

MOTION BY SUPERVISORS MARK RIDLEY-THOMAS
AND SHEILA KUEHL

OCTOBER 27, 2020

Report Regarding Options for Removing the Sheriff

The Los Angeles County (County) Board of Supervisors (Board) is ultimately responsible for setting policy and supervising the official conduct of County officers and employees, ensuring that they discharge their duties faithfully.

The Board’s authority to supervise elected officers like the Sheriff, however, is more limited. Specifically, the Board may not obstruct the Sheriff’s criminal investigative function. Nonetheless, the Board has general supervisory authority over elected officers to the extent that they function as County officers and may review and assess the officer’s performance of those County duties.

Over the years, challenges have arisen between the Board and certain elected officials. By way of example, the Sheriff’s recent actions have made it clear that reform efforts undertaken to restore public trust and confidence in the Los Angeles County Sheriff’s Department (LASD) will continue to be undermined despite current public scrutiny demanding that the Sheriff do otherwise.

The Board has consistently demonstrated its commitment to accountability and transparency within its law enforcement agencies. Following considerable controversy over troubling incidents of jail violence and the indictment of several LASD personnel, the Board created an oversight structure, consisting of the Office of Inspector General (OIG)

- MORE -

MOTION

SOLIS _____

RIDLEY-THOMAS _____

KUEHL _____

HAHN _____

BARGER _____

MOTION BY SUPERVISORS RIDLEY-THOMAS AND KUEHL
OCTOBER 27, 2020
PAGE 2

(Ridley-Thomas motion, [October 2, 2012](#)), and the Civilian Oversight Commission (COC) (Ridley-Thomas – Solis motion, [December 9, 2014](#)). In addition, the Board implemented new tools to enhance oversight, including the implementation of body-worn cameras (Ridley-Thomas – Solis motion, [September 24, 2019](#)), and subpoena power for the COC (Ridley-Thomas – Kuehl motion, [October 15, 2019](#)).

The Board also made efforts to address misconduct by some LASD personnel, by approving a motion to bring LASD into compliance with the Prison Rape Elimination Act (Hahn – Kuehl motion, [November 14, 2017](#)), and expanding the OIG’s authority to investigate secret societies within the LASD (Hahn – Ridley-Thomas motion, [July 23, 2019](#)). Moreover, the Board has taken steps to manage governance issues, addressing the concerning practice of rehiring previously terminated deputies (Ridley-Thomas – Kuehl motion, [March 12, 2019](#)), and mitigating the LASD’s budget deficit (Solis – Kuehl motion, [October 1, 2019](#)).

Unfortunately, this Board has also been forced to address the Sheriff’s attempt to block oversight of investigations into fatal deputy-involved shootings, including approval of two motions that took steps to ensure an independent investigation of the shooting of Andres Guardado (Ridley-Thomas motions, [June 23, 2020](#) and [September 1, 2020](#)). Despite a high level of Board engagement across an array of LASD issues, achieving a reasonable level of accountability remains a challenge amid waning public confidence.

The ongoing issues with the Sheriff are in notable contrast to the state of law enforcement at the City of Los Angeles (City), where the Los Angeles Police Department (LAPD) Chief of Police (Chief) is appointed by the Mayor, subject to the approval of the Police Commission and City Council. The Chief can serve a maximum of two five-year terms. The Chief is responsible for the planning, efficient administration and operation of the LAPD but under the authority of the Police Commission. The Police Commission has five members who are appointed by the Mayor and confirmed by the City Council. While LAPD policy is guided by the Chief, the Police Commission, which includes an inspector

MOTION BY SUPERVISORS RIDLEY-THOMAS AND KUEHL
OCTOBER 27, 2020
PAGE 3

general, has broad authority to investigate allegations of wrongdoing within the LAPD. This structure provides the LAPD with robust civilian oversight.

On the other hand, with an elected Sheriff, the County has had to maneuver different ways to create checks and balances on the Sheriff. Through the Board's leadership, the OIG and COC now have better tools to perform their oversight of LASD and the Board continues to use its budgetary authority. However, it has become increasingly clear that the Sheriff's blatant disregard for transparency and accountability requires a more forceful response.

Moreover, this Sheriff has repeatedly demonstrated his inability to balance the LASD budget to the detriment of County residents, especially during the ongoing COVID-19 crisis. Whereas every other County department director has taken extraordinary measures to curtail costs and maintain an appropriate level of service, the Sheriff has opted to take dramatic unilateral measures to cut critical programs such as the Youth Activity League at multiple locations and eliminate the Parks Services Bureau. The elimination of the Parks Services Bureau is especially egregious as it compromises safety at County parks at a time when these spaces are critical to providing options for community members to interact in outdoor and socially-distanced settings. The Sheriff's misguided resource-allocation decisions have left vulnerable communities less safe as demonstrated by the recent increasing incidents of violence. Moreover, the County has paid more than \$149 million over the last 5 years to settle lawsuits and satisfy judgments stemming from Deputy-involved law enforcement incidents such as civil-rights violations, excessive use of force, sexual assaults, and killings. With a Sheriff that is unwilling to demand accountability for Deputy misbehavior, lawsuits will continue to be filed against the Sheriff, and it is the County's taxpayers who will continue to pay for the consequences.

MOTION BY SUPERVISORS RIDLEY-THOMAS AND KUEHL
OCTOBER 27, 2020
PAGE 4

Given the recent but persistent refusal to provide the transparency and accountability that the community rightly demands, the County should consider whether the status of the Sheriff's office should be reexamined in order to better serve the more than 10 million residents of the County. The need for mechanisms to hold an elected Sheriff accountable is painfully obvious today, at a time when communities across the County are reeling from violence – including much-too-frequent deputy involved-shootings. Under the current Sheriff, hard-fought vital progress is being undone, and community trust is rapidly eroding. While the Board has been able to navigate challenging times with previous Sheriffs, this Sheriff's actions demonstrate the dire need to explore options for removing a Sheriff who refuses oversight or, at a minimum, mitigating damages caused by unacceptable behavior.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Instruct County Counsel, in conjunction with the Office of the Inspector General and the Acting Chief Executive Officer (CEO), and in consultation with the Civilian Oversight Commission and justice advocates, to report back, in writing, in 30 days with:
 - a. Options for removing or impeaching the Los Angeles County (County) Sheriff (Sheriff), including any necessary changes to the County Charter or County Code;
 - b. Legislative changes required to authorize an appointed Sheriff, including the path and timeline required to amend the California Constitution and Los Angeles County Charter as needed;
 - c. Legislative changes required to potentially remove certain existing responsibilities of the Sheriff, such as municipal law enforcement services and court services, as well as the authority of the County Board of Supervisors to appoint a County Police Chief to perform municipal law enforcement services; and

**MOTION BY SUPERVISORS RIDLEY-THOMAS AND KUEHL
OCTOBER 27, 2020
PAGE 5**

- d. Any other mitigation measures that could be taken to curtail the Sheriff's resistance to transparency, accountability and the faithful performance of duties for the benefit of the residents of the County.

#

(DBV/CG/CAS/JB)