



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



July 11, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**RESPONSE TO AGENDA ITEM #12 - PROMOTING ACCOUNTABILITY AND
COMMUNITY SAFETY THROUGH CHECKS AND BALANCES OF THE
LOS ANGELES COUNTY SHERIFF**

This motion is a continuation of the motion first initiated by former Supervisor Mark Ridley-Thomas, who has now been indicted on 20 counts of public corruption for alleged criminal acts committed while serving as the chair of this Board and awaits trial in November 2022. If passed, this unprecedented motion would allow corrupt Board members to intimidate sheriffs from carrying out their official duties to investigate crime.

As was the case with the last motion the Board placed on the ballot, Measure J, this measure will likely be ruled by the Courts to be unconstitutional. The fact the authors of this motion never sought an opinion from County Counsel or a constitutional law expert, regarding its constitutionality, speaks volumes as to the intent.

Currently there are four ways to remove a Sheriff from office: (1) elections, (2) recall elections, (3) convening a civil grand jury, or (4) using the authority already vested in the state attorney general, who has legal authority over all 58 sheriffs and district attorneys throughout the state. Your Board conveniently forgets to even mention number four (4).

This motion is a recipe for public corruption, particularly when "cause" remains so broad and undefined. Allowing political appointees with an agenda to determine "cause" is fundamentally flawed.

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

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This Board is attempting to cheat the system and create a “fast-track” pathway to remove a duly elected sheriff, one which circumvents the law and the foundational principles of due process enshrined in the Fourteenth Amendment of the United States Constitution. You are not, “putting it in the hands of the voters.” You are putting it in the hands of political activists, the same political activists who wrote the basis for this motion and the same political activists whose mission is to abolish law enforcement and redirect the public safety budget to their own 501(c)3 non-governmental organizations.

Last week, the same day this motion was leaked to the media, over 715,000 signatures were delivered to recall current District Attorney George Gascon for not doing his job, exemplifying that with sufficient public support recalls are a viable tool. In direct opposition to this, your Board wants to grant yourselves the power to get rid of a sheriff with four votes, nullifying the will of ten million residents. As you know, each member of your Board represents approximately two million County residents, where I represent all ten million residents. In supporting this motion, you are removing checks and balances on each of your own power, thus shielding you from all accountabilities. This is unethical, self-serving, and a conflict of interest.

If this is truly needed, then follow the path San Bernardino County took and amend the motion to include all eight elected positions in Los Angeles County government (1-sheriff, 1-district attorney, 1-assessor, 5-board of supervisors). Show the public this is truly for accountability and not a cheap political stunt designed to influence an election, or retaliation against a sheriff who supported a successful district attorney recall initiative, or retaliation against a sheriff by a board member who currently is implicated in an active criminal investigation and has actively refused to comply with search warrants, or payback by a board member to activist groups for support during the last election.

This motion differs from the San Bernardino County ordinance language you cite as precedent because it does not include **all elected officials** as subject to removal. Your ordinance singles out only the elected sheriff, which will likely be suspect in the eyes of the court. Additionally, you cannot have oversight over the state functions of a sheriff, and your language clearly impedes a sheriff’s state functions. Furthermore, this motion is premised on at least eight false statements.

The only precedent for such an ordinance is in the case of *Penrod v. County of San Bernardino (Penrod)* (2005) 126 Cal. App. 4th 185. The language of your ordinance resembles the one in San Bernardino, but has significant language changes from the one reviewed by the Court in the *Penrod* case. In *Penrod*, the court stated, “at some point, [should] the board impermissibly intrude on the sheriff’s investigative and

prosecutorial functions, such as happened in *Hicks v. Board of Supervisors* (1977) 69 Cal.App.3d 228, the sheriff can raise a challenge then.”

The Court in *Penrod* further stated, the ordinance “empowers the board to remove the sheriff **only for cause**, including neglect of duties, misappropriation, legal wrongdoing and falsification. There may be circumstances about which we decline to speculate, when the board would need to act expeditiously to remove a corrupt county officer rather than wait for a grand jury to convene or a recall election to be held.” Allowing the court to find later that if this ordinance is ever applied to a sheriff, it would be on the board to show: (1) what circumstance required removal, before a grand jury or a recall was completed, and (2) prove actual “cause” before removal of a sheriff. The court also did not rule out that a four-fifths board vote to remove the sheriff might also violate the **Public Safety Officers Procedural Bill of Rights Act (POBRA)**. These are all outstanding questions to be ruled on by the court.

It appears you are making yourselves the judge, jury, and executioner for the office of the sheriff, nullifying the will of the voters. This illegal motion seeks to undermine the role of the sheriff and render the office subordinate to the Board of Supervisors. On its face, your proposed ordinance language is not a proper reading of the law and will be challenged on these multiple grounds.

Lastly, I believe it is highly unethical for you to put this motion forward when this Board has already announced its public support for my opponent. It appears to me you are using your political offices to willfully affect the outcome of an election, also known as electioneering, and I ask you seek a legal opinion from County Counsel addressing these concerns, prior to a vote.

Should you have any questions or would like to discuss further, please feel free to contact my Chief of Staff, Commander John Satterfield, at [REDACTED].

Sincerely,



ALEX VILLANUEVA
SHERIFF

AV:JLS:ac
(Office of the Sheriff)

- c: Dawyn R. Harrison, Acting County Counsel, Office of the County Counsel
James Wheeler, President, Association for Los Angeles Deputy Sheriffs
(ALADS)
Tab Rhodes, President, Professional Peace Officers Association (PPOA)
Cesar Romero, President, Los Angeles Sheriff's Professional Association
(LASPA)