's Political Reform Act, set up a public website publishing meetings, agendas, and minutes for the public and set up an open, accountable process to allow community members/groups to have a seat.*

The County Concur with the Sheriff's response. The Sheriff does not control or oversee the CAC. However, the CAC is currently in the process of establishing their own website which can be accessed at the following link:

<https://kerncac.org/>

R6: No later than November 1, 2022, a working committee should be set up to achieve closer cooperation between KCSO and KCHR for hiring and promotion needs to be achieved.

The County Concur with the Sheriff's response. A working committee between KCHR and KCSO was established upon entering into the stipulated judgement. KCHR and KCSO have continued discussions on hiring and retention.

R7: No later than November 1, 2022, KCSO should recommend to the Board of Supervisors to commission an independent study of the KCSO and KCHR hiring and recruitment program. This study should determine whether the program comports with those in other counties and with best practices, recommend revisions to the program, including the Peace Officers Standard and Training requirements, to be in compliance with Stipulated judgment requirements for Diversity, Equity, and Inclusion.

The County Concur with the Sheriff's response. Implementing this recommendation would be redundant. the Monitoring Team is reviewing current HR processes and have made recommendations for best practices.

R8: No later than November 1, 2022, KCSO should continue to publish data, including use of force, publicizing CAC's minutes and agenda, as well as other community events, on KCSO's website.

The County Concur with the Sheriff's response. The Sheriff's Office is in the process of implementation, with the exception of posting CAC's minutes or agenda. CAC is an independent body, not under the Sheriff's authority, and is in the process of establishing their own website as indicated above.