

MOTION BY SUPERVISOR GLORIA MOLINA

March 4, 2014

On September 9, 2013, two deputies were involved in a fatal shooting in East Los Angeles. This shooting, which was reported to this Board by the Office of Independent Review and featured in the *Los Angeles Times* on September 20, 2013, revealed that one of the deputies involved in that shooting had been involved in six prior shootings in the field. Despite being removed from field duties as a result of these six prior shootings, this Deputy was returned to a field assignment by the Undersheriff prior to the fatal shooting of September 2013.

Under Government Code Section 25303 the Board of Supervisors is required to supervise the conduct of all County officers to ensure that they “faithfully perform their duties.” Moreover, in *Dibb v County of San Diego (1994)*, the California Supreme Court ruled that a County Board of Supervisors has the legal obligation to monitor the conduct of Sheriff’s employees as long as it does not interfere with the investigation and prosecution of criminal conduct.

In the absence of a fully operational Office of Inspector General or a legally constituted Civilian Oversight Committee with subpoena power, it falls to this Board to directly exercise its duty and authority on behalf of the public to request and be provided with timely access to any

MOTION

Molina _____

Ridley-Thomas _____

Yaroslavsky _____

Antonovich _____

Knabe _____

and all investigative reports prepared by the Sheriff's Department regarding officer involved shootings, use of force, or other significant law enforcement incidents involving the public, for the purpose of ensuring the thoroughness and quality of those investigations and those reports, and the thoroughness and quality of the Sheriff's Department's response to any policy violations identified therein. Such review and accountability is vital to public trust and is necessary to assure County residents that this Board is doing everything within its power to safeguard the public's safety.

I, THEREFORE MOVE that this Board request the Sheriff's Department to immediately provide this Board with confidential access to any and all investigative reports regarding the September 9, 2013 fatal shooting in East Los Angeles;

I, FURTHER MOVE that this Board find that the receipt and review of these investigative reports, by one or more of the members of this Board, is consistent with the Board's legal obligation to monitor the conduct of Sheriff's Department employees;

FINALLY, I MOVE that this Board direct County Counsel to ensure that review of these reports will be conducted in the strictest confidence and in accordance with all applicable laws in order to ensure that such a review will not interfere in any way with the independent, constitutionally and statutorily designated investigative and prosecutorial functions of the Sheriff and District Attorney.

MJ/jp