

**Legislative Intent—Assembly Bill No. 1185**

August 31, 2020

*Sue Parker**Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Ms. Parker: As the author of AB 1185, I respectfully submit this letter to be printed in the Assembly Journal in order to provide clarification for the intent of the bill, as it relates to the supervisory authority of a County Board of Supervisors.

County sheriffs are the lead agencies of law enforcement officers that are vested with extraordinary authority, and the powers to detain, search, arrest, and use deadly force. Misuse of these authorities can lead—and has led—to grave constitutional violations, harms to liberty and the inherent sanctity of human life, and significant public unrest. Meaningful independent oversight and monitoring of sheriffs' departments is therefore of the utmost importance, as it increases government accountability and transparency, enhances public safety, and builds community trust in law enforcement.

AB 1185 is an important, clarifying measure which would reaffirm that a County Board of Supervisors may establish a Sheriff Oversight Board or an Office of Inspector General to review the actions of that County's Sheriff. It would also clarify that the Board and Inspector General have subpoena power, ensuring that all counties are equally able to exercise oversight over its Sheriff Department.

California law clearly states that Boards of Supervisors have the authority and responsibility to supervise the official conduct of all county officers to ensure they faithfully perform their duties (California Gov. Code § 25303). The California Supreme Court has further determined that Gov. Code § 25303 is inclusive of Sheriffs, as a county and its Board of Supervisors have a vested interest in how a Sheriff performs their investigative duties (*Streit v. County of Los Angeles*, 236 F.3d 552 (9th Cir. 2001) & *Brewster v. Shasta County*, 275 F.3d 803, 810 (9th Cir. 2001)).

The intent of this measure and its reference to Gov. Code § 25303 is to corroborate the interpretation of existing statute and therefore to grant County Boards of Supervisors supervisory authority over all county officers, including the Sheriff.

Thank you for your attention to this important clarification.

Sincerely,

KEVIN MCCARTY, Assembly Member  
Seventh District