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SELECT – DON'T “ELECT”

When top cops are elected, controls fly out the window



For Police Issues by Julius (Jay) Wachtel. Forgive us for claiming prophecy, but [one of our very first posts](#) concluded that electing Sheriffs virtually guarantees poor endings. So [a recent news account](#) about the seemingly irreparable riff between Los Angeles Sheriff Alex Villanueva and several members of the County Board of Supervisors, [who vociferously demand that he resign](#), comes as little surprise.

It's not the first time that the L.A.S.D.'s executives have come under fire. [Remember that catchy](#) “those mother-f-----! Who do they think they are? F--- them!”? As we mentioned in “[Orange is the New Brown](#),” these memorable words were uttered in 2011 by then-Undersheriff Paul Tanaka. You see, he and his boss, Sheriff Lee Baca, had just discovered that an inmate was using a [secretly acquired cell phone](#) to convey, in real time, the dastardly behavior of “abusive and corrupt” jail deputies to his pals at the FBI.

It's not as though the Feds were on to something new. As we pointed out in “[LASD Blue](#),” problems at the L.A. County Jail had festered openly for years. What the ACLU termed a “[Savage Gang of Deputies](#)” ran rampant, dispensing serious beatings and, when challenged, lying about what happened. [Reports by the County's oversight agency](#) had also repeatedly warned of serious lapses in jailer performance and conduct.

Baca promised to tighten things up and implement reforms. But when he and Tanaka found out what the Feds were up to they orchestrated a massive cover-up. Deputies hid away the jailed snitch, openly discouraged other prisoners from becoming involved, and [even tried to intimidate an FBI agent](#) by popping in at her home. Those ham-handed attempts ultimately led to the 2014 Federal conviction of six deputies, including a Lieutenant.

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Sheriff Baca resigned. But once his former underlings found themselves on the wrong side of those nasty bars they predictably turned on their bosses. Baca and Tanaka were in an impossible fix. In 2016 [Baca pled guilty](#) to lying to Federal agents. His original deal for a six-month prison term fell through, and [it took a couple trials](#) before he was finally convicted. (He began serving his three-year stretch earlier this year.) Tanaka, who admitted nothing, was tried and convicted of obstruction. He drew a stern five years and reported to Federal prison in 2017.

But let's not just pick on L.A. Its next-door neighbor, Orange County, has had plenty of troubles with its cops as well. Two of our earliest essays – "[Accountability? Not if You're a Sheriff](#)" and "[Carona Five, Feds One](#)" – described the inglorious, troubled tenure of Orange County Sheriff Mike Carona. In 1998, after a decade-long stint as county marshal, responsible for court security and such, Carona was elected Sheriff. He actually became quite popular, and his re-election in 2002 led TV Host Larry King to proclaim him "[America's Sheriff](#)." Carona was re-elected in 2006.

And just like his L.A. counterpart, he didn't mess up all by himself. Carona had brought in two buds from the start: George Jaramillo, a lawyer and ex-cop, and [Don Haidl](#), a wealthy businessman with no law enforcement experience. Both were promptly appointed Assistant Sheriffs; in effect, Carona's number two's. All seemed peachy until twin disasters hit in 2014. State agents nailed Jaramillo for using County resources to promote a private business (taking bribes to peddle a car immobilizer) while police arrested Haidl's son for a rape that he and his friends allegedly committed at daddy's home.

Carona kept out of it. He fired Jaramillo. Haidl, embittered by his boss's lack of support, promptly resigned.

Payback came three years later. Facing Federal tax charges, Jaramillo and Haidl testified that they laundered gifts and cash that campaign contributors gave Carona in exchange for reserve badges and gun permits. Although that case mostly fell apart, Carona was ultimately convicted of witness tampering. The evidence? [Secret recordings](#) of conversations between FBI stoolie Haidl and Carona, in which the beleaguered Sheriff begged his once good bud to lie to the Feds.

Carona got five and one-half years. Reportedly battling Alzheimer's, [he was released in May 2015](#), about a year early.

It's not only about jails. "Los Angeles" is a mix of incorporated areas patrolled by LAPD and unincorporated communities watched over by the Sheriff. Both officers and deputies must deal with low-income neighborhoods beset by street gangs. Over time,

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their unforgiving atmosphere rubbed off on more than a few lawkeepers. “[Two Sides of the Same Coin](#)” described the nefarious activities of long-standing deputy cliques, among them the East L.A. station’s “[Little Devils](#),” the Lynwood station’s “Vikings,” and a special enforcement team that dubbed itself “The Jump Out Boys” and whose members sported tattoos depicting human skulls.

LASD’s badge-carrying deputy/gangsters tried to live up to their evocative monikers, glorifying the use of force, celebrating killings as “rites of passage” and harrasing pesky superiors by tying dead dogs to their cars. Falsifying reports and “making things up” were also on the plate. That last approach was also favored by some members of LAPD’s elite “Metro” unit, who boosted their “numbers” [by falsely claiming](#) that nearly everyone they stopped was a gang member.

To be sure, cops and deputies have both engaged in some serious mischief. Still, it matters whether their leaders are appointed chiefs or elected sheriffs. LAPD Chief Michel Moore reports to a [Police Commission](#) and a Mayor. When aggrieved citizens and interest groups grouched about his underlings, he had little option but to investigate. His inquiry has so far yielded [the indictment](#) of three Metro officers and [the tossing of many cases](#) against citizens they arrested while on patrol.

On the other hand, L.A. Sheriff Alex Villanueva – you know, the one ostensibly in charge of the Little Devils, the Vikings and the Jump Out Boys – [has steadfastly resisted efforts](#) to clean house. And something seems called for, as lawsuits over his deputies’ excessive use of force and other misdeeds have sucked a tidy \$149 million from the County’s coffers over the last five years.

But Sheriff Villanueva’s fellow elected officials lack a ready lever to pull. Unless Los Angeles County [amends its Charter](#) to institute a procedure for removing the Sheriff, his or her tenure will continue to be decided by the voters. Given such constraints, several flustered members of the L.A. County Board of Supervisors [recently demanded that Villanueva resign](#):

With a sheriff that is unwilling to demand accountability for deputy misbehavior, lawsuits will continue to be filed against the sheriff, and it is the county’s taxpayers who will continue to pay for the consequences.

Well, good luck with that. Interestingly, unlike defrocked O.C. Sheriff Mike Carona, whose actual experience was reportedly limited to guarding courthouses, Sheriff Villanueva [sports extensive creds](#) as a patrol deputy and field supervisor. So when he was first elected in 2018 (on the Democratic ticket, no less) law enforcement professionals cheered. Finally, here’s someone who knows full well what can happen

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when fallible humans pin on a badge. Alas, the new Sheriff may have turned out to be more of a pushover than one might have hoped for. He also faces hordes of strong-willed deputies and their union. So the impasse continues.

How might it be resolved? There *is* one possibility. [California Government Code sec. 12560](#) stipulates that “The Attorney General has direct supervision over the sheriffs of the several counties of the State.” Nothing in the text, though, defines “supervision” or how it can be exercised. But Sheriff Villanueva’s intransigence recently led California to [enact a law](#) that lets counties create civilian “sheriff oversight boards.” Los Angeles County supervisors promptly took advantage. And only last month, [a judge ordered Sheriff Villanueva](#), who refused to appear voluntarily, to honor the new board’s subpoena. So we’ll see.

Meanwhile, as we wait for *all* of La-La land’s cops and managers to take the high road, is there a *real, permanent* fix? Of course. Change State laws and Constitutions so that Sheriffs are appointed officials and report to County executives. [Given that nearly all are presently elected](#), though, doing so would require a national reassessment. But nothing good comes easy, right?

So keep wearing those masks and we’ll see you in 2021. Happy New Year!