

ANALYSIS

This ordinance amends Title 3 – Advisory Commissions and Committees of the Los Angeles County Code to add Chapter 3.79 creating the Sheriff Civilian Oversight Commission and defining the duties and responsibilities of the commission.

MARY C. WICKHAM
County Counsel

By: 

ALEXANDRA B. ZUIDERWEG
Deputy County Counsel
Law Enforcement Services Division

RHG:az

Requested: 1/8/16
Revised: 10/18/16

ORDINANCE NO. 2016-0048

An ordinance amending Title 3 – Advisory Commissions and Committees of the Los Angeles County Code to create the Sheriff Civilian Oversight Commission and define the duties and responsibilities of the Commission.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Chapter 3.79 is hereby added to read as follows:

Chapter 3.79 Sheriff Civilian Oversight Commission.

3.79.010 Created.

3.79.020 Purpose.

3.79.030 Duties.

3.79.040 Membership.

3.79.050 Term of Service.

3.79.060 Training.

3.79.070 Sheriff Participation.

3.79.080 Vacancies.

3.79.090 Organization.

3.79.100 Meetings.

3.79.110 Officers.

3.79.120 Records.

3.79.130 Use of the Office of Inspector General Staff for Investigative

Purposes.

3.79.140 Commission Staff.

3.79.150 Monetary Terms.

3.79.160 Annual Report.

3.79.170 Self Evaluation.

3.79.180 Cooperation and Coordination.

3.79.190 Obtaining Documents and Information.

3.79.200 Compliance with all Laws.

3.79.010 Created.

There is created a Los Angeles County Sheriff Civilian Oversight Commission, hereinafter in this chapter referred to as the "Commission."

3.79.020 Purpose.

The purpose of the Commission is to improve public transparency and accountability with respect to the Los Angeles County Sheriff's Department, by providing robust opportunities for community engagement, ongoing analysis and oversight of the department's policies, practices, procedures, and advice to the Board of Supervisors, the Sheriff's Department and the public.

3.79.030 Duties.

The Commission shall, on its own or at the request of the Board of Supervisors or the Sheriff, without interfering with the Sheriff's investigative function:

A. **Make Recommendations.** Review, analyze, and where appropriate solicit input, and make recommendations to the Board of Supervisors and the Sheriff on

the Sheriff's Department's operational policies and procedures that affect the community or make recommendations to create additional operational policies and procedures affecting the community and request a response from the Sheriff.

B. **Investigate.** Investigate through the Office of Inspector General (OIG), analyze, solicit input and make recommendations to the Board of Supervisors and the Sheriff on systemic Sheriff – related issues or complaints affecting the community.

C. **Review.** Review policy recommendations made by outside entities at the request of the Board of Supervisors or the Sheriff or recommendations made in other reports that in the judgment of the Commission merit its analysis, and report to the Board of Supervisors or the Sheriff whether or not the recommendation(s) should be implemented by the Board of Supervisors or the Sheriff or, if the recommendation(s) is being implemented, the status of implementation. The Commission's reports shall contain an analysis supporting its recommendations and shall seek the input of the Sheriff before implementing or publishing its reports.

D. **Monitor Settlement.** Only at the request of the Board of Supervisors and/or the Sheriff, serve, either collectively or through one or more of its members, as the monitor of the implementation of settlement provisions in litigated matters.

E. **Serve as Liaison and Mediator.** Function as a liaison, or at the request of the Board of Supervisors, the Sheriff, and/or community groups or organizations involved, serve as a mediator to help resolve ongoing disputes between the Sheriff's Department and members of the community, or organizations within the County of Los Angeles.

F. **Obtain Community Input.** Obtain community input and feedback on specific incidents involving the use of force, detention conditions, or other civil rights concerns regarding the Sheriff's Department, convey to the Board of Supervisors and the Sheriff community complaints, concerns or positive feedback received by the Commission, and where appropriate, make recommendations.

G. **Work with the Office of Inspector General.** Work with and assist the Office of Inspector General in soliciting community input and feedback on issues being investigated by the Inspector General, and supervise and evaluate all work performed by the Inspector General that is done at the request of the Commission.

H. **Function as a Bridge.** Function as a bridge between the Sheriff's Department and the community by providing the community an additional means of giving input to the Sheriff, obtaining answers from the Sheriff to community concerns about the Sheriff's Department's operations, practices and activities, bringing an additional perspective to the Sheriff's Department's decision-making to ensure an ongoing balance between the sometimes competing factors of ensuring public safety and constitutional, civil and human rights, and communicating community concerns to the Sheriff that otherwise might not be as clear or might go unnoticed.

I. **Seek Sheriff's Input.** Seek the input of the Sheriff prior to completing any of its recommendations made pursuant to the duties defined in this section.

J. **Advise.** Serve only in an advisory capacity to the Board of Supervisors and the Sheriff, and without the authority to manage or operate the Sheriff's Department

or direct the activities of Sheriff's Department employees, including imposition of discipline.

3.79.040 Membership.

A. The Commission shall consist of nine members. Each shall be a resident of the County of Los Angeles. The members shall be selected as follows:

1. Five members shall be appointed by the Board, one nominated by each Supervisorial District.

2. Four community members shall be appointed by the Board upon recommendation by the Executive Officer of the Board of Supervisors, in consultation with County Counsel. Subsequent appointments shall follow a process set forth in the Commission's Handbook.

B. The following individuals cannot serve as members of the Commission:

1. A current employee of the County of Los Angeles;
2. A current employee of any law enforcement agency, including but not limited to a police or prosecutorial agency for a government entity, or any individual who has been an employee of such an agency within the previous year.

3.79.050 Term of Service.

A. Subject to subsection B of this section, each member shall serve for a three-year term. No member may serve on the Commission for more than two full consecutive terms unless such limitation is waived by the Board of Supervisors. The term for all members shall begin on July 1 and end on June 30th. However, the first term of all members who are the initial appointees to the Commission, shall be deemed

to commence on the date their appointment is approved by the Board of Supervisors and will end on June 30th of a succeeding year as set forth in subsection B of this section.

B. As part of the original creation of the Commission only, the initial commissioners shall be divided into three groups, with Group A serving an initial three-year term, Group B serving an initial two year term and Group C serving an initial one-year term. For groups B and C, this initial one and two-year term shall not be considered towards the restriction of two full year terms as described in section 3.79.050 (A). The commissioners shall be placed into three groups by a random selection process.

3.79.060 Training.

Each commissioner must successfully complete a comprehensive training and orientation program within six months of appointment. Failure to complete the training may result in disqualification. The training program shall be robust and cover Constitutional policing including such topics as use of force, firearms, custody, mental health issues, juvenile justice and patrol. Each Commission member shall actively participate in the ongoing training program.

3.79.070 Sheriff Participation.

The Sheriff, or a senior ranking member of the Sheriff's Department, selected by the Sheriff, shall attend and participate in all the meetings of the Commission, but shall not have voting rights.

3.79.080 Vacancies.

The Board of Supervisors will appoint members to fill vacancies on the Commission created by events other than the normal end of a member's term in accordance with the process set forth in Section 3.79.040. Vacancies shall be filled within 60 days. Appointments to fill a vacancy shall not constitute an appointment for a full term but solely to fill the balance of the unexpired term.

3.79.090 Organization.

The Commission shall, with the advice of County Counsel, prepare and adopt necessary rules and regulations for the conduct of its business. A copy of the rules and regulations shall be filed with the Executive Officer/Clerk of the Board of Supervisors. The Commission is to conduct itself in accordance with the Commission's Handbook as established by the Executive Officer in consultation with the Executive Director.

3.79.100 Meetings.

The Commission shall meet at least once a month, at a time and location to be established by the Commission. The Commission shall hold an annual organizational meeting during the month of July. The Commission meetings will follow Robert's Rules of Order and must comply with the Ralph M. Brown Act.

3.79.110 Officers.

At each annual meeting, the Commission shall elect a chairperson, a vice chairperson and a secretary and such other officers as it deems appropriate. The Commission shall determine the procedures and methods by which the officers are

elected and the term they are to serve. A chairperson, however, may only serve for two full consecutive one-year terms.

3.79.120 Records.

Any personnel records, citizen complaints against Sheriff's Department personnel, and information obtained from these records, which come into the possession of the Commission or its staff, shall be treated as confidential and shall not be disclosed to any member of the public, except in accordance with applicable laws. Copies of citizen complaints not already provided to the Sheriff's Department shall be made available to the Sheriff upon completion of the Commission's investigation, unless prohibited by applicable laws.

3.79.130 Use of the Office of Inspector General Staff for Investigative Purposes.

The Commission shall utilize the staff of the Office of Inspector General to undertake investigations, inquiries, audits and monitoring. The Commission shall direct, supervise and evaluate all work performed by the Inspector General that is done at the request of the Commission.

3.79.140 Commission Staff.

The Executive Director and other officers and employees of the Commission shall be designated in the current salary ordinance of the County of Los Angeles. The Commission will also have authority to use outside consultants when the need arises in accordance with applicable laws and policies. Outside consultants may be retained by

the Executive Office/Clerk of the Board and/or by the Chief Executive Office pursuant to a delegated authority agreement.

3.79.150 Monetary Terms.

Members of the Commission shall be eligible to receive reasonable monetary allowance to be set from time to time by the Board of Supervisors for each regular and special meeting of the Commission up to a maximum per member of \$5,000.00 per fiscal year and shall be reimbursed for reasonable expenses incurred in performing duties in accordance with County policies regulating reimbursement to County of Los Angeles officers and employees (including parking and transportation in attending meetings of the Commission).

3.79.160 Annual Report.

The Commission shall prepare and submit to the Board of Supervisors and make available to the public, subject to applicable privileges and protections, an annual report of the previous fiscal year. The annual report will be prepared and submitted no later than August 1st of each year. The annual report shall contain background information about the Commission, identify the Commission members and senior staff members, detail the activities of the Commission during the previous year and provide contact information. The annual report will also detail Sheriff's Department policies, procedures or practices, if any, that were eliminated, modified or created due to the Commission's work. Budget requests for each fiscal year must be made within the normal budget cycle followed by all County departments.

3.79.170 Self Evaluation.

A. At the end of the third year of the Commission's creation and every three years thereafter, the Commission shall undertake a detailed self-evaluation. This detailed self-evaluation shall include a candid assessment about the strengths, weaknesses, successes and failures of the Commission. It shall also contain recommendations as to whether the Commission should continue in existence and if so, any recommended revisions to its responsibilities and/or authority and whether an independent management audit should be conducted.

B. The self-evaluation should also contain recommendations on improvements regarding the Commission's operations.

C. The self-evaluation shall be submitted to the Board of Supervisors and made available to the public, subject to applicable privileges and protections.

D. The Chief Executive Office shall, within 90 days following the Commission's self-evaluation being transmitted to the Board, review the Commission's self-evaluation and determine whether an independent management audit should be conducted.

E. Within one year following the issuance of the self-evaluation, the Commission shall provide a written report to the Board of Supervisors regarding the status of the implementation of the recommendations identified in the self-evaluation. This written report shall be made available to the public, subject to applicable privileges and protections.

3.79.180 Cooperation and Coordination.

In the discharge of its duties, the Board of Supervisors directs all officers and

employees of the County of Los Angeles to cooperate with the Commission and, to the extent permitted by law, promptly supply copies of requested documents and records, so that other public officers and the Commission can fully and properly perform their respective duties.

3.79.190 Obtaining Documents and Information.

The Commission shall be bound by the memorandum of agreement between the Office of Inspector General and the Sheriff's Department relating to access to Sheriff's Department documents. The memorandum of agreement will govern which documents the Commission may access as well as how the Commission will obtain documents and information from the Sheriff's Department.

3.79.200 Compliance with all Laws.

The Commission shall comply with all applicable California and federal laws, including, but not limited to the Ralph M. Brown Act and the Peace Officer's Bill of Rights.

[CH379AZCC]

SECTION 2. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.



Hilda F. Solis
Chair

ATTEST:

Lori Glasgow

Lori Glasgow
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of November 9, 2016 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes

Supervisors Hilda Solis
Mark Ridley-Thomas
Sheila Kuehl
Don Knabe
Michael D. Antonovich

Noes

Supervisors None

Effective Date: December 9, 2016

Operative Date:

Lori Glasgow

Lori Glasgow
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

LORI GLASGOW
Executive Officer
Clerk of the Board of Supervisors

By [Signature]
Deputy



APPROVED AS TO FORM:
MARY C. WICKHAM
County Counsel

By [Signature]
Lester J. Tolnai
Chief Deputy County Counsel