Posted 10/30/07

ACCOUNTABILITY? NOT IF YOU'RE A SHERIFF

Popularity contests are no way to select law enforcement officers

By Julius (Jay) Wachtel. Considering the many scandals that have rocked his administration, news that Orange County Sheriff Mike Carona faces Federal corruption charges comes as no great surprise. Perhaps the best known faux pas during his watch was the arrest of his former pal, Assistant Sheriff George Jaramillo for taking bribes to promote an auto immobilizer. Carona quickly distanced himself from his friend, firing him and, however improbably, disavowed any inkling that department resources might have been used for private gain. (Jaramillo, who had vaulted to the number two spot in the OCSD after a troubled tenure as a Garden Grove lieutenant, pled guilty and got a year in the slammer.) But the Sheriff soon became embroiled in his very own controversy when it was revealed that the "Hispanic Education Endowment Fund," a charity he set up when taking office, reported outlays that amounted to only a tiny fraction of the hundreds of thousands of dollars that came in from donations. Proving that Hell hath no fury like an Assistant Sheriff scorned, Jaramillo then stepped in with allegations of his own, claiming, among other things, that with the Sheriff's knowledge he had laundered a $200,000 contribution to Carona's re-election campaign by attributing it to multiple donors.

Despite all the rumors, Carona has been only slapped down twice: once, when the State Department of Justice revoked his grants of badges, guns and full police powers to dozens of unqualified friends, relatives and campaign supporters, and again, when he agreed to a $15,000 civil fine for billing his campaign committee for thousands of dollars in undocumented "loans". Although many Republicans supported Lieutenant Bill Hunt, Carona's opponent during the 2006 election, the Sheriff won a third term, proving if nothing else that incumbency is not one thing: it's the only thing. Carona then patched up things his way, demoting Hunt for daring to bring up his superior's integrity as a campaign issue. Hunt resigned and sued.

America's infatuation with a decentralized, fragmented police answerable to local politicos has led to a legacy of corruption. "Serpico" didn't become part of the popular lexicon just because it was a terrific movie. Even so, serious misconduct at the very top is thankfully rare, in no small part because most cities select Chiefs through a rigorous, public process that leaves little room for those with questionable resumes to sneak in. Electing top police officials holds no such promise. Before rising to head one of the largest law enforcement agencies in the country, Carona was an obscure player in charge of security for the Orange County courts. Ordinary citizens

are hardly in a position to examine an applicant's bonafides, and turning the hiring of Sheriffs into a popularity contest bypasses the rigorous vetting process that we should expect for all law enforcement executives. Worse, it instantly makes incumbents dependent on contributors and others with selfish stakes in how justice is administered. Sheriffs like to say that they're accountable to the voters, yet in practice that means being accountable to no one. All that a Board of Supervisors can do to rein in an independent agency like a Sheriff's Department is strangle its finances, an indirect and imprecise measure that only punishes the public.

To avoid problems such as those we now face with "America's Sheriff" (that's what authority-on-everything Larry King once christened Carona) some areas -- for example, Nassau County, New York -- have adopted County police models with appointed, professional chiefs who report to elected executives, who are in turn answerable to the public. It's high time for a like remedy throughout California. We need to assure that all top cops are subject to real rather than pretend oversight. Our citizens deserve no less.

Either that, or we can keep leaving it to the Feds.