

File No. 201014

Committee Item No. _____

Board Item No. 82

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: September 15, 2020

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OTHER

- California Assembly Bill No. 1185 - 7/28/20 _____
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Prepared by: Lisa Lew

Date: September 11, 2020

Prepared by: _____

Date: _____

1 [Supporting California State Assembly Bill No. 1185 (McCarty) - Sheriff Oversight]

2

3 **Resolution supporting California State Assembly Bill No. 1185, authored by Assembly**
4 **Member Kevin McCarty, and co-authored by Senator Holly Mitchell, Assembly Members**
5 **Autumn Burke, Mike Gipson, and Christopher Holden, to authorize each county to**
6 **establish a sheriff oversight board and urging Governor Gavin Newsom to sign AB**
7 **1185.**

8

9 WHEREAS, There is currently a national movement for justice reform across the
10 United States to end decades of race-based brutality and to increase public accountability and
11 transparency of law enforcement agencies; and

12 WHEREAS, In 2015, the late San Francisco Public Defender Jeff Adachi began
13 investigation stories from incarcerated individuals who were forced into gladiator fights against
14 each other by sheriff deputies; and

15 WHEREAS, In 2018, in rural Trinity County, then-Sheriff Bruce Haney moved six hours
16 away to Oregon, stopped coming to work and still collected his salary and benefits without
17 public accountability; and

18 WHEREAS, In 2018, Sacramento County Sheriff Scott Jones locked the county's then-
19 inspector general, Rick Braziel out of his department, revoking all access to records and
20 personnel and effectively bringing all independent investigation to a halt because he did not
21 agree with the criticisms of the department from the inspector general; and

22 WHEREAS, Sheriff oversight has been long overdue in the State of California; and

23 WHEREAS, On January 12, 2016, the Los Angeles County Board of Supervisors voted
24 to implement a Sheriff Civilian Oversight Commission and Inspector General, one of the first
25

1 in the state, with the mission to improve public transparency and accountability of the Los
2 Angeles County Sheriff’s Department; and

3 WHEREAS, On February 12, 2019, the Board of Supervisors requested a hearing to
4 inquire why the San Francisco Sheriff’s Office, as a law enforcement agency, lacks an
5 oversight body in light of reports of sheriff deputies mistreating incarcerated individuals; and

6 WHEREAS, On February 21, 2019, Assembly Member Kevin McCarty of Sacramento
7 introduced California Assembly Bill No. 1185 (AB 1185), to authorize counties to establish a
8 sheriff oversight board and an inspector general either by action of the board of supervisors or
9 through a vote of county residents; and

10 WHEREAS, AB 1185 would authorize the chair of the oversight board and the
11 inspector general to issue a subpoena when deemed necessary to investigate a matter such
12 as misconduct within their jurisdiction; and

13 WHEREAS, AB 1185 would allow the county board of supervisors to appoint a chair
14 and members to the sheriff oversight board; and

15 WHEREAS, AB 1185 would mean that sheriffs must comply with oversight efforts; and

16 WHEREAS, Existing lack of oversight has found taxpayers footing the bill for millions of
17 dollars as a result of legal fees of allegations of misconduct against deputies, jailers, and
18 sheriff’s department employees in California; and

19 WHEREAS, On July 21, 2020, the San Francisco Board of Supervisors submitted File
20 No. 200514, a Charter Amendment to establish a Sheriff’s Department Oversight Board and
21 Inspector General to the November 3, 2020, General Election for San Francisco voters to
22 decide; and

23 WHEREAS, The California State Senate passed AB 1185 on August 28, 2020, and the
24 California State Assembly passed AB 1185 on August 31, 2020; and, be it

25

1 RESOLVED, The San Francisco Board of Supervisors is committed to comprehensive
2 and systematic justice reform to provide public transparency and accountability of law
3 enforcement agencies; and, be it

4 FURTHER RESOLVED, That the San Francisco Board of Supervisors announces its
5 support for Assembly Bill No. 1185 Sheriff Oversight; and, be it

6 FURTHER RESOLVED, That the San Francisco Board of Supervisors urges California
7 Governor Gavin Newsom to sign Assembly Bill No. 1185 into law; and, be it

8 FURTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the
9 Board to transmit a copy of this Resolution to the California Governor, California State
10 Legislature as well as the bill's primary sponsor, California Assembly Member Kevin McCarty
11 no later than 30 days upon passage of this Resolution.

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AB-1185 County board of supervisors: sheriff oversight. (2019-2020)

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Date Published: 07/28/2020 09:00 PM

AMENDED IN SENATE JULY 28, 2020

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

ASSEMBLY BILL

NO. 1185

Introduced by Assembly Member McCarty
(Principal coauthor: Senator Mitchell)
(Coauthors: Assembly Members Burke, Gipson, and Holden)

February 21, 2019

An act to add Section 25303.7 to the Government Code, relating to counties.

LEGISLATIVE COUNSEL'S DIGEST

AB 1185, as amended, McCarty. ~~Officer oversight: sheriff oversight board.~~ *County board of supervisors: sheriff oversight.*

Existing law establishes the office of the sheriff in each county to preserve peace, and authorizes the sheriff to sponsor, supervise, or participate in any project of crime prevention, rehabilitation of persons previously convicted of crime, or the suppression of delinquency. Existing law requires a board of supervisors to supervise the official conduct of all county officers and ensure that they faithfully perform their duties.

This bill would authorize a county to establish a sheriff oversight ~~board,~~ *board to assist the board of supervisors with those duties as they relate to the sheriff,* either by action of the board of supervisors or through a vote of county residents. ~~The bill would authorize a sheriff oversight board to issue a subpoena or subpoena duces tecum when deemed necessary to investigate a matter within the jurisdiction of the board. The~~

This bill would authorize a county county, either by action of the board of supervisors or through a vote of county residents, to establish an office of the inspector general to assist the board of supervisors with its supervisory duties, as provided: these duties as they relate to the sheriff.

The bill would authorize the chair of the oversight board and the inspector general to issue a subpoena or subpoena duces tecum when deemed necessary to investigate a matter within their jurisdiction.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

~~SECTION 1. The Legislature finds and declares all of the following:~~

~~(a) County sheriffs lead agencies of law enforcement officers that are vested with extraordinary authority, and the powers to detain, search, arrest, and use deadly force. These officers are also responsible for the safety and welfare of the more than 75,000 incarcerated individuals in California's jail system. Misuse of these authorities can lead to grave constitutional violations, harms to liberty and the inherent sanctity of human life, and significant public unrest.~~

~~(b) While sheriffs are independently elected officials, boards of supervisors have the authority to supervise these officials and investigate the performance of their duties and have an obligation to ensure sheriffs and their departments uphold and respect people's constitutional rights.~~

~~(c) Meaningful independent oversight and monitoring of sheriffs' departments increases government accountability and transparency, enhances public safety, and builds community trust in law enforcement. Such oversight must have the authority and independence necessary to conduct credible and thorough investigations.~~

~~(d) It is the intent of the Legislature in adding this section to the Government Code to ensure that every county in the state may adopt effective independent oversight of the sheriff of that county, and this section is not intended to limit the powers of any independent oversight entity.~~

SEC. 2. SECTION 1. Section 25303.7 is added to the Government Code, to read:

25303.7. (a) (1) A county may create a sheriff oversight board, either by action of the board of supervisors or through a vote of county residents, comprised of civilians to assist ~~in the board's supervisorial duties over the sheriff.~~ *the board of supervisors with its duties required pursuant to Section 25303 that relate to the sheriff.*

(2) The members of the sheriff oversight board shall be appointed by the board of supervisors. The board of supervisors shall designate one member to serve as the chairperson of the board.

(b) (1) The chair of the sheriff oversight board shall issue a subpoena or subpoena duces tecum in accordance with Sections 1985 to 1985.4, inclusive, of the Code of Civil Procedure whenever the board deems it necessary or important to examine the following:

(A) Any person as a witness upon any subject matter within the jurisdiction of the board.

(B) Any officer of the county in relation to the discharge of their official duties on behalf of the sheriff's department.

(C) Any books, papers, or documents in the possession of or under the control of a person or officer relating to the affairs of the sheriff's department.

(2) A subpoena shall be served in accordance with Sections 1987 and 1988 of the Code of Civil Procedure.

(3) (A) If a witness fails to attend, or in the case of a subpoena duces tecum, if an item is not produced as set forth therein, the chair or the chair authorized deputy issuing the subpoena upon proof of service thereof may certify the facts to the superior court in the county of the board.

(B) The court shall thereupon issue an order directing the person to appear before the court and show cause why they should not be ordered to comply with the subpoena. The order and a copy of the certified statement shall be served on the person and the court shall have jurisdiction of the matter.

(C) The same proceedings shall be had, the same penalties imposed, and the person charged may purge himself of the contempt in the same way as in a case of a person who has committed a contempt in the trial of a civil action before a superior court.

(c) (1) A county, through action of the board of supervisors or vote by county residents, may establish an office of the inspector general, appointed by the board of supervisors, to assist the board of supervisors with its ~~supervisorial duties over the sheriff.~~ *duties required pursuant to Section 25303 that relate to the sheriff.*

(2) The inspector general shall have the independent authority to issue a subpoena or subpoena duces tecum subject to the procedure provided in subdivision (b).

(d) The exercise of powers under this section or other investigative functions performed by a board of supervisors, sheriff oversight board, or inspector general vested with oversight responsibility for the sheriff shall not be considered to obstruct the investigative functions of the sheriff.

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [redacted] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [redacted] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [redacted]
- 9. Reactivate File No. [redacted]
- 10. Topic submitted for Mayoral Appearance before the BOS on [redacted]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Walton, Fewer, Peskin, Yee, Preston

Subject:

Supporting California State Assembly Bill No. 1185 (McCarty) – Sheriff Oversight

The text is listed:

Resolution supporting California State Assembly Bill No. 1185, authored by Assembly Member Kevin McCarty, and co-authored by Senator Holly Mitchell, Assembly Members Autumn Burke, Mike Gipson, and Christopher Holden, to authorize each county to establish a sheriff oversight board and urging Governor Gavin Newsom to sign AB 1185.

Signature of Sponsoring Supervisor: /s/ Shamann Walton

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