

ANALYSIS

This Ordinance amends Title 3 – Advisory Commissions and Committees of the Los Angeles County Code, Chapter 3.79, relating to the Sheriff Civilian Oversight Commission. The amendments permit the Sheriff Civilian Oversight Commission to access Sheriff's Department information, documents, and testimony necessary for its oversight function and to compel the production of such information by directing the Office of Inspector General to issue a subpoena when deemed necessary by a majority of the Commission members.

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By



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VP:ts

Requested: 1/07/20

Revised: 1/21/20

ORDINANCE NO. _____

An ordinance amending Title 3 – Advisory Commissions and Committees of the Los Angeles County Code, relating to the Sheriff Civilian Oversight Commission.

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

SECTION 1. Section 3.79.020 is hereby amended to read as follows:

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.

SECTION 2. Section 3.79.030 is hereby amended to read as follows:

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~~ obstructing the Sheriff's criminal investigative function:

A. 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.

AB. 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.

BC. Investigate. Investigate~~Investigate~~Conduct investigations 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. The Commission shall direct, supervise, and evaluate all work performed by the Inspector General that is done at the request of the Commission.

D. Inspect. Receive referrals for inspections of jail facilities operated by or within the jurisdiction of the County from the Probation Oversight Commission, and direct the OIG, or refer the matter to the Sybil Brand Commission for Institutional Inspections, to conduct such inspections.

E. Access Information. Access information, documents, and testimony necessary to the Commission's oversight function as set forth in this ordinance. The Commission, in compliance with all laws and confidentiality protections, may compel the production of such information by directing the OIG to issue a subpoena on the Commission's behalf when deemed necessary by action of the Commission. The requirements and procedures for access to, and review and redaction of, confidential information received by the OIG are set forth in subsection J of County Code Section 6.44.190.

GF. 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) isare 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.

DG. 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.

EH. 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.

FJ. 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.

GJ. Work with the ~~Office of Inspector General~~OIG. Work with and assist the ~~Office of Inspector General~~OIG 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~~K. 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~~L. 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.

SECTION 3. If the initiative titled "Los Angeles County Sheriff Civilian Oversight Commission Ordinance" is approved by the voters at the March 3, 2020 election, ~~s~~Section 3.79.030 is deleted and the following ~~s~~Sections 3.79.030, 3.79.031, and 3.79.032 become operative law.

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), or through its own staff, 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 OIG. Work with and assist the OIG 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.

3.79.031 Inspect.

Receive referrals for inspections of jail facilities operated by or within the jurisdiction of the County from the POC, and direct the OIG, or refer the matter to the Sybil Brand Commission, to conduct such inspections.

3.79.032 Access Information.

Access information, documents, and testimony necessary to the Commission's oversight function as set forth in this ordinance. The Commission, in compliance with all laws and confidentiality protections, may compel production of such information by directing the OIG to issue a subpoena on the Commission's behalf when deemed necessary by action of the Commission. The requirements and procedures for access to, and review and redaction of, confidential information received by the OIG are set forth in subsection KJ of County Code sSection 6.44.190.

SECTION 4. Section 3.79.035 is hereby added to read as follows:

3.79.035 Records.

Any personnel records, 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 complaints

not already in the Sheriff's Department possession may be made available to the Sheriff's Department upon completion of the Commission's investigation, unless confidentiality mandates otherwise.

Because the Commission is a Brown Act body that is not authorized to conduct closed session, the Commission may not receive records protected by any law protecting the Confidentiality of records, including Penal Code sections 832.7, 11077, and 13300, et al. As permitted by law, and consistent with subsection J of County Code Section 6.44.190, material received by the OIG in response to a subpoena issued at the direction of the Commission may be shared with the Commission by the OIG.

SECTION 5. Section 3.79.040 is hereby amended to read as follows:

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.

SECTION 6. Section 3.79.050 is hereby amended to read as follows:

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 1st 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 members 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 ~~s~~Section 3.79.050 (A). The commissioners members shall be placed into three groups by a random selection process.

SECTION 7. Section 3.79.060 is hereby amended to read as follows:

3.79.060 Training.

Each commissioners member 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.

SECTION 8. Section 3.79.120 is hereby deleted in its entirety.

~~**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.~~

SECTION 9. Section 3.79.130 is hereby deleted in its entirety.

~~**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.~~

SECTION 10. Section 3.79.190 is hereby deleted in its entirety.

~~**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.~~

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