

January 12, 2016

**MOTION BY SUPERVISOR MARK RIDLEY-THOMAS & CHAIR HILDA SOLIS**

**Development and Composition of a Civilian Oversight Commission**

On December 9, 2014, the Los Angeles County (County) Board of Supervisors (Board) approved the creation of a Civilian Oversight Commission (Commission) to oversee the Los Angeles County Sheriff’s Department (LASD). The Board also formed and directed a Working Group to develop recommendations which would outline the Commission’s mission, authority, size, structure, and relationship to LASD and the Office of the Inspector General, and shape the appointment process.

The Working Group, comprised of Dean Hansell (Chair), Vincent Harris, Hernán Vera, Les Robbins, Brent Braun, Neal Tyler, and Max Huntsman, has completed its work. In reaching its conclusions, the Working Group held 13 regular public meetings at the Hall of Administration, hosted nine Town Hall meetings throughout Los Angeles County (with at least one assembling in each Supervisorial District), and considered the testimony of approximately 308 speakers from the general public.

As described in its final report, the Working Group achieved consensus on nearly all of its recommendations. As reference, the responsibilities of the Commission and proposed option for a nine-member Commission body was accepted as an agreed upon ratio for charter. In addition, at least five of the Commission members would be selected

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by the Board, one per Supervisor. The Working Group's report ably describes the rationales underlying each of these decisions. The Board should adopt all unanimous recommendations made by the Working Group.

Unanimity eluded the Working Group on three issues: whether the Commission should have subpoena power, whether former LASD personnel could serve on the Commission, and, finally, how the remaining four Commission members would be chosen. The Board should answer these questions as follows:

**Memorandum of Agreement**

On December 15, 2015, the Board voted unanimously to effectuate a Memorandum of Agreement (MoA) between the Los Angeles County Inspector General (IG), Max Huntsman, and LASD that would provide the IG with extensive access to LASD information, documents and materials without the need for any formal legal process (e.g. subpoena power). This MoA establishes a working protocol for LASD to convey information to the IG, who acts as the agent for the Board and the yet-to-be established Commission.

The Sheriff and the IG have agreed to the terms, purpose and parameters of the MoA and have signed the MoA to execute the pact. The question of subpoena power, therefore, should be deferred until the Sheriff has had the opportunity to demonstrate the efficacy of the MoA. This process will also allow time for the IG, Board and general public to evaluate the effectiveness of the MoA, cooperation between the Sheriff and IG, and transparency of the envisioned process. The IG is required to submit regular status updates to the Board on the effectiveness of the MoA. These written reports, produced every 60 days, shall include any incidents of non-cooperation by LASD and any proposed modifications to the MoA deemed necessary to improve the MoA's success.

**Law Enforcement**

The diversification of Commissioner expertise and perspective is of paramount importance for both distinction and representation. Consideration must be taken for re-establishing public trust with law enforcement, avoiding conflicts of interest during

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selection and ensuring a process that is not overtly discriminatory. For these reasons, it is deemed advisable to not exclude those formerly employed in the criminal justice system from Commission service eligibility. Any individual with an interest in applying, who possesses insight and knowledge useful to the Commission's work, should be considered for membership.

However, it is prudent to exclude current law enforcement personnel from participating as members on the Commission. The goal is to strive for the restoration of confidence in the County's sworn officers with community members. For these reasons, it is judicious to require that any former public safety official or officer interested in Commission service must have returned to civilian status for at least one year prior to becoming eligible for candidacy on the Commission.

This "one-year ban" would be similar in purpose to the County's employee conflict-of-interest policy that applies to any County employee holding a designated position.

**Commission Composition**

The Commission will only be effective if its members are respected. Its composition must include highly esteemed advocates from the County with a demonstrated commitment to public service. Weighted consideration should be given to persons who add to the diversity of Commission membership including, but not limited to: race, ethnicity, age, geography, gender and/or gender identity, religion, sexual orientation, occupation, immigration status and national origin.

It is critically important to avoid homogeneity within Commission composition. This approach encourages divergent perspectives to inform the wisdom of the group as a whole. To this end, the Board should adopt the following inaugural selection process for Commission composition:

- Each Supervisor will appoint an individual Commissioner (five total).
- The Chief Executive Office will retain an independent Executive Search Consultant to solicit candidate applications, develop a weighted system for

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evaluating applicants, and apply this system to the pool of applicants to identify 20 potential candidates for interview.

- The independent consultant will track the progress of these interviews through the final selection.
- Each Supervisor will also identify and select one community leader/advocate from their District to interview and rank these 20 candidates.
- This ranked list of candidates will be reviewed by the five already-appointed Commissioners and the Justice Deputies from each Supervisorial office.
- From this ranked list and review, interviewees will be condensed to six candidates, who will then be presented to the Board to select the final four Commission members by majority vote.

**WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:**

1. Direct the Inspector General to report back to the Board in open session, and in writing, every two months (60 days) with a progress report on the implementation of the MoA and its efficacy.
2. Direct the Executive Officer of the Board to calendar a Policy item on May 31, 2016 for the Board to discuss and consider whether to submit a proposed amendment to the Los Angeles County Charter granting subpoena power to the Civilian Oversight Commission for voter consideration on the November 2016 countywide ballot.
3. Direct County Counsel to revise the proposed ordinance establishing the Civilian Oversight Commission to reflect the following changes and to submit the revised ordinance to the Board for approval within two weeks:
  - a. Revise Paragraph B of Section 3.79.050 (Qualifications and Nominations Process) to describe a selection procedure for the four additional members of the Commission whereby:

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- i. The Chief Executive Officer is directed to retain an independent Executive Search Consultant who shall solicit candidate applicants, develop a weighted system for evaluating applicants, and apply this system to the pool of applicants to identify 20 candidates for interview.
    - ii. The independent consultant is instructed to produce a final candidacy list of 20 individuals from the pool of applicants and track the progress of interviews through final decision.
    - iii. Each Supervisor will also identify and select one community leader/advocate from their respective District to interview and rank these 20 candidates.
    - iv. The five appointed Commissioners and the Justice Deputies from the office of each Supervisor will review the ranked list of 20 candidates and condense interviewees to six finalists.
    - v. The six finalists will then be presented to the Board to select the final four Commission members by majority vote.
  - b. Revise Paragraph F of Section 3.79.050 (Qualifications and Nominations Process) to remove the limitation on membership by former employees of the Los Angeles County Sheriff's Department.
  - c. Revise Paragraph F of Section 3.79.050 (Qualifications and Nominations Procedure) to expand the limitation on membership by current employees of police departments to include employees of any law enforcement agency, including, but not necessarily limited to, both policing and prosecutorial agencies at all levels of government; and to extend this limitation for one year following the termination of such employment.
4. Direct County Counsel to adopt all the revisions proposed to the ordinance establishing the Office of the Inspector General.
  5. Direct the Chief Executive Officer to develop a proposed budget for staffing and

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funding the Civilian Oversight Commission, including the staff enumerated by the Working Group as necessary for the Commission to be effective, including an Executive Director, analysts, a Public Information Officer and administrative support, and for increasing the number of investigators assigned to the Office of Inspector General required to handle an increased workload.

6. Direct the Chief Executive Officer, in consultation with the Inspector General and with members of the Working Group, to develop a plan for launching the Civilian Oversight Commission, with a status report by March 14, 2016.

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Chair:bp