

Chairman Andrew Do's Plan to Restore Independent Oversight & Accountability

Do's Proposal: Restore Funding & Direct Office of Independent Review to Explore Nexus between Law Enforcement & Social Services in Addressing the Homeless Crisis

Proposal: 1) Restore Funding to County's Office of Independent Review (OIR) ; and
2) Provide Specific Direction to Focus on Nexus between Law Enforcement & Social Services in Addressing the County's Homeless Crisis; and
3) Return to the Board of Supervisors in six months to reevaluate the scope of work for OIR and review preliminary findings.

OIR Purpose: The Office of Independent Review is intended to:

- Ensure Accountability [Section 1-2-225 (a)]
- Review Systemic Issues [Section 1-2-225 (a) & (b)]
- Research Risk & Liability Management [Section 1-2-225 (c)]
- Review County Policies [Sec. 1-2-226.(d) 6]
- Recommend Evolving Best Practices [Sec. 1-2-226.(d)6]
- Recognize Exemplary Employees [Sec. 1-2-226.(d) 13]

Scope: Departments subject to OIR oversight & accountability:

- Orange County Sheriff-Coroner's Department
- Office of the District Attorney
- Office of the Public Defender
- Probation Department
- Social Services Agency

OC Grand Jury: "...OIR should act **pro-actively, finding and averting emerging crises** in all five law-enforcement-related agencies." [2015-2016 OC Grand Jury, "Office of Independent Review: What's Next?"]

"These systemic audits, if allowed, have the potential to uncover **developing problems and take corrective action** before they reach a critical stage." [2015-2016 OC Grand Jury, "Office of Independent Review: What's Next?"]

Audit Inquiry #1: Orange County District Attorney/Public Defender: How effective is Homeless Outreach Court?

Audit Inquiry #2: Sheriff's Department: Are local law enforcement agencies engaging in "homeless dumping" in specific communities and/or do policies result in a disproportionate burden on the City of Santa Ana?

Audit Inquiry #3: Probation Department: Are state "catch-and-release" policies, including AB 109, Proposition 57 & Proposition 47, contributing to the homeless crisis?

Audit Inquiry #4: Social Services Agency: Is the Social Services Agency effectively reaching and assisting homeless individuals and/or what are the evolving best practices for assistance programs that can help lead to self-sufficiency?

Why the Office of Independent Review Should Investigate Homelessness

Homelessness: Impacts All 5 Departments under OIR Scope

Homelessness serves as the nexus among all five departments that fall under the Office of Independent Review's charter:

- Orange County Sheriff-Coroner's Department: Individuals who are homeless frequently interact with Orange County Sheriffs for anti-camping and/or trespassing as well as other crimes.
- Office of the District Attorney: Some homeless individuals may be prosecuted by the District Attorney.
- Office of the Public Defender: Some homeless individuals may be involved in criminal cases with representation from public defenders.
- Probation Department: Some homeless individuals are on probation.
- Social Services Agency: Individuals interact with the Social Services Agency for assistance programs.

Homelessness: Public Concerned about Accountability in County's Response

The Office of Independent Review is charged with ensuring independent oversight and public accountability. The public's confidence in the County's homeless response has been eroded by fearmongering about the threats of homeless sex offenders.

Homelessness: Systemic Issue & County's Greatest Public Policy Challenge

Without question, homelessness is considered the County's most pressing public policy challenge. Moreover, the issue is a systemic problem – exactly the topic of concern to the Office of Independent Review – and requires a comprehensive response.

Homelessness: Major Liability Issue Facing Orange County Now & In Future

Liability and risk mitigation are another OIR focus. Homelessness presents numerous liability concerns to the county:

- **Orange County Catholic Worker v. Orange County:** Ongoing litigation before U.S. District Court Judge David O. Carter over county homeless response. [Federal Court]
- **ACLU Lawsuit Against Laguna Beach:** [OC Register, 6-7/2018, [Agreement between ACLU and Laguna Beach in lawsuit involving disabled homeless people”]
- **City of Santa Ana Lawsuit:** The City of Santa Ana has voted to sue the county and OC cities. [OC Register, “Santa Ana to expand planned homeless lawsuit” 4-26-2018]
- **City of Irvine Lawsuit:** The Irvine City Council voted to take legal action against Orange County to stop homeless shelters. [KABC, 3-21-2018 “Irvine to take legal action against Orange County over temporary homeless camps”]

Homelessness: Solutions Will Require Adoption of Evolving Best Practices

Homelessness is a state and national policy challenge. OIR should recommend evolving best practices by other government entities and non-profits.

Homelessness: Opportunity to Recognize Exemplary Employees

Orange County staff has done a remarkable job in the county's homeless response. Employees have performed admirably, and at a risk -- having just cleared 13,950 needles from the Riverbed. The Office of Independent Review should identify these exemplary employees.