

Portland Police Accountability Commission

Review of Los Angeles County Sheriff's Office Accountability Model

July 31, 2022

History and Background

Former Los Angeles (LA) sheriff Lee Baca ran the LA Sheriff's Department (LASD) for 15 years before he resigned in 2014 in response to a jail corruption and abuse scandal. In 2017, Baca was convicted of conspiracy and obstruction of justice for the cover-up related to the treatment of an incarcerated person, Anthony Brown, who was discovered to be an informant for the FBI. Baca was sentenced to three years in federal prison. Undersheriff Paul Tanaka was also convicted and sentenced to five years in 2016.

In 2014, the LA County Board of Supervisors (Board) enacted an ordinance creating the Office of Inspector General (OIG) to provide independent oversight and monitoring of the LASD and to conduct investigations. Max Huntsman, a career prosecutor, was appointed as the first Inspector General and remains in that position.

In 2016, the Board created the LASD Civilian Oversight Commission (COC) for LASD. The OIG is the investigative arm of the COC.

Alex Villanueva is LA's current sheriff. He defeated Jim McDonnell in 2018, who succeeded Baca. The OIG and COC have accused the Sheriff of undermining LASD policies designed to enhance accountability and stonewalling OIG and COC investigations. In response, the Sheriff announced he was investigating OIG for accessing confidential personnel files of high-ranking LASD members and asked the Board to remove Huntsman. The Board unanimously rejected this request and asked the LASD to recuse itself from any investigation of OIG.

OIG and COC are currently investigating LASD's long-standing and well-documented deputy gangs (with names such as the Banditos and the Executioners). The Sheriff has refused to comply with OIG subpoenas for documents and to appear at COC hearings on this issue. In addition, the Sheriff was accused of covering up an incident in 2021 where a deputy pinned a defendant to the ground and knelt on his head for several minutes—in the middle of Derek Chauvin's trial for the murder of George Floyd. At the request of COC, the Board recently approved an ordinance for the November 2022 ballot that would allow them to remove a sheriff for cause, including the obstruction of an investigation of LASD by OIG or COC. The Sheriff is up for reelection in November 2022.

OIG

- OIG reviews LASD civil rights compliance, use-of-force, and LASD internal investigations and discipline. In addition, OIG is charged with oversight and monitoring of county corrections facilities, and OIG supports the Probation Oversight Commission as well as COC
- Misconduct complaints are filed with LASD or OIG. If a complainant is willing to be identified, their complaint is forwarded to LASD for investigation. OIG monitors the investigation. If a complainant wants to remain anonymous, OIG will not forward the complaint for investigation, but OIG monitors LASD for other similar misconduct
- OIG not allowed to tell complainant about details or outcome of the investigation

- OIG has access to all LASD documents and information; OIG can issue subpoenas to carry out investigation requests from the Commissions or the Board or OIG can investigate on its own initiative
 - OIG investigations allowed at LASD's request or when OIG makes determination that an investigation is necessary and OIG has met with LASD and given them 30 days to respond
 - LASD required to cooperate with OIG
 - OIG may not use compelled statement or evidence in manner that would jeopardize a criminal investigation
 - OIG must maintain confidentiality of protected information, but may confidentially share such information with the Board and COC
- The Commissions oversee the OIG; the Board oversees OIG and the Commissions and hires/fires Inspector General.
 - Inspector General must be a lawyer, serves as special counsel to the Board and the Commissions, and may provide privileged advice related to claims against LASD

COC

- Purpose of the COC is to improve public transparency and accountability for LASD by providing opportunities for community engagement, overseeing LASD practices and procedures, and providing advice to LASD, Board and the public
- COC can recommend policy changes to LASD or review recommendations of others
- COC can investigate LASD, with OIG or using its own staff, on systemic LASD issues or complaints
- COC monitors settlements involving LASD for compliance at the request of Board or LASD
- At the request of Board or LASD, COC can serve as mediator in disputes involving LASD
- COC solicits community input and engagement on use-of-force incidents, detention conditions and civil rights issues, and functions as a bridge between LASD and community; COC seeks LASD input in advance of making recommendations
- COC works closely with OIG and oversees work OIG does on COC's behalf; OIG has the power to issue subpoenas or receive confidential documents on behalf of the COC.
 - All LA County employees must cooperate with COC
- COC serves in an advisory role to Board and LASD; COC does not have authority to direct LASD employees, including on imposition of discipline
- COC can receive requests for jail inspections, which COC refers to OIG
- COC consists of nine members, five appointed by the Board and four community members; no LA County employee or law enforcement officer can sit on COC
 - COC members have three-year terms; they must participate in a six-month training and orientation program to serve
 - COC members get an allowance up to \$5,000 annually, plus expense reimbursement
 - COC vacancies must be filled within 60 days
- Sheriff or a senior member of the LASD attends and participates in the COC, but does not have a vote
- COC must meet at least once a month and prepare an annual report for Board and public

- Every three years, COC must conduct a self-evaluation and propose recommendations on the continuation of COC and revisions to its operations. If recommendations are adopted, COC must provide a report one year later on implementation
- COC must comply with public meetings law and Peace Officer's Bill of Rights