



CONTRA COSTA COUNTY OFFICE OF THE SHERIFF
DAVID O. LIVINGSTON
SHERIFF - CORONER

August 2, 2018

VIA EMAIL

Honorable John Gioia, Chair, Public Protection Committee
Honorable Federal D. Glover, Vice Chair, Public Protection Committee
651 Pine Street
Martinez, CA 94553

Re: Racial Justice Task Force Recommendations 20 & 21

Dear Supervisors Gioia and Glover:

Today I received notice and an agenda for a Public Protection Committee meeting to be held on Monday, August 6, 2018. This is only one full business day from today. On that agenda is consideration of two controversial recommendations regarding the Sheriff's Office operations. This letter serves as my official notice that the Office of the Sheriff does not, and will not, support Recommendations Nos. 20 & 21 of the Racial Justice Task Force (RJTF) Final Report. For the reasons outlined below, we respectfully ask the Public Protection Committee to refer this matter back to the full Board of Supervisors with a recommendation to take no further action on these two recommendations.

I note for the record that no other county official – appointed or elected – nor any other county agency was also identified for “oversight” - not the Probation Department, not the Office of the District Attorney, not County Health, and not the Public Defender.

While many of the recommendations contained within the RJTF report are sound, and the goal of eliminating real or perceived racial bias from the criminal justice system is of critical importance, by recommending “oversight” of the Sheriff's Office, the RJTF has gone well beyond their approved scope. Regrettably, it appears the RJTF veered into politics rather than good public policy in that regard.

Notably, the Public Protection Committee staff report (Donte Blue) identifies only two counties out of 58 where some type of oversight has been put in place. In both instances (Los Angeles and Santa Clara), the sheriffs agreed to such oversight. Such is not the case here.

At the outset, as noted by County Counsel, the Office of Sheriff-Coroner is a Constitutionally authorized position, directly elected by the voters of the entire county, and serves independent of the Board of Supervisors. Creating a civilian “oversight committee,” “advisory body,” or anything of the kind directly infringes and impedes the Sheriff’s independent authority to operate the jails.

Ultimately the Sheriff-Coroner serves at the will of the voters, and the California Attorney General has oversight as to the conduct and official acts of all sheriffs.

Additionally, creating an “independent grievance process” that operates outside of the Sheriff’s Office is duplicative of current policies, unwarranted, unnecessary, and likely unconstitutional. Such a regime would undercut the current inmate grievance process, impinge on the safety and security of the facility, and require access to confidential inmate files and/or personnel files. None of those things are authorized by law and will not be supported.

There is already sufficient state and federal “oversight” of the Sheriff-Coroner and the jail. Specifically,

1. All California jails come under the authority, including inspection authority, of the California Board of State and Community Corrections (BSCC). We are required to follow all regulations as promulgated under California TITLE 15, and those regulations are enforced by the BSCC.
2. We are also subject to oversight by the California Attorney General and are currently in the process of an Attorney General’s review of complaints lodged by select ICE detainees. We have produced tens of thousands of pages of various documents and used hundreds of hours of staff time thus far.
3. We are also subject to the oversight of the California State Auditor who is currently auditing many California jails and prisons with ICE contracts, including Contra Costa County.
4. County Public Health conducts facility inspections annually, including conditions of confinement for all inmates.
5. The County Civil Grand Jury has oversight of the county jails and routinely conducts tours and inspections. The County Civil Grand Jury is scheduled to inspect the Martinez Detention Facility on August 21, 2018, the West County Detention Facility on August 28, 2018, and the Marsh Creek Detention Facility on September 4, 2018.
6. During the time we have held contracts with the United States Marshal’s Service and ICE, we have been subject to regular and ongoing inspections by Federal regulators and investigators. We have passed these inspections in every instance.

Hon. Chair John Gioia, and Hon. Vice-Chair Federal D. Glover, Public Protection Committee
August 2, 2018
Page 3 of 3

For all of the preceding reasons, we ask that no further action be taken on recommendation Nos. 20 and 21 in the RJTF Final Report.

Sincerely,



DAVID O. LIVINGSTON
Sheriff – Coroner

DOL:sl

cc: Members of the Board of Supervisors
David Twa, County Administrator
Tim Ewell, Chief Assistant County Administrator
Paul Reyes, Senior Deputy County Administrator
Lara DeLaney, Director, Office of Reentry and Justice
Shawn Welch, President, Deputy Sheriffs' Association
Sonia Bustamante, Chief of Staff to Supervisor Gioia
David Fraser, Chief of Staff to Supervisor Glover
Cynthia Harvey Patton, Deputy Chief of Staff to Supervisor Gioia
Vincent Manuel, Deputy Chief of Staff to Supervisor Glover