

MOTION BY SUPERVISORS HILDA L. SOLIS
AND SHEILA KUEHL

November 10, 2020

Ratification of Assembly Bill (AB) 1185 on Sheriff Oversight in LA County

Los Angeles County has a long history of established oversight over the Los Angeles County Sheriff’s Department, the largest Sheriff’s Department in the country. California Government Code section 25303 provides that the Board of Supervisors shall supervise all county officers to “see that they faithfully perform their duties” and shall require them to make reports and produce their books for inspection.

As far back as 1993, the Board of Supervisors (Board) appointed Merrick Bobb with the Police Assessment Resource Center (PARC) as a long-term institutional monitor of the LA Sheriff’s Department and in 2001, the Board created the Office of Independent Review (OIR) to “monitor the Los Angeles County Sheriff’s Department (LASD) and provide legal advice to ensure that allegations of officer misconduct involving LASD were investigated in thorough, fair, and effective ways.”

In 2014, the Board disbanded and replaced the two bodies with the newly created, Office of Inspector General (OIG) as part of the Board’s duty to “promote

HOA.103045514.1

MOTION

SOLIS _____

RIDLEY-THOMAS _____

KUEHL _____

HAHN _____

BARGER _____

constitutional policing and the fair and impartial administration of justice” through its oversight over LASD and ensure that LASD operated in a transparent process to restore the community’s trust in a department with a problematic history.

With sustained support from the community, the Board voted to create a Sheriff Civilian Oversight Commission (COC) in 2016 with its mission to “improve public transparency and accountability with respect to the Los Angeles County Sheriff’s Department.” The oversight power of the COC was further enhanced with overwhelming support by LA voters for Measure R, giving the body subpoena power in early 2020.

Even with oversight bodies well-established in LA County, both the COC and OIG have been met with obstruction. The Sheriff’s Department has ignored subpoenas issued by the COC and consistently thwarted attempts by the OIG to conduct independent investigations, including investigations into deputy-involved shootings, allegations of a cover-up involving the helicopter crash which took the life of passengers including the late Kobe Bryant and his daughter, deputy gangs like the Executioners and the Banditos, and the Sheriff’s attempts to unlawfully rehire a former LASD deputy with a history of domestic violence.

The Sheriff has repeatedly excused away his lack of cooperation with the Inspector General by stating, falsely, that the independent investigations conducted by the Inspector General would somehow taint and threaten the credibility of the Sheriff’s Department’s own investigations.

The Sheriff’s inability to maintain a balanced budget has forced the Board to enact strong fiscal controls even before the financial strain of COVID-19. Tragically, the

Sheriff's response, instead of working with the Board and the Chief Executive Officer (CEO), has been to undermine the County's budgeting process and attempt to sacrifice the safety of LA County residents by cutting vital services and programs that residents depend on, and attempting to make massive staffing changes without consulting labor unions.

Law enforcement cannot be permitted to place itself above the law. The Sheriff cannot be permitted to operate autonomously and with unchecked power.

Recognizing that state laws checking sheriff power were being flouted in Los Angeles and elsewhere, the California legislature passed a bill authored by Assembly Member McCarty, AB 1185, to rein in the abuses. California Government Code section 25303.7 goes into effect on January 1, 2021.

AB 1185 empowers county boards of supervisors to establish mechanisms for Sheriff oversight. It mandates that, if created, inspector generals and civilian oversight bodies shall have independent subpoena power. AB 1185 further establishes a procedure for the issuance and enforcement of these subpoenas.

Importantly, as it relates to the current circumstances in LA County, this law clearly states that the inspector general or oversight body that exercises powers under AB 1185 "shall not be considered to obstruct the investigative functions of the sheriff."

AB 1185 reinforces the Office of Inspector General's authority to conduct thorough and fair investigations, as the role requires, without the Sheriff's ability to obstruct, hinder, or impede.

This Board has continued to prioritize sheriff transparency and accountability through multiple motions to enhance oversight's ability to ensure law enforcement is

professional, effective, and responsive to the public. Public safety cannot be assured if law enforcement is above the law.

WE, THEREFORE, MOVE that the Board of Supervisors adopt Assembly Bill (AB) 1185, and declare that, effective January 1, 2021, and consistent with AB 1185:

- 1) The Office of Inspector General is vested with the subpoena authority delineated in Government Code section 25303.7.
- 2) The Civilian Oversight Commission is vested with the subpoena authority delineated in Government Code section 25303.7.

#

HLS:el