



**STATEMENT OF PROCEEDINGS FOR THE
REGULAR MEETING OF THE SHERIFF CIVILIAN
OVERSIGHT COMMISSION MEETING HELD**

ONLINE AT: <https://bit.ly/3sp1PIW>

coc.lacounty.gov



Thursday, April 15, 2021

Attachment: [Video](#)

Present: Chair Lael Rubin, Robert Bonner, Patti Giggans, James P. Harris, Sean Kennedy, Priscilla Ocen, Casimiro Tolentino, and Executive Director Brian K. Williams.

Absent: Xavier Thompson

1. ADMINISTRATIVE MATTERS & CONSENT CALENDAR

- **Call to Order**

Chair Lael Rubin welcomed everyone and called the meeting to order at 9:01 a.m. Rubin acknowledged the recent officer involved shooting of Isaias Cervantes, a resident of the City of Cudahy. Rubin reported information regarding the shooting has been requested from the Los Angeles County Sheriff's Department (LASD), but no response has been received. Rubin announced May 20, 2021 as the next Civilian Oversight Commission (COC) meeting date and requested staff take roll and Vice-Chair Tolentino to lead the Pledge of Allegiance.

Chair Rubin advised the public may submit written public comments by visiting the link at coc.lacounty.gov and all submissions will be part of the official record. She reported a request for Spanish translation was received from a member of the public and is being provided today. Chair Rubin provided instructions for anyone interested in utilizing the interpretation services. Chair Rubin also announced that the yielding of time will no longer be allowed, due to the implementation of the Family Impact Remarks.

Following the announcement, Chair Rubin moved to the Consent Calendar.

- **Approval of Consent Calendar**

No members of the public commented on this item. There being no objection, the consent calendar was approved, this included the [March 18, 2021](#) meeting minutes. Chair Rubin moved on to item 2a.

2. DISCUSSION AND POSSIBLE ACTION

2a. Family Impact Remarks

Chair Rubin reported one request was received for Family Impact Remarks from the family of John Horton. Due to the delay of the requestor, Chair Rubin postponed discussion of item 2a and moved on to item 2b.

2b. Discussion regarding a possible motion to approve the proposed Budget Letter to the Sheriff Priorities

Chair Rubin thanked Vice-Chair Tolentino and Commissioner Harris for their efforts in preparing the [Budget letter to the Chief Executive Office \(CEO\)](#). Rubin introduced Vice-Chair Tolentino who provided an overview of the [memo identifying the Budget Ad Hoc's recommended priorities](#) for Body Worn Cameras (BWC) and Mental Evaluation Teams (MET) be considered for LASD for Fiscal Year (FY) 2021-22 budget.

Commissioner Ocen voiced concern over additional funding allocated to MET. Ocen suggested providing more funding to the Department of Mental Health (DMH) and drafting a memorandum to the State Legislature regarding the issue. Commissioner Giggans shared that other models are encouraged, and MET is a successful collaborative model that continues to work. Commissioner Kennedy noted full support of exploring other models along with the proposed MET funding.

Commissioner Bonner made a motion, seconded by Vice-Chair Tolentino to adopt and send the letters and recommendations made by the Budget Ad Hoc. Chair Rubin thanked Vice-Chair Tolentino for his comments and moved to public comment.

There were 15 members of the public who commented on item 2b.

Commissioner Ocen reiterated the need to move away from the outdated model and explore other avenues when dealing with individuals who have mental health issues.

Following public comment, Chair Rubin called for a vote on the motion to adopt the [Budget Ad Hoc letter and recommendations](#). On a 7-1 vote, the motion passed.

Following the vote, Chair Rubin returned to 2a Family Impact Remarks and introduced Ms. Helen Jones, mother of John Horton, who shared her remarks. Chair Rubin thanked and reassured Ms. Jones that the Commission takes her concerns seriously.

Following item 2a, Chair Rubin moved to item 2c.

2c. Discussion regarding proposed policy and preamble on Deputy Cliques and presentation of the Loyola Law School Report

Chair Rubin introduced the item and reported that Sheriff Villanueva appeared before the Commission last year to address the issue with little success, and he has rejected the Commission's and ad hoc committee's requests since then. Rubin suggested the Commission vote to issue a subpoena for the Sheriff's appearance at the next meeting to speak on Deputy Cliques.

Chair Rubin introduced Commissioner Kennedy and Loyola Law School students Bianca Torres-Murray and Jordan Garcia who [presented this PowerPoint](#) on the [Report on 50 Years of Deputy Gangs in LASD](#). They stated the report is based on a five-year study and discussed deputy gang's impact on the community and the justice system.

Commissioner Ocen applauded Commissioner Kennedy and the students for a well written report in a short period of time and questioned the length of time taken for the RAND Corporation to complete their study. Chair Rubin agreed with Commissioner Ocen's comments and stated that according to RAND, the study will be completed within the next six to eight weeks. Commissioner Kennedy noted that the students were committed to task and will continue to reach out to individuals for additional information.

Commissioner Ocen asked if the BOS can waive enforcement of confidentiality agreements to obtain information from individuals. Chair Rubin expressed that non-disclosure agreements have surfaced in legislation from time-to-time and noted this may be a great way to capture the attention of the legislature on the subject.

The meeting recessed at 11:08 am

Open session reconvened at 11:23 am and continued with item 2c. Present were Chair Lael Rubin, Robert Bonner, Patti Giggans, James P. Harris, Sean Kennedy, Priscilla Ocen, Vice-Chair Casimiro Tolentino, and Executive Director Brian K. Williams.

Chair Rubin announced that Executive Director Brian Williams was notified by Undersheriff Murakami that Sheriff Villanueva will be attending the May COC meeting and a subpoena was not needed. Rubin withdrew her request.

Vice-Chair Tolentino suggested sharing the Loyola Law School report with RAND and allow them to report on the difference between the reports. Commissioner Kennedy noted the report is publicly released and agreed to share it with RAND.

Chair Rubin introduced Commissioner Bonner who addressed the Deputy Cliques Ad Hoc Committee's [proposed policy & preamble prohibiting deputy cliques](#). Commissioner Bonner thanked Commissioner Kennedy and the students for a well-documented report. He acknowledged that Sheriff Villanueva is the first Sheriff to address deputy cliques. Commissioner Bonner noted that LASD's policy on deputy cliques was adopted on February 14, 2020 but has not been effective. Bonner stated that the current policy does not recognize joining or participating in a deputy clique as a policy violation, and no deputy has been disciplined since the policy has been in effect. Commissioner Bonner read the proposed policy to replace the current LASD policy and made a three part motion for the Commission to approve; approving the findings of the preamble, adopting the proposed policy prohibiting deputy cliques, and recommending LASD adopt the proposed policy immediately.

Commissioner Bonner stated the ad hoc committee has requested comments from Sheriff Villanueva on the proposed policy, and Sheriff Villanueva's response for not approving the proposed policy is that it is unconstitutional, based on the 2014 County Counsel opinion.

Commissioner Bonner called on the Commission to authorize the Deputy Clique Ad Hoc to engage outside counsel and advised that an opportunity has presented itself for the committee to get the pro bono opinion on the constitutionality of the proposed policy from a nationally well-known law firm.

Following Commissioner Bonner's comments, Chair Rubin called for a second on the motion to adopt the proposed preamble and Deputy Cliques policy; the motion was seconded by Commissioner Harris.

Chair Rubin noted the 2nd motion to seek pro bono advice from outside counsel is being reviewed by County Counsel and suggested the motion be postponed. Commissioner Bonner disagreed with tabling motion to seek pro bono advice from outside counsel; Commissioner Ocen seconded this motion. Chair Rubin opened the floor for Commissioner questions and comments.

Commissioner Ocen requested a friendly amendment to the proposed policy to strike 'patrol' and include 'bureau.' Commissioner Bonner noted there is no evidence to warrant adding 'bureau.' Chair Rubin called on Inspector General Max Huntsman to comment, and Mr. Huntsman noted that deputies are transferred continuously throughout LASD and are not limited to the stations. Commissioner Harris and Vice-Chair Tolentino both agreed with changing the verbiage. Commissioner Bonner accepted the friendly amendment to add 'station, unit or bureau.' Chair Rubin moved to public comment.

There were 21 members of the public who commented on item 2c

Following public comment, Chair Rubin called on County Counsel's Alex Zuiderweg, who stated Counsel is open to retain pro bono counsel on behalf of the Commission to get an opinion on the proposed policy. She noted that due to the COC's lack of authority, outside counsel cannot be obtained without County Counsel involvement.

On the motion by Commissioner Bonner, seconded by Commissioner Harris, the vote to approve the [final preamble and policy Prohibiting Deputy Cliques](#) passed unanimously.

On the motion by Commissioner Bonner, seconded by Commissioner Ocen, the vote to engage outside counsel passed, with 1 abstention.

Following item 2c, Chair Rubin moved to item 2d.

2d. Discussion and possible motion to approve the proposed recommendation regarding the independent investigation of deputy related fatal uses of force

Chair Rubin reported that at the last COC meeting, the Use of Force (UOF) Ad Hoc Committee was tasked with conducting research to determine the best model regarding independent investigations of fatal uses of force. Commissioner Bonner stated the UOF Ad Hoc determined the Office of Inspector General should be designated to conduct independent investigations of fatal uses of force by Sheriff Deputies. Bonner suggested amending recommendation #10 of the [UOF report submitted in July 30, 2020](#).

Commissioner Bonner read the [proposed recommendation](#) and noted recommendation #10's remaining verbiage would be deleted. He called for a motion, seconded by Chair Rubin. Commissioner Ocen called for a friendly amendment to add "uses of force that causes serious or great bodily injury." Commissioner Bonner expressed concern over adding the requested content and felt it would require additional resources and lessen

the chances of approval by the BOS. Commissioner Harris expressed concern over the 90-day deadline for the BOS to approve the recommendations.

There were 10 members of the public who commented on item 2d.

On a motion by Commission Ocen, seconded by Chair Rubin, the request to add great bodily injury to the UOF proposed recommendation passed with 5 – 2 votes.

Chair Rubin called for a vote to the main motion to [approve the final recommendation](#) that the Office of the Inspector General “shall be designated by the BOS as the primary investigative agency for all lethal uses of force or uses of force that produce great bodily injury by Deputy Sheriffs,” and the BOS “should provide adequate additional funding for the [Office of the Inspector General] to hire and assume this function within 90 days.” The motion passed unanimously.

Following item 2d, Chair Rubin stated that Measure R, the Inspector General’s report on Body Worn Cameras and all other reports will be postponed to the next COC meeting.

3. REMARKS & REPORTS

3a. Executive Director’s Report

Due to time constraints this item was not discussed.

3b. Inspector General’s Report

Due to time constraints this item was not discussed.

3c. Commissioner Comments/Ad Hoc Committee Update

Due to time constraints this item was not discussed.

3d. Los Angeles County Sheriff’s Department Update

Due to time constraints this item was not discussed.

4. PUBLIC COMMENTS

Due to time constraints this item was not discussed.

View the [written public comments for the April 15, 2021 meeting](#).

5. ADJOURNMENT

Chair Rubin announced the next COC meeting is scheduled for Thursday, May 20, 2021 and encouraged everyone to register. The meeting adjourned at 1:29 p.m.