Volume 122, Issue 24

Sunday, January 24, 2016 » MORE AT FACEBOOK.COM/DAILYBREEZE AND TWITTER.COM/DAILYBREEZENEWS

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Sun 1-24-16 Daily Breeze Em

L.A. COUNTY

Will oversight panel have clout?

Sheriff's group won't be same as L.A. Police Commission

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A new county Sheriff's Department oversight panel might not have sweeping powers, but that doesn't mean it can't help make the agency more accountable, using public opinion and persuasion to spark reform, experts say.

"I think we've seen the abuses that occur in the Sheriff's Department or Police Department," said Erwin Chemerinsky, dean of the UC Irvine School of Law, adding that the oversight commission is about accountability. "These are abuses that affect people's lives and liberties. It's so crucial that there be oversight."

The Los Angeles County Board of Supervisors recently agreed to move forward on an oversight panel for the Sheriff's Department. But unlike the Los Angeles Police Department's Police Commission, the panel will be merely advisory.

The Board of Supervisors is set to vote on the proposed ordinance that will govern the commission, in the coming weeks.

The main difference between the two oversight bodies will be that the sheriff is an elected official and has the sole responsibility to operate the department, while the police chief is appointed by the mayor, with the approval of the City Council and Police Commission. Under the City Charter, the Police Commission is the head of the LAPD.

The Police Commission sets policies for the department, although in reality the chief also has a lot of control, and he manages the day-to-day operations of the department.

Attorney Dean Hansell, who chaired the working group formed last year to make recommendations to the Board of Supervisors about the role of the Sheriff's Department oversight commission, described

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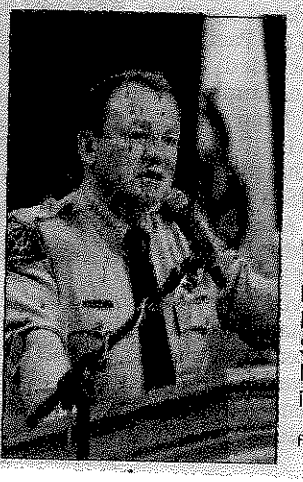

County supervisors will consider an ordinance laying out the duties of a Sheriff's Department oversight panel. Its powers will be constrained by the fact that Sheriff Jim McDonnell, left, is elected.

FILE PHOTO

E.R.m
Sun 1-24-16 Daily Breeze

Oversight

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how the Sheriff's Department oversight panel would be different from the Police Commission.

"The sheriff is independently elected," Hansell said. "This commission, much of their powers and tools are really going to have to be power of persuasion and power to muster public opinion."

The oversight commission won't be able to operate by edict or directive, he said. Hansell served as a police commissioner for more than four years.

The Board of Supervisors pushed to create a oversight commission in response to widespread abuses by deputies in the county's jails under former Sheriff Lee Baca who resigned last year. The charges have reached the upper echelons of the department with the indictment of former Undersheriff Paul Tanaka, who is accused of obstruction of justice and conspiring to obstruct justice.

A blue ribbon Commission on Jail Violence launched in 2011 did not recommend that the board establish an independent civilian commission because it "would not have any legal authority over the Sheriff's Department absent enabling legislation." That commission did recommend the creation of an Office of Inspector General, which the supervisors established in 2013.

The one area where the Board of Supervisors do have control over the Sheriff's Department is in budgetary matters. Chemerinsky said the oversight commission could make recommendations to the supervisors that would impact the department's budget.

The working group said in its report that, "Because the sheriff is independently elected and has operational autonomy, many of the proposed responsibilities are referral powers, only possible if the board, sheriff and inspector general find commission's work to be appropriate, useful and credible."

In the proposed ordinance, that will be considered by supervisors for adoption, a section under "Duties" describes the commission as "advisory."

"Be advisory only to the Board of Supervisors and the Sheriff without the authority to manage or operate the Sheriff's Department or direct activities of the sheriff's department's employees, including imposition of discipline," the ordinance says.

The LAPD's Police Commission also does not have power to impose discipline. That rests with the police chief. The commission does rule whether an incident — like use of force — was within the department's policy.

The supervisors have not yet decided if the oversight commission will have subpoena powers, which some argue would give the panel a stronger ability to oversee operations. The supervisors are waiting to see how an agreement to share documents between the inspector general and sheriff works out.

In San Diego County, the Citizens' Law Enforcement Review Board, which oversees an elected sheriff and the chief probation officer, does have subpoena powers.