

MOTION BY SUPERVISORS YAROSLAVSKY AND  
RIDLEY-THOMAS

October 18, 2011

Law enforcement personnel are unique among the County work force. They alone are allowed to use force, including deadly force, against residents in accordance with prescribed regulations. Among these officers, Sheriff's deputies are responsible for the care and handling of thousands of suspected and proven criminals inhabiting the County's overcrowded and in some cases antiquated jails, a task which is also tightly supervised and overseen.

For the last month, media and advocacy organizations have publicized a series of alleged breakdowns in the supervisory and disciplinary process through which Sheriff's officials ensure the constitutional and ethical conduct of their work force. The American Civil Liberties Union – Southern California, which has long served as the County's jail monitor under the *Rutherford* case, recently reported a series of affidavits signed by inmates and, for the first time, by four non-inmate volunteers and jail observers, all testifying to a series of fearsome and unprovoked physical attacks. Some of these were attacks by deputies on inmates; others were inmate-on-inmate attacks which were allegedly facilitated or encouraged by deputies. These affidavits are remarkable for their similarity and for the brazen nature of the alleged attacks; in

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particular those signed by the civilian observers, all of which relate incidents that took place in non-isolated areas of the jail where civilians are frequently present. Some of these civilians feared for their own safety after the deputies realized they were being watched. One - a jail chaplain – reported his observations anonymously, apparently for fear of retaliation. Another states that his report to jail supervisors about the attack he witnessed was ignored. If true, these allegations point to an extremely serious breakdown in the controls established by the Sheriff over his department.

These and similar allegations have led the Federal Bureau of Investigation to open investigations into alleged deputy mistreatment of inmates in Los Angeles County jails. These could lead to extremely serious consequences for the governance and oversight of the Sheriff's Department.

L.A. County has in place a multi-layered system for ensuring that the ability of Sheriff's deputies to lawfully use force is not misused. This includes extensive education and training, a model code of "core values", close supervision, the requirement that all uses of force be reported, and a disciplinary system through which allegations against deputies are investigated and judged by supervisory officers and the Bureau of Internal Affairs. These investigations are in turn subject to further oversight by the Board of Supervisors' Office of Independent Review. Ultimately, all facets of Sheriff's Department operations are subject to review and discussion in the biennial reports of the Board of Supervisors' Special Counsel, Merrick Bobb. And in the final analysis, it is the Sheriff himself as head of the department, and the members of the Board of Supervisors as the ultimate decision-makers for the County, who will be held accountable for the quality and constitutionality of law enforcement services to the public.

We trust that the ongoing FBI and Sheriff's investigations into the facts will ferret out the truth and lead to appropriate disciplinary action and criminal prosecution of wrong-doers. But it is the Board of Supervisors' responsibility to initiate and carry out a community-level review of alleged inappropriate use of force by deputies assigned to the jails. This can best be accomplished through the appointment of a Citizen's Commission composed of five distinguished County residents, each to be appointed by a member of the Board of Supervisors. The mandate of the Commission should be to conduct a review of the nature, depth and cause of the problem of inappropriate deputy use of force in the jails, and to recommend corrective action as necessary. More generally, it shall be the task of the Commission to restore public confidence in the constitutional operation of our jails by conducting a discussion on the nature and cause of the problem, and by recommending potential solutions and holding this Board and the Sheriff accountable for their speedy and effective implementation.

**WE, THEREFORE, MOVE** that the Board create a Citizens' Commission on Jail Violence, with five members, one to be appointed by each Supervisor, with all appointments to be made by November 1, 2011; and

**WE FURTHER MOVE** that the mandate of the Commission be to conduct a review of the nature, depth and cause of the problem of inappropriate deputy use of force in the jails, and to recommend corrective action as necessary, and

**WE FURTHER MOVE** that the County Counsel, with the assistance of the Chief Executive Officer, be requested to recommend a staffing plan for the Commission, which shall rely primarily on pro bono professionals with assistance from County administrative staff; and a budget which shall utilize funding from the Sheriff's Judgments and Damages account; and to present the plan for staffing and budget to the Board for its approval by November 1, 2011; and

**WE FURTHER MOVE** that the Commission be requested to present its report and recommendations to the Board within 120 days of its first meeting.

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