

REPORT TO THE
LOS ANGELES COUNTY
BOARD OF SUPERVISORS

FROM THE
WORKING GROUP

CIVILIAN OVERSIGHT
COMMISSION

FOR THE
LOS ANGELES COUNTY
SHERIFF'S DEPARTMENT



June 22, 2015

Dean Hansell, Chair

Vincent Harris

Hernan Vera

Les Robbins

Brent Braun

Neal Tyler

Max Huntsman

June 22, 2015

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

On December 9, 2014, the Board of Supervisors, by unanimous vote, created the Working Group for the Oversight Commission for the Los Angeles County Sheriff's Department. You directed that the Working Group should make "recommendations to the Board regarding the oversight commission's mission, authority, size, structure, relationship to the Office of the Sheriff and to the Office of the Inspector General and appointment options...."

On behalf of the Working Group, I am honored to present to you our comprehensive proposal and Report for the creation of the Civilian Oversight Commission. Central to our goal in developing our proposal was your finding when you created the Oversight Commission that:

A moral imperative to ensure constitutional policing in the County's communities and jails exists. When coupled with the need for far reaching structural reforms and accountability mechanisms necessary to restore public trust and confidence in a department beset by allegations of excessive force and significant litigation costs, establishment of a permanent oversight entity without delay is well justified. Such an entity can play a vital role in promoting transparency, restoring public trust and validating reform efforts.

In proceeding with our work, the Working Group held 13 regular public meetings at the Hall of Administration and hosted nine Town Hall meetings throughout Los Angeles County (the Working Group met at least once in each Supervisory District.) In preparing our proposal and Report, we have considered approximately 308 public comments. Because use of force and jail violence in Los Angeles County has been widely publicized, public testimony came primarily from those who appeared most concerned about these issues. Those who testified included members of the clergy, representatives of civil rights and civil liberties organizations, political leaders, retired and active law enforcement, mental health advocates, civic leaders, community activists, families and victims of alleged police brutality and representatives from other civilian oversight groups. Many of those who testified did so on multiple occasions. The Working Group, despite efforts to gather as large a representation as possible of the Greater Los Angeles County populace, did not

have participation from a wide range of members of the general public that might have provided a broader view of law enforcement in general or the Sheriff's Department in particular. While we have heard testimony about specific allegations of misconduct, the Working Group has not assumed that all of them are true. We have also had the benefit of the broad experience of the seven Working Group members. We are grateful for the public's candor, wisdom and insights on how the Civilian Oversight Commission should be structured. The Working Group's proposal takes into consideration many recommendations made by those who provided public comment.

The Report that accompanies our proposed ordinance is intended as a commentary on its various provisions, information that we want to provide to you as you consider the proposal. In most of the recommendations the Working Group after healthy discussion ultimately voted unanimously. There are three areas where we were not united. Where this is the case, we provide the various options and indicate who supported which option.

We have also created a public website for the new Commission and for the public that contains a detailed chronicle of our work (www.lacounty.gov/sheriff-oversight), which we hope will enlighten the new Commission and the public about the issues we considered. The website also contains articles and other materials in connection with civilian oversight.

It has been our honor to serve the people of the County of Los Angeles. Thank you for entrusting us with this important responsibility.

Respectfully,



Dean Hansell, Chair



Vincent Harris



Hernan Vera



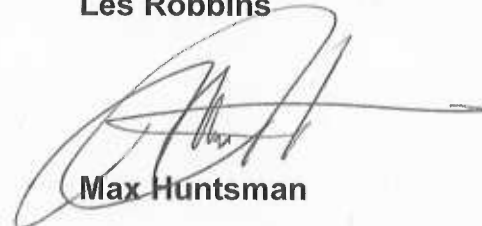
Les Robbins



Brent Braun



Neal Tyler



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**REPORT FROM THE WORKING GROUP
ON THE
CIVILIAN OVERSIGHT COMMISSION
FOR THE
LOS ANGELES COUNTY SHERIFF'S DEPARTMENT**

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SECTION A: MISSION STATEMENT

The Chair of the Working Group initiated the crafting of the mission statement. It is the consensus of the Working Group that the new Commission provide an effective vehicle for community engagement, enhanced transparency, accountability and oversight. While recognizing the autonomy of the Sheriff and his direct accountability to the voters, we also seek to create a mechanism – one that the Sheriff has welcomed and embraced – for providing insights and another bridge to the community on LASD policies, practices and procedures. We have tried to create a mission statement that is short and aspirational.

Mission Statement:

The mission of the Civilian Oversight Commission is to improve public transparency and accountability with respect to the Los Angeles County Sheriff's Department. The Commission shall provide robust opportunities for community engagement and ongoing analysis and oversight of Los Angeles County Sheriff's Department policies, practices and procedures, and advice to the Sheriff, Board of Supervisors and the Public.

SECTION B: RESPONSIBILITIES OF THE CIVILIAN OVERSIGHT COMMISSION

The Working Group carefully considered and defined the responsibilities for the Civilian Oversight Commission. The Commission should have the ability to review, analyze, investigate and report where appropriate to the Board of Supervisors and the Sheriff. It is imperative that the Commission serves as an effective mediator and facilitator between the Board and community and between the Sheriff's Department and the community on matters deemed appropriate by the Board and Sheriff's Department. The Working Group also recognizes the Commission has the opportunity to serve as a monitor on behalf of the Board and the community to oversee the implementation of settlement provisions in litigation.

Because the Sheriff is independently elected and has operational autonomy, many of the proposed responsibilities are referral powers, only possible if the Board, the Sheriff, and the Office of Inspector General (OIG) find the Commission's work to be appropriate, useful and credible. Many roles described for the Commission will occur only if the Commission is requested by the Board, the Sheriff, the OIG and other interested stakeholders to assume those roles.

The testimonies provided by community members make clear that it is critical that the Commission serve as a bridge between the community and the Sheriff's Department. The Commission should dedicate itself to ongoing outreach efforts by conducting regular Town Hall meetings, in addition to its own regular meetings.

Bringing the Commission's work and meetings directly into the community and enhancing the public's understanding of the Sheriff's Department as well as the OIG will be invaluable. In addition, the Commission should emphasize to both the public and law enforcement the duty to respect and obey the Constitution in all dealings involving law enforcement in order to prevent or mitigate the likelihood of violations of law.

Responsibilities of the Commission:

1. Review, analyze, where appropriate solicit public input, and make recommendations to the Board of Supervisors and the Sheriff on LASD operational policies and procedures affecting the community or make recommendations to create additional operational policies and procedures affecting the community and request a response. Normally the Commission shall seek the input of the Sheriff before completing its recommendations.
2. Investigate, analyze, solicit input, and make recommendations to the Board of Supervisors and the Sheriff on systemic LASD-related issues or complaints affecting the community. Normally the Commission shall seek the input of the Sheriff before completing its recommendations.
3. Review, at its discretion, or upon request from the Board of Supervisors or the Sheriff, policy recommendations to the Sheriff made by official entities sanctioned by 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 Sheriff and the Board of Supervisors whether or not the recommendation should be implemented by the Board of Supervisors or Sheriff or if the recommendation is being implemented, the status of the implementation. The Oversight Commission reports shall contain an analysis supporting its recommendations and normally shall seek the input of the Sheriff before completing or publishing its reports.
4. Upon request of the Board of Supervisors and the Sheriff, the Commission or any of its members may serve as the monitor and assess the implementation of settlement provisions in litigation.
5. Function as a liaison, or at the request of the groups or organizations involved, serve as a mediator to help resolve on-going disputes between the LASD and members of the community, or organizations within Los Angeles County.
6. Without interfering with the Sheriff's investigative functions, obtain community input and feedback on specific incidents involving use of force, detention conditions, or other civil rights concerns regarding the LASD and convey to the Sheriff and the Board of Supervisors community complaints,

concerns, or positive feedback and where appropriate make recommendations.

7. Work with and assist the OIG in soliciting community input and feedback on issues under investigation by the OIG.
8. Function as a bridge between the Sheriff's Department and the community by providing the community an additional means of giving input to the LASD, obtaining answers from the LASD to community concerns about LASD operations, practices, and activities, bring an additional perspective to LASD decision-making to ensure an on-going balance between the sometimes competing factors of ensuring public safety and constitutional, civil, and human rights, and communicate community concerns to the LASD that otherwise might not be as clear or might go unnoticed.

SECTION C: COMMISSION'S COMPOSITION PROPOSALS

The Working Group discussed their individual perspectives about how the Commission should be comprised. To better understand the function of a Sheriff's Department oversight body, the Working Group invited representatives from San Diego County's Citizen's Law Enforcement Review Board to testify about their experiences in establishing their oversight commission. The Working Group also took into account public testimony as noted earlier in this report and the accompanying cover letter.

The Working Group's efforts resulted in the creation of a list of six diverse composition options; five created by the Working Group and one proposed by Dignity and Power Now. The option proposed by Dignity and Power Now contemplates five appointments by the Board, and delegates the remaining appointments to a committee created by community organizations.

Each proposed option calls for a nine member commission. Each provides that at least five of the members would be selected by the Board, one per Supervisor. The proposals differ on the selection of the remaining four members. Each proposal advocates that weighted consideration be given to the selection of members who are both diverse and may bring to the Commission special expertise in fields such as mental health, custody and juvenile justice.

Common to each proposal is a set of core standards for Commission members that requires robust and on-going orientation and training, adherence to a code of conduct, compliance with a conflicts of interest policy, and the active participation of the Sheriff.

The proposal does not ban all "law enforcement" personnel from service. Rather, the prohibition is limited to current or former LASD employees and current employees of other police departments. The prohibition of former LASD law enforcement personnel, which is stated in proposal number nine below, was passionately debated among the Working Group. The Working Group was

ultimately divided on this issue. A majority of members felt former LASD law enforcement should not have the opportunity to serve on the Commission due to the belief that it was important to reestablish public trust and restore confidence in the Department as well as to avoid any possible conflicts of interest for the Commission or because of the appearance of a conflict that the inclusion of former LASD employees might create on a civilian board. They believe that since this is to be a "Civilian Oversight" group, current LASD and other L.A. County employees should not serve nor should any current members of any police department. Support for prohibiting law enforcement from serving on the Commission was the overwhelming sentiment of members of the public who attended our meetings.

Some members on the Working Group who felt former LASD and current police department personnel should not be prohibited from serving on the Commission believed strongly that barring such personnel would be discriminatory and would not contribute to the spirit of having a diversified Commission composition. They believed that a "blanket prohibition" of any person, absent a clear conflict of interest or other disqualifying factor is at odds with the stated premise that the Commission members be diverse and representative of all members of the LA County populace to the extent that is humanly possible. They believed that excluding any segment of the population on this basis alone is meritless and derogatory. The opposing members of the Working Group on this point believe there is a duty to appoint only the very best and most qualified persons to the Commission so they speak effectively and with credibility for all segments of our community.

At the conclusion of the Working Group's debate, the members voted 4 to 3 in favor of not including former LASD personnel on the Commission.

(Four Working Group members supported this option – Huntsman, Hansell, Harris and Vera. Three Working Group members opposed it – Tyler, Braun and Robbins.)

As mentioned, community members that participated in the Town Hall meetings expressed the belief that the Commission should have a composition that reflects the diversity of Los Angeles County. The Working Group agrees with this sentiment that the Commission should reflect the diversity of Los Angeles County and favors weighted consideration be given to age, geographic, racial, ethnic, religious, national origin, immigration status, gender, gender identity and sexual orientation, when selecting members.

The Working Group also favored having Commission members qualified with subject matter expertise in such areas as mental health, custody and juvenile justice.

The Working Group has thoroughly discussed the merits of each option. At the conclusion of the debate and the public's testimony on this matter, a 4-3 majority of the Working Group has recommended Option One for your Board's