County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169

JOHN L. SCOTT, SHERIFF

August 1, 2014

The Honorable Don Knabe
Chairman of the Board of Supervisors
County of Los Angeles
822 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Dear Supervisor Knabe:

The purpose of this letter is to notify you that I am in the process of writing a formal request for a county counsel opinion about specific aspects of the prospective OIG ordinance. I have notified A/County Counsel Rick Weiss, and I intend to complete the letter next week.

I know that the ordinance is to be considered at the August 5th Board meeting, and I have been working extremely hard, as has the County Counsel's office and the new Inspector General, to try to iron out some complex legal issues in preparation for your consideration of the ordinance draft submitted to you by the County Counsel. However, there is conflicting input from authoritative, reputable attorneys about parts of the ordinance currently proposed.
For instance, in the past, with respect to Special Counsel and OIR, there existed a documented attorney-client relationship with the Sheriff that apparently had worked to resolve access and confidentiality issues. The OIG ordinance draft submitted by County Counsel does not establish such a relationship.

As you already know, one piece of advice I have received from multiple attorneys is that if I intend, as an elected constitutional officer, to legally and properly provide widespread access to Department operations and records for the OIG, I must insist on the inclusion of an attorney-client relationship with the Inspector General. I know that the County Counsel's thoughts as to the advisability or necessity of a potential attorney-client relationship between the Inspector General and the Sheriff have evolved over the course of the past year.

I remain committed to doing what I can to contribute to the effectiveness of the Office of the Inspector General. However, I have experienced an increasing degree of frustration and confusion about what is legal, and about the conflict inherent between my desire to establish genuine "transparency" and my intention to fulfill my responsibilities about investigative integrity and necessary confidentiality. I have also been told that this area of law—the relationship between an elected constitutional officer and an oversight entity asking for access--is one for which case law is not clear and further research is necessary. Some of the most significant, but contradictory input, has come to my attention only in the past several weeks.

I now realize that our attempts to "word-smith" the ordinance to resolve potential future dilemmas about access are not enough. The County Counsel has not been previously asked to formulate a *written* opinion addressing questions about how confidential information prepared by, or entrusted to, the Sheriff's Department can be legally accessed or shared with others. That is what I will be requesting in the letter I am now preparing.

In the meantime, in order to facilitate our developing relationship with the new Inspector General, and to smooth our exchanges of information, my Executive Officer is forming a committee; to be comprised of County Counsel representatives, Max Huntsman, Richard Drooyan, and three members of the Sheriff's Department; in order to develop working guidelines for access so that the OIG can continue its responsibilities to the Board.

Sincerely,

JOHN L. SCOTT
SHERIFF