



AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Southern California

Office of Inspector General  
Department of the Treasury  
1500 Pennsylvania Ave., N.W.  
Washington, D.C. 20220

*via email:* [hotline@oig.treas.gov](mailto:hotline@oig.treas.gov)

**Re: Complaint Concerning Violation of Title V of the Coronavirus Aid, Relief, and Economic Security (CARES) Act by Riverside County**

This complaint, submitted on behalf of the ACLU of Southern California, Riverside All of Us or None, and Starting Over Inc, addresses the misuse of Coronavirus Aid, Relief, and Economic Security (CARES) Act funds by Riverside County. The CARES Act is intended to provide economic support to individuals, businesses, states, tribal governments, and certain eligible local governments as they respond to the COVID-19 pandemic. *See* Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136, 134 Stat. 281 (2020). However, on May 25 and June 8, 2021, the Riverside County Board of Supervisors passed three spending items to improperly use CARES Act funds for improvements to the Sheriff's department that bear no relationship to Riverside County's response to the public health emergency caused by COVID-19. As set forth below, Minute Orders 3.27, 3.28, and 3.32 do not respond to the pandemic nor constitute a substantially different use of the Sheriff's Department budget that justify utilizing CARES Act funds. Thus, these items present a misuse of funds pursuant to the applicable federal law.

**I. CARES Act Guidelines**

The CARES Act guidelines provide several requirements that must be satisfied before appropriating CARES Act funds. *Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments*; 86 Fed. Reg. 4183 (Jan 12, 2021). The guidelines state that federal funds may only be used to cover "necessary expenditures incurred due to the public health emergency" that were "not accounted for in the budget most recently approved as of March 27, 2020" and "were incurred during the period that begins on March 1, 2020, and ends on December 31, 2021." *Id.*; *See* CARES Act § 5001. Unless all three of these elements are met, any proposed use of federal funds is illegitimate.

First, the "Necessary Expenditures" element requires that CARES funds only cover expenditures that are reasonably necessary to respond to the public health emergency. *See id.* This includes directly supporting medical personnel or addressing secondary effects of the pandemic, such as providing economic support for people or companies affected by business closures. *See id.* Second, the "Costs Not Accounted for" requirement states that for an expenditure to be covered by the CARES Act, it must not "lawfully be funded using a line item, allotment, or allocation within that budget" or be a "substantially different use from any expected use of funds in such a

line item, allotment, or allocation.” *Id.* Finally, the “Costs Incurred” element holds that CARES Act funds may only cover expenditures that arose between March 1, 2020, and December 31, 2021. *Id.* The guidelines clarified that for a cost to be incurred, “performance or delivery must occur during the covered period, but payment of funds need not be made during that time.” *Id.*

Looking specifically at law enforcement, CARES Act guidelines only expressly permit the use of federal funds for public safety officers when supplementing “payroll expenses for public safety...whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency,” “expenses for technical assistance to local authorities or other entities on mitigation of COVID–19-related threats to public health and safety,” and “expenses for public safety measures undertaken in response to COVID–19.” *Id.* at 4184. Additionally, the CARES guidelines permit the use of funds for “COVID–19-related expenses of maintaining state prisons and county jails” related to “sanitation and improvement of social distancing measures, to enable compliance with COVID–19 public health precautions.” *Id.*

As described below, each of the three CARES Act funding uses recently approved by the Riverside County Board of Supervisors fails to comply with these federal requirements.

## II. Minute Orders 3.27, 3.28, and 3.32 Do Not Satisfy the CARES Act Guidelines

### a. Minute Order 3.27

Minute Order 3.27 approves spending \$1,303,420.01 of CARES Act funds to upgrade key card and video camera systems at the Sheriff’s Department’s facilities. The Low Voltage/Key Card Access upgrades bear no relationship to Riverside County’s COVID-19 response and constitute a cost that was accounted for prior to the pandemic. First, the “Necessary Expenditures” element is not satisfied because the costs of updating key cards and cameras are not expenditures incurred due to the pandemic and are not necessary to improve public health or lessen the impact of the pandemic. Swiping a key card instead of turning a physical key does not substantially reduce employees’ contact with door handles or other office objects, such that this technology does not improve the Sheriff’s Department’s control of COVID-19 spread. Additionally, installing an upgraded camera system does nothing to minimize office staff’s exposure to sick staff or visitors; the requested funds are not being used to implement testing or sanitation before visitors or staff enter Sheriff’s Department facilities. Consequently, these technological improvements are not reasonably necessary to respond to the public health emergency or adverse effects of the pandemic.

Furthermore, the “Costs Not Accounted for” requirement states that CARES Act funds can only be used to cover costs not accounted for in the most recently approved budget as of March 27, 2020. On March 10, 2020, the Board of Supervisors approved Minute Order 3.30, which would utilize Asset Forfeiture Sub Funds to install universal key card access systems and replace cameras around several facilities during FY19/20. The Board’s approval of this budget measure prior to the pandemic demonstrates that the spending on key cards and cameras does not present a “substantially different” use than expected costs, and these upgrades were already included in the Riverside County budget prior to March 27, 2020. While the Sheriff’s Department still plans to fund 33% of the project through the Asset Forfeiture Fund, the remaining 67% funded by the CARES Act presents a misuse of federal funds, as the Riverside County Board of Supervisors

already accounted for the cost of installing cameras and key cards access systems when they approved Minute Order 3.30. Thus, this use of federal funds is precluded by the CARES Act.

b. Minute Order 3.28

Minute Order 3.28 proposes that Riverside County spend \$669,005.19 of CARES Act funds to add bulletproof glazing to the Sheriff's Department windows. The Board of Supervisors justified this investment on the basis that bulletproof glazing would protect people inside the Sheriff's building in the case of an active shooter. However, this violates the "Necessary Expenditures" requirement, which limits the use of federal funds to expenses incurred addressing the primary or secondary effects of the pandemic. Since the public safety threat posed by an active shooter is not a safety risk caused or exacerbated by the pandemic, responding to the risk of gun violence is not a new cost undertaken to address the negative impacts of the COVID-19 public health emergency. Furthermore, glazing does nothing to reduce the spread of disease or support companies or individuals that suffered from business interruptions. Given that CARES Act funds are intended to respond to necessary expenditures incurred due to the pandemic, this safety effort does not fall within the CARES Act's ambit and is an impermissible use of federal funds.

c. Minute Order 3.32

Minute Order 3.32 proposes that Riverside County spend \$2,705,867 on Sheriff's Department office renovations, including upgrades to lighting, flooring, cabinets, and office furniture. This proposal violates the "Necessary Expenditures" requirement, for upgrading office facilities does not reduce the spread of COVID-19. Replacing office lighting has no impact on the spread of disease within the office, as lighting is not a surface that spreads disease. Replacing floors, furniture and cabinetry is similarly unrelated to public health, as this proposal does not reduce staff members' contact with these surfaces. Furthermore, improving Sheriff's Department office facilities does not assist with providing healthcare services, aiding businesses, or supporting individuals suffering from the economic fallout of the pandemic. Thus, these upgrades are not reasonably necessary to respond to the pandemic.

Additionally, under CARES Act guidelines, federal funds must cover costs that are "substantially different" than expected costs. However, Riverside routinely upgrades office facilities and furniture. On April 11, 2017 (Minute Order 3.51) and May 8, 2018 (Minute Order 3.19), the Board approved measures that would upgrade office furniture, and on October 31, 2017 (Minute Order 3.25), the Board budgeted to improve office lighting. These past measures demonstrate that the Sheriff's Department routinely renovates office facilities when there is no public health emergency. Thus, replacing office cabinets, flooring, furniture, and lighting under Minute Order 3.32 is a standard, expected expense rather than a new, "substantially different" cost incurred because of the pandemic.

Evidence suggests that the Board of Supervisors was aware that this is an improper use of federal funds, as a Board of Supervisors staff member expressed in an internal email that they had "grave concerns about an inappropriate use of CARES dollars" in reference to Minute Order 3.32. Given that there is little connection between Riverside County's response to the COVID-19 pandemic and upgrading the Sheriff's Department's office facilities, Minute Order 3.32 is a misuse of CARES Act funds.

### III. Conclusion

As set forth above, CARES Act funds cannot be lawfully used for the intended Sheriff's Departments expenses related to installation of key card and camera systems, bulletproof window glazing, and office renovations. Community members have proposed numerous alternative uses for these funds that would better respond to the pandemic, such as funding healthcare services for Riverside's unhoused residents, vaccine education for Riverside's incarcerated population, livable wages for essential workers, and housing and healthcare for persons being released from state and local facilities and immigrant detention centers. We ask that the Department of the Treasury exercise its oversight authority and recover these funds from Riverside County so that they may be reallocated to programs and services that respond to the public health emergency caused by COVID-19.

### Evidence

#### **Board of Supervisors Meetings:**

[http://riversidecountyca.iqm2.com/Citizens/Detail\\_Meeting.aspx?ID=2475](http://riversidecountyca.iqm2.com/Citizens/Detail_Meeting.aspx?ID=2475)  
[http://riversidecountyca.iqm2.com/Citizens/Detail\\_Meeting.aspx?ID=2476](http://riversidecountyca.iqm2.com/Citizens/Detail_Meeting.aspx?ID=2476)

#### **Minute Orders:**

Minute Order 3.27 - May 25, 2021 Board Meeting Minutes and backup documents  
[http://riversidecountyca.iqm2.com/Citizens/Detail\\_LegiFile.aspx?Frame=&MeetingID=2475&MediaPosition=1989.321&ID=15081&CssClass=](http://riversidecountyca.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=2475&MediaPosition=1989.321&ID=15081&CssClass=),

Minute Order 3.28 - May 25, 2021 Board Meeting Minutes and backup documents  
[http://riversidecountyca.iqm2.com/Citizens/Detail\\_LegiFile.aspx?Frame=&MeetingID=2475&MediaPosition=1989.321&ID=15104&CssClass=](http://riversidecountyca.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=2475&MediaPosition=1989.321&ID=15104&CssClass=),

Minute Order 3.32 - June 8, 2021 Board Meeting Minutes and backup documents  
[http://riversidecountyca.iqm2.com/Citizens/Detail\\_LegiFile.aspx?Frame=&MeetingID=2476&MediaPosition=1396.460&ID=15103&CssClass=](http://riversidecountyca.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=2476&MediaPosition=1396.460&ID=15103&CssClass=),

[http://rivcocob.org/proceeds/2021/p2021\\_06\\_08\\_files/03.32001.pdf](http://rivcocob.org/proceeds/2021/p2021_06_08_files/03.32001.pdf)

Minute Order 3.30 - March 10, 2020 Board Meeting Minutes and backup documents  
[http://rivcocob.org/proceeds/2020/p2020\\_03\\_10\\_files/03.30001.pdf](http://rivcocob.org/proceeds/2020/p2020_03_10_files/03.30001.pdf)

Minute Order 3.51- April 11, 2017 Board Meeting Minutes and backup documents  
[http://rivcocob.org/proceeds/2017/p2017\\_04\\_11\\_files/03.51001.pdf](http://rivcocob.org/proceeds/2017/p2017_04_11_files/03.51001.pdf)

Minute Order 3.19 - May 8, 2018 Board Meeting Minutes and backup documents  
[http://rivcocob.org/proceeds/2018/p2018\\_05\\_08\\_files/03.19001.pdf](http://rivcocob.org/proceeds/2018/p2018_05_08_files/03.19001.pdf)

Minute Order 3.25 - October 31, 2017 Board Meeting Minutes and backup documents  
[http://rivcocob.org/proceeds/2017/p2017\\_10\\_31\\_files/03.25001.pdf](http://rivcocob.org/proceeds/2017/p2017_10_31_files/03.25001.pdf)

**Community Input & Concern:**

<https://www.facebook.com/RivAOUON/posts/join-us-this-tuesday-to-demand-that-cares-act-funding-be-used-for-its-intended-p/4035401016497839/>

<https://twitter.com/RAOUON/status/1402029590990700546?s=20>