Board of Supervisors Memorandum

September 17, 2019

Commission to Advise the Sheriff Regarding Law Enforcement Issues Involving Community Interests Including, Policing Policies, and Strategies to Improve Trust between Law Enforcement and the Public

Background

Unlike cities and towns where the Chief of Police often reports to either the Mayor and City Council or a City Manager, who may have created a police advisory board, counties and their budget governing board, the Board of Supervisors, cannot direct the independently elected Sheriff regarding how the Sheriff carries out his or her Constitutional law enforcement duties. While we have heard of police oversight boards for cities and towns, there are no such entities for any county in Arizona due to the Constitutional framework of how counties were formed upon statehood. In Arizona, only two counties have Sheriff Advisory Boards.

The Board of Supervisors cannot direct the Sheriff in any of his policing or law enforcement practices. Its authority over the Sheriff is limited to fiscal matters. That fiscal authority does, however, mean the Board has an interest in how the Sheriff's Department functions, and therefore the Board may make recommendations into all aspects of Sheriff's Department functioning.

Given this legal framework, it is appropriate to create a method of citizen communication that can interact with the Sheriff and make suggestions to the Sheriff regarding department policies and practices for the Sheriff's consideration. The Sheriff can either accept, reject or modify any suggestions of such a citizen policing body. Based on Arizona law, the Sheriff has only one boss, that being the electorate.

Formation of Some Type of Sheriff's Community Advisory Board, Committee or Commission

Based on my observation, Pima County Sheriff Mark Napier has demonstrated a remarkably patient ability to discuss his policing practices even with vociferous opponents of federal immigration and enforcement policy. Clearly, the Sheriff cares about constructive dialogue and ways to improve his agency's enforcement of the law and trust in the community. To bridge the gap between a non-functional County Law Enforcement Policy Commission, CLEPC, and a productive forum where ideas and concepts can be openly discussed and considered by the Sheriff, it is appropriate to form a community-driven and diverse advisory commission to facilitate a policing policy dialogue that I believe the Sheriff would welcome.

Examples of Other Sheriff Advisory Bodies

There are a number of examples throughout the Country of sheriff advisory committees. In fact, there are at least two in Arizona, one in Mohave County and the other in Maricopa County. In Mohave County, the body is called the Sheriff's Advisory Council, a group of

individuals selected by the Sheriff and his staff who meet monthly to discuss agency concerns. In Maricopa County, the Sheriff formed a Community Advisory Board as well as Sheriff Penzone's Executive Advisory Review (SPEAR), a Hispanic Advisory Board, an African American Advisory Board as well as an LGBTQ Advisory Board.

The following briefly discusses other such committees throughout the nation:

- Oklahoma County Sheriff's Office formed an advisory board to advise law enforcement on community police relations and best practices for the first time in 130 years.

- Douglas County, Colorado has formed a 30 member Public Safety Advisory Committee to advise the Sheriff about operations, budget and community safety programs.

- Greenville County, South Carolina has a Citizens Advisory Board that provides guidance and suggestions to the Sheriff on matters related to budget, staffing, crime prevention and community engagement.

- Hanover County, Virginia has a Sheriff's Citizen Advisory Board consisting of 21 citizens of various professions who advise on budget, public events, community affairs and administrative planning.

- Jefferson County, Colorado has a Citizen's Advisory Review Board since 1992 that meets with the Sheriff bi-monthly.

- Hennipin County, Minnesota has a Community Advisory Board consisting of 15 sheriff-appointed members providing direction to the Sheriff's Office on strategic planning and new initiatives.

- Richland County, Virginia – The Sheriff has appointed a 26 member Citizen's Advisory Council that meets four times per year where citizens' complaints against Sheriff's employees are reviewed, including review of disciplinary actions against deputies and staff. The Council is also tasked with review of the Sheriff's internal policies and procedures.

- Spokane County, Washington has a 15 member Citizen's Advisory Review Board whose mission is to collaboratively address the immediate and future needs of the Spokane County Sheriff by researching, planning and reviewing assignments and disciplinary actions, providing oversight on department policies and recommending solutions that will integrate and prioritize the best case practices.

In all cases, the committees or commissions are in an advisory capacity to the Sheriff and generally consist of citizens representing the diversity of the community in which the Sheriff operates and, in almost all cases, the members are appointed by the Sheriff.

The most elaborate Sheriff Civilian Oversight Commission comes from Los Angeles County. I have attached the County Code relating to the Commission for your information. Please note that even in this elaborate code, it states under duties, (Section 3.79.030 J)

> J. Advise. Serve only in an advisory capacity to the Board of Supervisors and the Sheriff, and without the authority to manage or operate the Sheriff's Department or direct the activities of Sheriff's Department employees, including imposition of discipline. (*Emphasis added*)

I have also included a news article on the Commission reporting on the Commission a year after formation. The article gives mixed views of the Commission. I would not favor a Commission as formal as Los Angeles County and believe that simpler is better.

Concept of Advisory Mission of the Commission

In reviewing general best practices of advisory boards and/or commissions, the primary purpose in most cases seems to be emphasizing the importance of citizen involvement in policing as a strategy to improve trust between law enforcement and the public. The groups are generally restricted to a small number of individual public members who are expected to represent the interest of the public. The critical components of any advisory committee, board or commission is to establish open, clear and honest communications between the law enforcement agency and the community. In most cases, members reflect the diversity of the community.

In one example, the stated purpose of a commission was to serve as an advisory committee reporting to the city council (city of Fruita, Colorado). This experience proved problematic since members lacked the skills, expertise and training required to make professional judgements on law enforcement practices. The commission was later modified by City Charter revisions and the powers and duties of the police commission was limited to recommending policy standards and procedures for the police department.

One of the primary benefits of these types of committees, boards and commissions is to build trust and greatly enhance communication between policing agencies and the community. This can only be effective if such a body has a strong focus, with a clearly limited scope and purpose.

Finally, best practices advise that, to be effective in any advisory board committee or commission, such a group cannot be political. The use of such a body as a political platform is counter to productive dialogue and engagement.

Formation of Advisory Board, Committee or Commission

The Board has some latitude in recommending an advisory board, committee or commission to the Sheriff. Such an advisory board's primary purpose should be to have high-level discussions regarding policing practices of the Sheriff and how to engender community trust and support in the policing activities of the Sheriff.

As briefly discussed by the Board when this matter was discussed at the August 19, 2019 Board of Supervisors Meeting, the Board may appoint two members representing each District to advise the Sheriff and act as an advisory board, committee or commission. The Sheriff could also appoint two members. The goal of such appointments would be to represent the diversity of the community acting as an advisor to the Sheriff. This group could also be charged with filing a written quarterly report to the Board. This would allow the Board to have an information exchange regarding policy topics being discussed.

The group would not be subject to Arizona Open Meeting laws, unless they chose to discuss a specific topic or agenda item that would then be discussed and voted on by the Board. This body would be most effective it is was precluded from discussion of matters that are on, or may reasonably be on, the Board's agenda in the future. This addresses the issue of Open Meeting Law considerations that the body could inadvertently violate. Further, it ensures that discussions are better focused on policy and practice issues exclusively under the domain of the Sheriff.

Finally, the Board could also refer specific topics and/or issues to be discussed by the advisory board, committee or commission based on a referral by a majority of the Board at a public hearing.

Whatever method or structure the Board chooses to ask the Sheriff to create an advisory committee to hear community policing issues/concerns, it must be recognized that recommendations of the advisory board, committee or commission is purely advisory to the Sheriff and the Sheriff can accept, modify or reject the advice.

Recommendation

If the Board chooses to form a Sheriff Advisory body, I would suggest the items below be included in either an administrative procedure or the County Code amended to include such a Commission

1. That the Board form a Sheriff Civilian Policy Commission by appointing two members to represent each member of the Board of Supervisors. The terms of the Commission members are coterminous with the Board Member's term of office.

2. The Commission would not be subject to the Arizona Open Meeting laws and, hence, cannot discuss or take any action on matters that will come before the Board of Supervisors.

3. The Commission will meet monthly with the Sheriff.

4. The Commission may prepare written quarterly reports to the Board of Supervisors regarding their policy discussion with the Sheriff. Such a report would be made at a public meeting of the Board by the Commission Chair or Member.

5. The Board of Supervisors, at a public meeting by a majority vote, may refer matters of community interest and/or concern to the Commission and Sheriff for discussion and reporting.

6. The Sheriff is not bound to follow the advice or direction of the Commission.

7. A mechanism to remove a member of the Commission if a super majority of the members find that the member is substantially obstructing Commission deliberation.

Sincerely,

C.H. Huckelberry
County Administrator

CHH/lab – September 6, 2019

Attachments

c: The Honorable Mark Napier, Pima County Sheriff
The Honorable Barbara LaWall, Pima County Attorney
Andrew Flagg, Chief Civil Deputy County Attorney

Chapter 3.79 - SHERIFF CIVILIAN OVERSIGHT COMMISSION

3.79.010 - Created.

There is created a Los Angeles County Sheriff Civilian Oversight Commission, hereinafter in this chapter referred to as the "Commission."

(Ord. 2016-0048 § 1, 2016.)

3.79.020 - Purpose.

The purpose of the Commission is to improve public transparency and accountability with respect to the Los Angeles County Sheriff's Department, by providing robust opportunities for community engagement, ongoing analysis and oversight of the department's policies, practices, procedures, and advice to the Board of Supervisors, the Sheriff's Department and the public.

(Ord. 2016-0048 § 1, 2016.)

3.79.030 - Duties.

The Commission shall, on its own or at the request of the Board of Supervisors or the Sheriff, without interfering with the Sheriff's investigative function:

A. Make Recommendations. Review, analyze, and where appropriate solicit input, and make recommendations to the Board of Supervisors and the Sheriff on the Sheriff's Department's operational policies and procedures that affect the community or make recommendations to create additional operational policies and procedures affecting the community and request a response from the Sheriff.

B. Investigate. Investigate through the Office of Inspector General (OIG), analyze, solicit input and make recommendations to the Board of Supervisors and the Sheriff on systemic Sheriff - related issues or complaints affecting the community.

C. Review. Review policy recommendations made by outside entities at the request of 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 Board of Supervisors or the Sheriff whether or not the recommendation(s) should be implemented by the Board of Supervisors or

the Sheriff or, if the recommendation(s) is being implemented, the status of implementation. The Commission's reports shall contain an analysis supporting its recommendations and shall seek the input of the Sheriff before implementing or publishing its reports.

D. Monitor Settlement. Only at the request of the Board of Supervisors and/or the Sheriff, serve, either collectively or through one or more of its members, as the monitor of the implementation of settlement provisions in litigated matters.

E. Serve as Liaison and Mediator. Function as a liaison, or at the request of the Board of Supervisors, the Sheriff, and/or community groups or organizations involved, serve as a mediator to help resolve ongoing disputes between the Sheriff's Department and members of the community, or organizations within the County of Los Angeles.

F. Obtain Community Input. Obtain community input and feedback on specific incidents involving the use of force, detention conditions, or other civil rights concerns regarding the Sheriff's Department, convey to the Board of Supervisors and the Sheriff community complaints, concerns or positive feedback received by the Commission, and where appropriate, make recommendations.

G. Work with the Office of Inspector General. Work with and assist the Office of Inspector General in soliciting community input and feedback on issues being investigated by the Inspector General, and supervise and evaluate all work performed by the Inspector General that is done at the request of the Commission.

H. Function as a Bridge. Function as a bridge between the Sheriff's Department and the community by providing the community an additional means of giving input to the Sheriff, obtaining answers from the Sheriff to community concerns about the Sheriff's Department's operations, practices and activities, bringing an additional perspective to the Sheriff's Department's decision-making to ensure an ongoing balance between the sometimes competing factors of ensuring public safety and constitutional, civil and human rights, and communicating community concerns to the Sheriff that otherwise might not be as clear or might go unnoticed.

I. Seek Sheriff's Input. Seek the input of the Sheriff prior to completing any of its

recommendations made pursuant to the duties defined in this section.

J. Advise. Serve only in an advisory capacity to the Board of Supervisors and the Sheriff, and without the authority to manage or operate the Sheriff's Department or direct the activities of Sheriff's Department employees, including imposition of discipline.

(Ord. 2016-0048 § 1, 2016.)

3.79.040 - Membership.

A. The Commission shall consist of nine members. Each shall be a resident of the County of Los Angeles. The members shall be selected as follows:

1. Five members shall be appointed by the Board, one nominated by each Supervisorial District.
2. Four community members shall be appointed by the Board upon recommendation by the Executive Officer of the Board of Supervisors, in consultation with County Counsel. Subsequent appointments shall follow a process set forth in the Commission's Handbook.

B. The following individuals cannot serve as members of the Commission:

1. A current employee of the County of Los Angeles;
2. A current employee of any law enforcement agency, including but not limited to a police or prosecutorial agency for a government entity, or any individual who has been an employee of such an agency within the previous year.

(Ord. 2016-0048 § 1, 2016.)

3.79.050 - Term of Service.

A. Subject to subsection B of this section, each member shall serve for a three-year term. No member may serve on the Commission for more than two full consecutive terms unless such limitation is waived by the Board of Supervisors. The term for all members shall begin on July 1 and end on June 30th. However, the first term of all members who are the initial appointees to the Commission, shall be deemed to commence on the date their appointment is approved by the Board of Supervisors and will end on June 30th of a succeeding year as set forth in subsection B of this section.

B.

As part of the original creation of the Commission only, the initial commissioners shall be divided into three groups, with Group A serving an initial three-year term, Group B serving an initial two year term and Group C serving an initial one-year term. For groups B and C, this initial one and two-year term shall not be considered towards the restriction of two full year terms as described in section 3.79.050 (A). The commissioners shall be placed into three groups by a random selection process.

(Ord. 2016-0048 § 1, 2016.)

3.79.060 - Training.

Each commissioner must successfully complete a comprehensive training and orientation program within six months of appointment. Failure to complete the training may result in disqualification. The training program shall be robust and cover Constitutional policing including such topics as use of force, firearms, custody, mental health issues, juvenile justice and patrol. Each Commission member shall actively participate in the ongoing training program.

(Ord. 2016-0048 § 1, 2016.)

3.79.070 - Sheriff Participation.

The Sheriff, or a senior ranking member of the Sheriff's Department, selected by the Sheriff, shall attend and participate in all the meetings of the Commission, but shall not have voting rights.

(Ord. 2016-0048 § 1, 2016.)

3.79.080 - Vacancies.

The Board of Supervisors will appoint members to fill vacancies on the Commission created by events other than the normal end of a member's term in accordance with the process set forth in Section 3.79.040. Vacancies shall be filled within 60 days. Appointments to fill a vacancy shall not constitute an appointment for a full term but solely to fill the balance of the unexpired term.

(Ord. 2016-0048 § 1, 2016.)

3.79.090 - Organization.

The Commission shall, with the advice of County Counsel, prepare and adopt necessary rules and regulations for the conduct of its business. A copy of the rules and regulations shall be filed with the Executive Officer/Clerk of the Board of Supervisors. The Commission is to conduct itself in accordance with the Commission's Handbook as established by the Executive Officer in consultation with the Executive Director.

(Ord. 2016-0048 § 1, 2016.)

3.79.100 - Meetings.

The Commission shall meet at least once a month, at a time and location to be established by the Commission. The Commission shall hold an annual organizational meeting during the month of July. The Commission meetings will follow Robert's Rules of Order and must comply with the Ralph M. Brown Act.

(Ord. 2016-0048 § 1, 2016.)

3.79.110 - Officers.

At each annual meeting, the Commission shall elect a chairperson, a vice chairperson and a secretary and such other officers as it deems appropriate. The Commission shall determine the procedures and methods by which the officers are elected and the term they are to serve. A chairperson, however, may only serve for two full consecutive one-year terms.

(Ord. 2016-0048 § 1, 2016.)

3.79.120 - Records.

Any personnel records, citizen complaints against Sheriff's Department personnel, and information obtained from these records, which come into the possession of the Commission or its staff, shall be treated as confidential and shall not be disclosed to any member of the public, except in accordance with applicable laws. Copies of citizen complaints not already provided to the Sheriff's Department shall be made available to the Sheriff upon completion of the Commission's investigation, unless prohibited by applicable laws.

(Ord. 2016-0048 § 1, 2016.)

3.79.130 - Use of the Office of Inspector General Staff for Investigative Purposes.

The Commission shall utilize the staff of the Office of Inspector General to undertake investigations, inquiries, audits and monitoring. The Commission shall direct, supervise and evaluate all work performed by the Inspector General that is done at the request of the Commission.

(Ord. 2016-0048 § 1, 2016.)

3.79.140 - Commission Staff.

The Executive Director and other officers and employees of the Commission shall be designated in the current salary ordinance of the County of Los Angeles. The Commission will also have authority to use outside consultants when the need arises in accordance with applicable laws and policies. Outside consultants may be retained by the Executive Office/Clerk of the Board and/or by the Chief Executive Office pursuant to a delegated authority agreement.

(Ord. 2016-0048 § 1, 2016.)

3.79.150 - Monetary Terms.

Members of the Commission shall be eligible to receive reasonable monetary allowance to be set from time to time by the Board of Supervisors for each regular and special meeting of the Commission up to a maximum per member of $5,000.00 per fiscal year and shall be reimbursed for reasonable expenses incurred in performing duties in accordance with County policies regulating reimbursement to County of Los Angeles officers and employees (including parking and transportation in attending meetings of the Commission).

(Ord. 2016-0048 § 1, 2016.)

3.79.160 - Annual Report.

The Commission shall prepare and submit to the Board of Supervisors and make available to the public, subject to applicable privileges and protections, an annual report of the previous fiscal year. The annual report will be prepared and submitted no later than August 1st of each year. The annual report shall contain background information about the Commission, identify the Commission members and senior staff members, detail the activities of the Commission during the previous year and provide contact information. The annual report will also detail Sheriff's

Department policies, procedures or practices, if any, that were eliminated, modified or created due to the Commission's work. Budget requests for each fiscal year must be made within the normal budget cycle followed by all County departments.

(Ord. 2016-0048 § 1, 2016.)

3.79.170 - Self Evaluation.

A. At the end of the third year of the Commission's creation and every three years thereafter, the Commission shall undertake a detailed self-evaluation. This detailed self-evaluation shall include a candid assessment about the strengths, weaknesses, successes and failures of the Commission. It shall also contain recommendations as to whether the Commission should continue in existence and if so, any recommended revisions to its responsibilities and/or authority and whether an independent management audit should be conducted.

B. The self-evaluation should also contain recommendations on improvements regarding the Commission's operations.

C. The self-evaluation shall be submitted to the Board of Supervisors and made available to the public, subject to applicable privileges and protections.

D. The Chief Executive Office shall, within 90 days following the Commission's self-evaluation being transmitted to the Board, review the Commission's self-evaluation and determine whether an independent management audit should be conducted.

E. Within one year following the issuance of the self-evaluation, the Commission shall provide a written report to the Board of Supervisors regarding the status of the implementation of the recommendations identified in the self-evaluation. This written report shall be made available to the public, subject to applicable privileges and protections.

(Ord. 2016-0048 § 1, 2016.)

3.79.180 - Cooperation and Coordination.

In the discharge of its duties, the Board of Supervisors directs all officers and employees of the County of Los Angeles to cooperate with the Commission and, to the extent permitted by law, promptly supply copies of requested documents and records, so that other public officers and the Commission can fully and properly perform their respective duties.

(Ord. 2016-0048 § 1, 2016.)

3.79.190 - Obtaining Documents and Information.

The Commission shall be bound by the memorandum of agreement between the Office of Inspector General and the Sheriff's Department relating to access to Sheriff's Department documents. The memorandum of agreement will govern which documents the Commission may access as well as how the Commission will obtain documents and information from the Sheriff's Department.

(Ord. 2016-0048 § 1, 2016.)

3.79.200 - Compliance with all Laws.

The Commission shall comply with all applicable California and federal laws, including, but not limited to the Ralph M. Brown Act and the Peace Officer's Bill of Rights.

(Ord. 2016-0048 § 1, 2016.)

Chapter 3.81 - AUDIT COMMITTEE

3.81.010 - Continuation—Composition.

A. The Los Angeles County Audit Committee, established by order of the Board of Supervisors ("Board") on July 19, 1983, which shall be referred to in this Chapter as "Committee," is continued, subject to any modifications in this Chapter.
B. The Committee shall consist of five (5) members. Each member shall be an appropriate deputy from the office of each Supervisor.
C. Members shall be appointed by the Board. The term of each member shall be at the will of the nominating Supervisor.

(Ord. 2017-0057 § 1, 2017.)

3.81.020 - Purpose.

The purpose of the Committee is to ensure public transparency and the effectiveness of audit work through enhancing communications and making recommendations to the County officers responsible for conducting audits and the audited Departments; to ensure the Los Angeles County Board Policies ("Board Policies") are current and accurate; to promote the work of County

Commissions by reviewing Commission ordinances, responsibilities, and accomplishments; and to make recommendations to the Board related to auditing, Board Policies, and County Commissions.

(Ord. 2017-0057 § 1, 2017.)

3.81.030 - Duties.

The Committee shall have the following duties:

A. Review all audit plans and audit reports issued by the Auditor-Controller, except those audit reports required to be kept confidential by law, including, but not limited to, California Government Code section 53087.6.

B. Monitor the responses and implementation actions of audited Departments, County-affiliated entities, and contractors.

C. Assist in mediating disputes relating to auditing and audit-related services between the auditors and the audited Departments.

D. At the discretion of the Committee, periodically review audit plans and audit reports issued by the Chief Executive Officer and other County Departments.

E. Periodically review Board Policies to ensure they are consistent and accurate and review County Commission ordinances, responsibilities, and accomplishments, in accordance with the Los Angeles County Board Policy Manual.

F. Serve in an advisory capacity to the Board and make recommendations relating to audits, Board Policies, and County Commissions.

(Ord. 2017-0057 § 1, 2017.)

3.81.040 - Meetings.

The Committee shall meet at least once a month, at a time and location to be established by the Committee. The Committee meetings will follow Robert's Rules of Order and must comply with the Ralph M. Brown Act.

(Ord. 2017-0057 § 1, 2017.)

3.81.050 - Officers.

The Chair and Vice Chair of the Committee shall be the members representing the Supervisors

serving as Chair and Chair Pro Tem of the Board.

(Ord. 2017-0057 § 1, 2017.)

3.81.060 - Staff.

The Commission Services staff from the Executive Office of the Board will provide assistance at Committee meetings.

(Ord. 2017-0057 § 1, 2017.)

3.81.070 - Compensation.

Each member of the Committee shall serve without compensation.

(Ord. 2017-0057 § 1, 2017.)

Crime & Justice

LA Sheriff's civilian oversight panel gets mixed reviews

Photo vis conner395 via Flickr Creative Commons

Frank Stoltze | January 31, 2018

When the Los Angeles County Board of Supervisors voted a year ago to create the first-ever civilian panel to monitor the troubled L.A. Sheriff's Department, Supervisor Sheila Kuehl said a new era had begun.

"This commission is going to be a game-changer in the county," she told a news conference packed with activists with a long list of complaints about the nation's largest sheriff's agency.

One year later, the biggest question that dominated debate surrounding the creation of the Sheriff Civilian Oversight Commission remains: Can the panel effectively influence Sheriff Jim McDonnell when it's just an advisory body without the power to compel him to act on issues confronting his department?

Supervisors had resisted the idea of civilian oversight for decades, and established the commission only after a federal investigation led to the conviction of 20 officials for brutality against jail inmates, corruption and other charges. Former Sheriff Lee Baca was the last to fall when a jury found him guilty of obstruction of justice.

The fact that nine civilians now hold monthly meetings where they are able to quiz sheriff's officials about various policies and members of the public are able to voice their opinions is significant. Previous watchdogs did most of their work in private.

The panel is diverse. Its chair is a former federal judge who once ran the U.S. Drug Enforcement Administration. Other members include a rabbi, a former sheriff's deputy, a former deputy district attorney and a former public defender. It has a staff of seven but can use the county's Inspector General's Office to investigate issues.

"This is a good group of people," said activist Marc Anthony Johnson, who was one of the most vocal in saying the sheriff needed outside civilian oversight.

"We...got more transparency"

During its first year of work, the panel looked at a range of issues, from the sheriff's use of drones to his desire to hand over to the district attorney a list of deputies who had engaged in misconduct that might raise questions about their credibility.

Pushing McDonnell to release more information about deputy-involved shootings and other issues was one of the panel's most significant achievements, said chair Robert Bonner.

"He may very well have done it anyway," he said. "But I do think we nudged that forward and got more transparency on the sheriff's department website than otherwise would have been the case."

Some panel members also commended McDonnell for providing a lot of information on his much lauded mental health evaluation teams.

The sheriff said he appreciated the input on transparency, as well as the commission's decision to file an amicus brief with the California Supreme Court supporting his legal fight to hand the list of deputies with misconduct issues to the DA. He's also asked the panel to weigh in on how the department should deploy body cameras.

"It's been a vehicle for us to share information with diverse communities across L.A. County as well as for them to share concerns they hear," McDonnell said. At the same time, he said he already knew the concerns of L.A. residents.

"It was a validation of what we knew," the sheriff said of a series of community town halls hosted by the panel.

Disputes over drones and rape policy

McDonnell's use of drones illustrates the challenges facing the commission. An ad hoc committee studied law enforcement's use of drones and recommended a series of restrictions.

Then in the face of vocal criticism by drone opponents, the full commission voted 5-4 in September to call on McDonnell to ground his pilot drone program. He refused, saying they're a valuable tool in search and rescue operations and in identifying the location of armed, barricaded suspects.

"I value greatly the commission and the input they give, but they are not a policy-making body," McDonnell said in rejecting the panel's recommendation.

Under the California Constitution, sheriffs are elected officials. That is a far cry from the situation under the Los Angeles City Charter, which has the mayor select the chief of the LAPD and the five-member police commission sets policy for the department.

The sheriff's oversight panel bumped up against its political limitations when it tried to play a role in shaping rape prevention policy.

When panel members expressed concerns the sheriff may be dragging his feet on implementing the federal Prison Rape Elimination Act and asked for the draft policy, McDonnell said he would finalize it with senior staff and the deputy's union as required by the labor contract. In other words, he cut the commission out of the process.

"I think there is an effort by some to try to go beyond the scope of what they were intended to be," McDonnell said. "I will respectfully push back on that."

"We are sort of flying blind sometimes"

The commission has the ability to ask county Inspector General Max Huntsman to look into an issue, and he has an agreement with the sheriff to obtain almost all confidential documents.

But members of the civilian panel should get access to proposed policies so that it can weigh in, said Loyola Law School Professor Priscilla Ocen, who sits on the commission.

"We need something to change," she said. "Either the sheriff needs to be more forthcoming with the information or we need to restructure the authority the civilian oversight commission has."

"We are sort of flying blind sometimes," she added.

The working group appointed by the board of supervisors to set up the civilian panel recommended it have subpoena power so it could compel sheriff's officials and others to provide information. But McDonnell staunchly opposed that idea, and the supervisors sided with him.

But subpoena power would only go so far, said commission chair Bonner.

"The problem isn't subpoena power," he said. "The problem is the Police Officer Bill of Rights" – California's tough restrictions on which police documents the public can see. There's little chance of that changing, given the police union's powerful lobby in Sacramento.

The coming year will be crucial for the success of civilian oversight, said Bonner, who believes the panel should focus on issues that prompted its creation in the first place: use of force, discipline and the proper treatment of jail inmates. Then, he said, the commission should produce thoroughly researched and thoughtful recommendations.

"If we do that, I am optimistic that we will be a meaningful force for reform at the Sheriff's Department," he said. "If we do not do that, I think we are likely to be meaningless and irrelevant."

"We are not a cheerleader for the department"

Focus is a challenge for civilian panels across the country, said Jon Shane, a professor at John Jay College of Criminal Justice in New York. "That's a constant criticism of civilian oversight – the fact that the goals are never fully defined."

But he also described most such commissions as "paper tigers" with little ability to influence reform.

Many are concerned good reports and recommendations from the panel won't be enough, including lawyer Melanie Ochoa of the American Civil Liberties Union.

"It is true that more information is always going to be useful in policy making," Ochoa said. "But if you are trying to change an intransigent Sheriff's Department, then that is not enough."

She said she's looking to the board of supervisors to be a more vocal backer of the panel in its second year and to even use its power of the purse to persuade McDonnell to follow key recommendations on discipline and use of force.

For McDonnell, he'd like to see a more supportive civilian oversight panel.

"There's a tendency to look for things that are not going right," he said. "But I think there is also an opportunity to highlight what is being done well."

The sheriff said he would also like to see the commission recommend that the board of supervisors give him more money to hire deputies and fund other priorities.

"We are not a cheerleader for the department," Bonner said. "But if he can make a case to us that more resources would improve a certain area, we might support that."

Activist Marc Anthony Johnson, formerly of the watchdog group Dignity and Power Now, said he remains "hopeful" about the panel's future. "It's creating a culture in which the department can't hide as easily behind its closed doors," he said.

At the same time, the board of supervisors must give the commission subpoena power or some other authority to avoid it becoming "window dressing," Johnson argued.

Related links

- Who's watching the police? The state of civilian oversight in Southern California
- Beating sparks new calls for civilian oversight of Pasadena police
- LA Sheriff still hasn't complied with a federal law on prison rape
- Sheriff's oversight panel ponders what needs fixing
- LA Sheriff's oversight panel asks for shooting, discipline data
- Civilian panels may depend on the morality of the civilians.