

**MOTION BY SUPERVISORS HOLLY J. MITCHELL
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July 12, 2022

**Promoting Accountability and Community Safety Through Checks and Balances
of the Los Angeles County Sheriff**

In Los Angeles County (“County”), establishing meaningful checks and balances on the County Sheriff is long overdue. In the United States, no government official should have unchecked power. Changes to the County Charter can ensure essential oversight of the Sheriff and protect the lives and liberties of County residents.

The Sheriff runs a massive law enforcement agency with tremendous reach and power. The Sheriff manages approximately 17,000 employees, an annual budget of \$3.5 billion, and is one of the largest law-enforcement agencies in the United States. The Sheriff also runs the nation’s largest jail system, provides security services for the courts, operates the Los Angeles Regional Crime Laboratory, and patrols approximately 2,500 of the County’s 4,000 square miles, including more than 40 cities and 120 unincorporated areas. California’s State Constitution makes each County Sheriff an independent, elected official.

The County Board of Supervisors (“Board”) is ultimately responsible for guiding and setting County policy and supervising the official conduct of County officers and employees, ensuring that they discharge their duties faithfully. Despite this responsibility of the Board to supervise elected officers like the Sheriff and to assess the Sheriff’s

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performance of County duties pursuant to California Government Code § 25303, the Board has nevertheless been limited in its ability to serve as a sufficient check against the Sheriff's flagrant disregard of lawful oversight and accountability.

Lack of accountability has been an enduring feature of County sheriffs. Sheriff Lee Baca, who went to prison, made it clear in 2012 that the only way he could be held accountable for his actions was simply for the voters not to elect him. Baca resigned in 2014 amidst an FBI investigation and was imprisoned for obstruction of justice and lying to federal investigators. In 1973, Sheriff Peter Pitchess, a sheriff who was elected six times, resisted any involvement in the first internal investigation of deputy gangs from outside the Department. Sheriff Pitchess sent Sheriff Baca a [powerful message](#): "You were elected sheriff. You are the sheriff. You and your colleagues will run this department [without] interference from outside." Without structural changes to strengthen oversight, future sheriffs, each of whom have seen the actions of their predecessors, will have the opportunity to operate without meaningful accountability.

Because of the Sheriff's power and the lack of accountability and oversight by the current and previous sheriffs, this Board has implemented a series of accountability measures to reform the Sheriff's Department ("LASD"), dating back more than a decade. Specifically, the Board formed the [Citizens' Commission on Jail Violence](#) in 2011, after a scathing [report](#) from the ACLU of Southern California, to address violence in the jails and recommend reforms for the LASD. The Commission [documented](#) a disturbing pattern of excessive force and a culture of lax accountability within LASD. Based on its report and recommendations and the indictment of several personnel and leadership of the LASD, the Board created the Office of the Inspector General ("OIG") on [October 2, 2012](#) and the Sheriff Civilian Oversight Commission ("COC") on [December 9, 2014](#). The Board, with support from the community through the passage of Measure R, later took steps to enhance oversight and strengthen the roles of both the OIG and COC by expanding the OIG's authority to investigate LASD deputy gangs on [July 23, 2019](#) and granting subpoena power to the COC on [October 15, 2019](#). This Board has repeatedly been compelled to intervene in response to attempts by the Sheriff to obstruct oversight of investigations into fatal shootings of Angelenos by deputies. For example, the Board took

the step of approving two separate motions on [June 23, 2020](#) and [September 1, 2020](#), which were intended to ensure the independent investigation of the fatal shooting by deputies of 18-year-old Andres Guardado.

The current Sheriff has been openly hostile to oversight and transparency and has tested the functionality of existing oversight structures by consistently resisting and obstructing these systems of checks and balances. The Sheriff's actions include, but unfortunately are not limited to, [defying](#) subpoenas and refusing to appear at COC meetings, refusing to cooperate with the OIG's attempts at independent investigations and monitoring, intimidating and harassing individuals who are tasked with oversight, failing to comply with federal court orders to provide information on deputy misconduct, and litigating with the County to [rehire](#) deputies whose employment was terminated due to misconduct. Additionally, for at least the last ten fiscal years, the County has [spent](#) the most in litigation expenditures on settlements, judgments, and associated fees for LASD, at the expense of County residents. Notably, in fiscal year 2019-2020, the total litigation cost was [\\$60 million dollars](#).

The Board has taken significant steps to create a system of accountability and transparency in which the Sheriff can operate lawfully, but this system cannot maintain its integrity when the Sheriff regularly and brazenly flouts its rules. In recognition of this structural deficiency, the Board approved a motion on [November 10, 2020](#) that directed County Counsel to research options for removing the Sheriff, including any required changes to the County Charter or County Code, in addition to any other mitigation measures that could be taken to curtail the Sheriff's resistance to transparency, accountability and the faithful performance of duties for the benefit of the residents of the County. On May 19, 2022, after months of witnessing abuse of power by the Sheriff and hearing from families impacted by Sheriff deputy gangs and violence, the COC issued a Resolution urging the Board to place a charter amendment on the November ballot to establish additional checks and balances on the Sheriff. It is now time to act.

Pursuant to California State Constitution, Article IX, Section 4, (b) and (c), the Board may provide for the terms of removal of any elected or appointed County officer. This Board has the fundamental responsibility of strengthening oversight to enhance the

existing system of checks and balances and ensure lawful operations of LASD for all sheriffs elected in the future. Though sheriffs enjoy certain limited areas of independent authority under the California State Constitution as an independent, elected official, it is imperative that such privilege be balanced by accountability and oversight measures. Strengthening our existing accountability structures will bring a much-needed check to a system in which abuse of power has been able to thrive unchecked with few, if any, meaningful consequences. A proposed charter amendment empowering the Board to remove the sheriff only for cause, would allow the Board to act expeditiously to remove a corrupt sheriff rather than wait for a grand jury to convene or a recall election to be held. The justification for removal will not affect the independent and constitutionally and statutorily designated investigative and prosecutorial functions of the sheriff. This authority, combined with the existing oversight structures in the County, will support the Board's responsibility in promoting accountability and transparency in LASD.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

Instruct the Acting County Counsel to take the following actions for consideration at the July 26, 2022 Board meeting:

1. Draft the necessary documents, including an ordinance, to call a special election to be held on November 8, 2022 for the purpose of voting on an amendment to the County Charter that would:
 - a. Grant the Board of Supervisors the authority to remove the Sheriff, by a four-fifths vote for cause defined as a violation of any law related to the performance of their duties as Sheriff; flagrant or repeated neglect of duties; a misappropriation of public funds or property; willful falsification of a relevant official statement or document; or obstruction of any investigation into the conduct of the Sheriff by the Inspector General, Sheriff Civilian Oversight Commission, or any government agency with jurisdiction to conduct such an investigation.
2. Ensure that the proposed County Charter Amendment is clear that it shall not affect the independent and constitutionally designated functions of the Sheriff.
 - a. The Board shall not obstruct the investigative function of the Sheriff in

criminal matters and any other statutory or constitutional authority or jurisdictional responsibility, nor shall the sheriff's exercise of investigative or prosecutorial discretion in criminal matters provide cause for removal.

3. Ensure that the proposed County Charter Amendment clarifies that the Sheriff may be removed for cause, after such Sheriff has been served with a written statement of alleged grounds for such removal, and such Sheriff has been given a reasonable opportunity to be heard in the way of explanation or defense.
4. Ensure that the proposed County Charter Amendment is clear that should any provision or part of the proposed County Charter Amendment be found unconstitutional or invalid, it would be severable, and its invalidity or unconstitutionality shall not affect the remaining provisions or application, which would be implemented without the invalid or unconstitutional part.
5. Ensure that the proposed County Charter Amendment is clear that should another proposed County Charter Amendment with conflicting provisions appear on the same ballot, and each proposed County Charter Amendment receives a majority of votes, the proposed County Charter Amendment with the highest affirmative vote shall prevail.

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