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California Civil Liberties Advocacy
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Tuesday, June 25, 2019

Submitted Electronically

Assemblymember Kevin McCarty
State Capitol, Room 2136
Sacramento, CA 95814

RE: **AB 1185 (McCarty) – SUPPORT**

Dear Assemblymember McCarty:

The California Civil Liberties Advocacy (CCLA) is writing to express **support** for Assembly Bill 1185 (McCarty). If enacted, AB 1185 would clarify that a County Board of Supervisors is to establish a Sheriff Oversight Commission to review the actions of that County's Sheriff. It would also clarify that the Commission has subpoena power over the Sheriff. There has been significant confusion over the role that a Board of Supervisors has in its oversight of a County Sheriff. This bill will eliminate that confusion by explicitly stating the role and powers of a Sheriff Oversight Board.

The CCLA supports AB 1185 because our organization believes that a democratic republic demands citizen oversight of the government, especially law enforcement. Unlike police chiefs, who generally report to city mayors or councils, county sheriffs are subject to relatively little oversight. And as is often the case with incumbents, sheriffs are often elected on name recognition alone and serve for many years or decades, which allows them to impose their policies, procedures, and ideals with long-lasting effects on the community. More disturbing is the fact that many officers have been found to have engaged in serious misconduct or criminal activity. According to the Los Angeles Times, deputies with the L.A. County Sheriff's Department have been hired despite accidentally discharging their firearm, having sex while at work, soliciting prostitutes, falsifying police records, and cheating on their own polygraph exams.ⁱ One case in particular is worth mentioning. Then 28-year-old David McDonald was hired as a jail guard despite admitting to investigators that he had molested a 14-year-old girl, stating that he "was in love" and that he "wasn't a bad guy."ⁱ Civilian oversight would help prevent such asinine hiring decisions, or prevent the egregious conduct itself.

According to the Sacramento Bee, Sacramento County Sheriff Scott Jones has worked to impede internal affairs investigations, even locking the investigator out of his office; refusing to disclose personnel records as required by state law, and engaging in political feuds with county supervisors.ⁱⁱ The Bee also reports that Sheriff Margaret Mims of Fresno County understaffs her jails and permits a dangerous environment that has resulted in the number of deaths doubling in the previous year.ⁱⁱ She has been quoted as saying that "[w]e're never going to be 100 percent compliant" with federal staffing mandates and referred to the deaths as unfortunate consequences of the poor jail conditions.ⁱⁱ

Among the other provisions of the bill, AB 1185 would clarify that a county may establish a sheriff oversight board either by the board of supervisors or a vote by county residents. The bill would

"Indifference to personal liberty is but the precursor of the state's hostility to it."

— Justice Kennedy, U.S. Supreme Court

also grant such an oversight board subpoena power. The CCLA strongly supports these provisions and believes it will effectively hold county sheriff's accountable. Some have accused the CCLA and other organizations of only wanting to catch police officers committing wrongdoing. We answer that accusation in the affirmative. We do not believe all law enforcement is malevolent or negligent, but those who are need to be detected and disciplined, dismissed, or face criminal charges. Can the people of California at least expect their county sheriffs to conduct themselves more ethically, professionally, and lawfully than the criminals they are supposed to keep them safe from? It is disturbing to think that some criminals wear a badge, carry a gun, and have the power to arrest.

For all of the abovementioned reasons, the CCLA strongly **supports** AB 1185.

Very truly yours,



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Cc: Senate Public Safety Committee
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ⁱ Robert Faturechi & Ben Poston, Sheriff's Department hired officers with histories of misconduct Behind the Badge (2013), <http://graphics.latimes.com/behind-the-badge/> (last visited Jun 24, 2019).

ⁱⁱ The Sacramento Bee Editorial Board, It's high noon, and high time for accountability for California sheriffs (2019), <https://www.sacbee.com/opinion/editorials/article231531828.html> (last visited Jun 25, 2019).