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Office of Supervisor Mark Ridley-Thomas
Christina Villacorte, (213) 447-1277
Email: cvillacorte@bos.lacounty.gov

Office of Councilmember Curren D. Price, Jr.
Angelina Valencia, (818) 355-4991
angelina.valencia@lacity.org

IN HISTORIC MOVE, BOARD GRANTS CIVILIAN BODIES OVERSEEING
Sheriff’s And Probation Departments Subpoena Power

The Board of Supervisors voted unanimously to strengthen oversight of the civilian bodies overseeing the Sheriff’s and Probation departments, empowering each entity with the ability to subpoena data, documents and direct testimony.

The move to give the Civilian Oversight Commission (COC) this type of unprecedented power in the County stems from a motion by Supervisor Mark Ridley-Thomas and Supervisor Sheila Kuehl in October 2019 to grant the COC access to Sheriff’s Department information, including the authority – through a majority vote by the COC – to compel its production through the issuance of subpoenas by the Office of Inspector General. This change comes after nearly a year of difficulty in obtaining information from the Sheriff’s Department and noncompliance with the Memorandum of Agreement that was in place governing the sharing of information, which has stymied both the COC and OIG’s ability to perform their core function of oversight, as highlighted in recent COC meetings.

“With today’s action, the Board is doubling down on reform, accountability and truth-telling to bring sunlight to what is happening in our jails and in our communities. Subpoena power will improve the COC’s access to information and enhance transparency. The County cannot and will not backslide on criminal justice reform. The Sheriff’s Department is a County department, and we will not allow the Sheriff or any other department head for that matter to violate basic rules of engagement,” said Supervisor Ridley-Thomas.
The Civilian Oversight Commission has asserted its need for enhanced authority to monitor and oversee the Sheriff’s Department. Patti Giggans, Chair of the COC and Executive Director of Peace Over Violence, said, “True oversight needs to have the right tools. The COC has evolved over the past three years and our experience now tells us that we need to have access to the tool of the subpoena to compel access and compliance when it isn’t given freely. It’s time.” Brian Williams, Executive Director of the COC, added, “It is not the desire of the COC to weaponize subpoena power, but rather it is to be used as a means for greater transparency, accountability, and justice.” Sheriff Alex Villanueva was present at the meeting to voice his concerns about the ordinances to the Board.

Dozens of community stakeholders, who have been advocating for enhanced oversight of law enforcement for years, came out in strong support of the ordinances. Sarah O. Clifton, Staff Attorney at the ACLU – Southern California and member of the Check the Sheriff Coalition, addressed the Board and said, “The time for a discussion of the MOA as the solution has long passed. The Office of Inspector General has encouraged the Sheriff to share information voluntarily, and the results have been inadequate. It’s time for subpoena power and for the COC to do the job they were tasked to do. If there is nothing to hide, then the Sheriff’s Department should have nothing to fear.”

Similarly, the adoption of a Probation Oversight Commission (POC) with unprecedented authority follows a year-long public process to gather community recommendations and a unanimously passed motion by Supervisors Mark Ridley-Thomas and Hilda Solis from October 1, 2019. The POC will be endowed with all the authority currently vested in the existing Probation Commission, as well as new powers, including the ability to conduct facility inspections, establish an independent grievance process, conduct investigations through the Office of the Inspector General (OIG) and compel information by issuing subpoenas. The POC, which will be comprised of nine appointed members, will be one of the first in the County to have designated seats for the formerly justice system-involved and family members of probation clients.

Advocates for probation reform, feeling the current Probation Commission is set up to be ineffective, have been pushing for a stronger oversight body. Cyn Yamashiro, Directing Attorney of the County’s Independent Juvenile Defender Office and Second District appointee to the Probation Commission, said in his remarks to the Board that, “The Board’s effort to create robust civilian oversight over the Probation Department is the first of its kind in the United States. It is not merely a juvenile issue or an adult issue, it is a criminal justice reform issue. This puts LA County squarely in the vanguard of reform efforts nationally.”
Supervisor Ridley-Thomas, who has consistently led on Probation reform during his tenure on the Board, added, “For years, the Board has been concerned with excessive use of force, dysfunctional governance, and misuse of public funds haunting the Probation Department, and has spoken loud and clear about the need to enact robust oversight. Creating the POC is nothing short of game-changing, as is giving the ability to compel data, documents, and direct testimony. Probation reform is the order of the day, and stronger oversight will help us get there.”

These ordinances will go into effect in 30 days. Further implementation of the Probation Oversight Commission will occur during the coming months, with the approval of a staffing structure and the appointment of commissioners.

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