



COMMISSION ON HUMAN RELATIONS

LOS ANGELES COUNTY

"Enriching lives through effective and caring service"

January 4, 2018

MEMORANDUM TO THE COMMISSIONERS

FROM: Isabelle Gunning, President

SUBJECT: Commission Meeting- Monday, January 8, 2018

Our Commission will meet on Monday, January 8, 2018 at 12:30 p.m., at 3175 W. Sixth Street, Teamwork Conference Room 301 (3rd Floor), Floor, Los Angeles, California.

Enclosed is the Agenda, Draft Minutes of December 4, and November 6, 2017 meetings and other pertinent information for your review and approval.

If you are unable to attend the meeting, please call Grace Löwenberg at (213) 639-6089 no later than **9:00 a.m., Monday, January 8th!**

Please ensure you have your Photo ID to enter the premises or you will need to sign in the reception area/security guard. Thanks.

See you **Monday!**

(Parking is available on 523 Shatto Street, 4th and Shatto. Park on Level 3 and above.)

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Ad Hoc Committee on Policing and Human Relations Committee will meet prior to Commission meeting @ 11:00 am., in Teamwork Rm. 301. (Same room.) Members: Melina Abdullah, Chair, Cynthia Anderson Barker, Adrian Dove, Isabelle Gunning, Sandra Thomas. **Staff:** Robin Toma, Ray Regalado, Yuisa Gimeno, Joshua Parr

Human Relations Commissioners

Isabelle Gunning, Esq.
President

Ashlee Y. Oh
Vice President/Secretary

Melina Abdullah, Ph.D.
Jarrett T. Barrios, Esq.
Ilan Davidson
Vice Presidents

Cynthia Anderson Barker, Esq.
Michael Gi-Hao Cheung
Ilan Davidson
Adrian Dove
Porter Gilbert
Preeti P. Kulkarni
Samuel Liu
Daisy Ma
Guadalupe G. Montañño
Sandra E. Thomas, Ph.D.

Honorary Member
Philip R. Valera

Human Relations Staff
Robin S. Toma, Esq.
Executive Director

Robert Sowell
Assistant Executive Director

Intergroup Relations Specialists
Kevin Coleman
Gustavo Guerra Vasquez
Sikivu Hutchinson
Yuisa Gimeno
Monica Lomeli
RiKu Matsuda
Josh Parr
Gustavo Partida
Ray Regalado
Fidel Rodriguez
Clifton Trotter
Marshall Wong

Administrative Staff
Grace Löwenberg
Barbara Nolen
Emily Pacheco
Sharon Williams

Dispute Resolution Program

Workforce Development
Aging and Community
Services

Cynthia Banks
Director

Otto Solorzano
Chief Deputy Director

Board of Supervisors
Sheila Kuehl, Chair

Third District

Hilda Solis

First District

Mark Ridley-Thomas

Second District

Janice Hahn

Fourth District

Kathryn Barger

Fifth District

Sachi A. Hamai

Chief Executive Officer



Los Angeles County Commission on Human Relations
3175 W. Sixth Street, Ste. 400, Los Angeles, CA 90020
(213) 738-2788

A G E N D A

MEETING OF THE COMMISSION/EXECUTIVE COMMITTEE

January 8, 2018 – 12:30-2:00 pm.

Ray Bartlett/Teamwork Conference Room 301 – L.A. County WDACS (CSS) Building
3175 W. Sixth Street, Los Angeles, CA 90020

Our mission: to transform prejudice into acceptance, inequity into justice, and hostility into peace

- 1. Call to Order/Flag Salute and Moment of Silence**
- 2. Review/Approval of Minutes**
- 3. Public Comment**
- 4. President's Report**
 - 4.1 Spotlight on a Commissioner - Michael Gi-Hao Cheung
 - 4.2 Report on Meeting with WDACS Department Head Cynthia Banks
- 5. Executive Director's Report**
 - 5.1. Board Recognition of National Day of Racial Healing – Equity for All in LA County
 - 5.2. Memorandum of Understanding with LAPD
 - 5.3. New Human Relations Projects to Advance Strategic Priorities
- 6. Committee Report**
 - 6.1. John Anson Ford (JAF) Human Relations Awards Event Committee
 - 6.2. Ad Hoc Committee on Policing and Human Relations
- 7. Action/Discussion Items**
 - 7.1. Civility Issues (Dove)
 - 7.2. Addressing Hate Crime, Hate Motivated Activity, and Hate Speech (Abdullah)
 - 7.3. Board Directive on Annual Report and Sunset Review of Commissions*
 - 7.4. Sheriff's Policy on Drones and SB 21 (Police policies on surveillance)*
 - 7.5. Proposal to Create Committee on Police Failure to Investigate (Dove)
 - 7.6. Review Process for Issuance of LACCHR Public Statements*
 - 7.7. Commissioner Code of Conduct* (Barrios and Gilberg)
 - 7.8. John Anson Ford Trust Fund Guidelines
- 8. Commissioner's Comments/Announcements (2 minutes per item)**
- 9. Adjournment (2:00)**

Note: The following Commissioners will be participating by conference telephone communication from the following locations: Ashlee Oh, 500 W. Temple St., L.A. 90012; 213-974-2326; Sandra Thomas, 3544 Canon Blvd., Altadena, CA 91001, (626) 399-5007.

Para mas información en español, favor de comunicarse al (213) 738-2788.

* Denotes that this agenda packet includes written material regarding this agenda item.

** All committee reports are to be submitted in writing in advance for the agenda packet whenever possible. Meetings are held in

English. If interpretation in other languages or accommodations for persons with disabilities are needed, please contact the Commission at (213) 738-2788 at least 3 business days before the meeting. The meetings of the Human Relations Commission are accessible to persons with disabilities. Access to the facility is via the Sixth Street entrance.



Los Angeles County Commission on Human Relations

3175 W. Sixth Street, 4th Floor
Los Angeles, California, 90020
<http://www.lahumanrelations.org>

(213) 738-2788

[PROPOSED] MINUTES
COMMISSION ON HUMAN RELATIONS
Commission Meeting of November 6, 2017
Workforce Development Aging and Community Services (WDACS)
3175 W. Sixth Street, Los Angeles, California 90020
Rm 301 Ray Bartlett Conference Room/WDACS Teamwork Room

PRESENT:	Melina Abdullah Jarrett Tomas Barrios Ilan Davidson Adrian Dove Porter Gilberg	Isabelle Gunning Preeti Kulkarni Guadalupe Montaña Sandra Thomas (By Phone)
ABSENT:	Cynthia Anderson-Barker Michael Gi-Hao Cheung Samuel Liu	Daisy Ma Ashlee Oh
STAFF:	Robin Toma Robert Sowell Marshall Wong	Grace Löwenberg Emily Pacheco
PUBLIC:	Christine Aque	Daniel Delgadillo

1. **Call to Order/Flag Salute and Moment of Silence:** Commission President Isabelle Gunning called the meeting to order at 12:37p.m., and a quorum of the Commission was established with 9 commissioners present. Commissioner Barrios led the pledge of allegiance, and a moment of silence was observed.
2. **Approval of Minutes:** It was moved by Commissioner Montaña, and seconded by Commissioner Barrios, to approve the minutes of October 2, 2017, as presented. The motion carried unanimously.
3. **Public Comment:** No public comment was received. It was noted that Christine Aque and Daniel Delgadillo, staff to the LASD Civilian Oversight Commission, were in attendance.
4. **President's Report:** Prior to the start of other agenda items, Commission Staff Member Marshall Wong, leader of the annual Hate Crime Report Team, provided a brief overview of the findings of the 2016 Hate Crime Report, which will be released at the press conference scheduled for

November 16, 2017. Following the presentation, Commission President Gunning introduced and led the following report:

- 4.1 Spotlight on a Commissioner:** Due to an unexpected absence, Commissioner Gi-Hao Cheung will be rescheduled to present at a future meeting.
- 4.2 Upcoming JAF Awards Event—** The 2017 John Anson Ford Human Relations Awards Event was well attended. In the future, the Commission hopes to increase the number of County Supervisors who are in attendance. The awardees were the highlight of the event, particularly Claudia Rueda who called attention to the participation of the LA County Sheriff's Department in her detention. Unlike previous years, the Board of Supervisors allowed each of the attendees to speak after receiving their scroll.
- 4.3 Preeti Kulkarni reappointed to Commission on 10/17/17:** The Commission was informed that Commission Kulkarni was reappointed by the Board on October 17, 2017.

5. Executive Director's Report: Executive Director Toma provided the following report:

- 5.1 CAHRO So. Cal. Regional Human Relations Summit:** In partnership with the California Association of Human Relations Organizations (CAHRO), Commission staff and others will be convening representatives from human relations commissions throughout Southern California on November 9th to discuss how to work together more effectively. There is an urgent need to hold this convening in order to address the current environment of human relations. Also collaborating on the event is the City of Los Angeles Human Relations Commission. Presidents and lead staff of the various human relations commissions have been invited to attend.
- 5.2 Board Action of October 3, 2017:** Toma reported that following a recommendation by the Commission to replace the Columbus Day holiday with Indigenous People's Day, the Board of Supervisors voted 4-1 in favor of replacing the holiday. This change is to occur no later than 2019. Commissioner Montañó and Toma were present at the Board Meeting and spoke in favor of the motion.

Presently, options to address the Christopher Columbus statue in Grand Park are being discussed. The statue has been the repeated focus of demonstrations. Additional information will be provided as it becomes available.

- 5.3 Results of Inquiry into Gemmel Moore Case:** An update on Commission staff inquiries into the current status of Gemmel Moore case was provided, and included the following updates:
 - A community town hall meeting was held on October 21, in West Hollywood.
 - The District Attorney's office indicated that there is a pending investigation and the office is unable to comment any further at this time.
 - The LGBT Center indicated that no additional information is available about the investigation and, if an investigation is pending, information is unlikely to be released before a determination has been reached.
 - The Public Safety Office of West Hollywood has referred the Commission's inquiry to the LASD West Hollywood Station.

- Lastly, Sherriff McDonnell participated in an interview about the case, and a news article pertaining to the interview is available online at <http://www.losangelesblade.com/2017/09/26/sheriff-mcdonnell-lead-investigator-give-update-gemmel-moore-case/>.

The Commission requested that staff draft and send a formal letter of inquiry to the City Council members of the City of West Hollywood, the West Hollywood Sheriff's Station, the LGBT Center, and the District Attorney with a copy sent to the Assistant District Attorney in charge of the case. Staff are to copy the Commissioners as well.

6. Committee Report

6.1 John Anson Ford (JAF) Human Relations Awards Event Committee: This report was given in item 4.2.

6.2 Ad Hoc Committee on Policing and Human Relations: Commissioner Abdullah provided an update on the current status of the policing and community relations hearings. The Committee discussed frustration that has resulted from having press releases delayed or edited without an opportunity to approve and discuss those edits. The timeline of the last press release was reviewed, and it was mentioned that despite the provision of time for the Department to review and discuss proposed edits with the Committee, the press release was distributed without final approval from the Committee. The Committee is requesting that work and advocacy be done to avoid this type of situation in the future, particularly one where department staff overrules public statements of the Commission.

Commissioner Barrios reminded commissioners that a process was formalized for the issuing of public statements by the Commission, one that provided an opportunity for statements to be reviewed by the Department and County Board offices. He suggested that this process may cover or serve as an example of a proper process for distributing press releases. Staff will circulate the policy, and place this discussion on the next Commission meeting agenda.

In addition, Commissioner Abdullah reported that the procurement of academic consultants for the Policing and Human Relations Project has been significantly delayed. As a result, the final hearing for law enforcement responses will be rescheduled from January to March 2018. The Executive Director was requested to advocate on behalf of this need, so that the consultants who will assist with the testimony analysis and report drafting will be procured by mid-December.

7. Action/Discussion Items

7.1 Civility Issue: Due to limited time, the Commission agreed to review this item at the next Commission meeting.

7.2 Addressing Hate Crime, Hate Motivated Activity, and Hate Speech: Due to limited time, the Commission agreed to review this item at the next Commission meeting.

7.3 Board Directive on Annual Report and Sunset Review of Commissions: Due to limited time, the Commission agreed to review this item at the next Commission meeting.

7.4 Sheriff's Policy on Drones and SB 21 (police policies on surveillance): Due to limited time, the Commission agreed to review this item at the next Commission meeting.

7.5 Proposal to Create Committee on Failure to Investigate: Due to limited time, the Commission agreed to review this item at the next Commission meeting.

7.6 Commissioner Code of Conduct: Due to limited time, the Commission agreed to review this item at the next Commission meeting.

8. Commissioner's Comments/Announcements: No comments were received.

9. Adjournment: It was moved by Commissioner Montañó, and seconded by Commissioner Kulkarni, to adjourn the meeting at 2:04 p.m.

Respectfully submitted,

Commission Staff



Los Angeles County Commission on Human Relations

3175 W. Sixth Street, 4th Floor
Los Angeles, California, 90020
<http://www.lahumanrelations.org>

(213) 738-2788

MEETING NOTES
COMMISSION ON HUMAN RELATIONS
Commission Meeting of December 4, 2017
Workforce Development Aging and Community Services (WDACS)
3175 W. Sixth Street, Los Angeles, California 90020
Rm 301 CSS Teamwork

PRESENT:	Michael Gi-Hao Cheung Ilan Davidson Porter Gilbert Isabelle Gunning	Preeti Kulkarni Guadalupe Montaña Sandra Thomas (By Phone)
ABSENT:	Melina Abdullah Cynthia Anderson-Barker Jarrett Tomas Barrios Adrian Dove	Samuel Liu Daisy Ma Ashlee Oh
STAFF:	Robin Toma Emily Pacheco	Grace Löwenberg

1. **Call to Order/Flag Salute and Moment of Silence:** Commission President Isabelle Gunning began the meeting at 12:42 p.m. Commissioner Davidson led the pledge of allegiance. The meeting did not have a quorum present, and no action was taken. All items were presented as information only.
2. **Approval of Minutes:** Due to a lack of quorum, this item was not discussed.
3. **Public Comment:** No public comment was received.
4. **President's Report:** Commission President Gunning introduced and provided the following report:
 - 4.1 **Spotlight on a Commissioner:** Commissioner Cheung was not in attendance.
 - 4.2 **LACCHR Annual Report on Hate Crimes—November 16, 2017:** The Commission's annual Hate Crime Report Press Conference was held on November 16, at the Board of Supervisors' hearing room. Commission President Gunning spoke, as County Supervisor Hilda Solis, and Commissioner Montaña was present, as well as

representatives from the Los Angeles Sheriff's Department, Los Angeles Police Department, the Los Angeles LGBT Center, Muslim Public Affairs Council and others. A list of media coverage of the press conference was included in the agenda packet. Executive Director Toma provided a brief summary of the hate crime numbers for 2016, which highlighted a 67% rise in hate crimes involving white supremacist ideology. An Executive Summary of the findings from the report was included in the agenda packet.

It was expressed that more work is needed to obtain information from those groups who do not report, particularly victims who of either the Islamic and Latino communities. Many of these individual may not feel safe reporting.

5. Executive Director's Report: Executive Director Toma provided the following report:

5.1 CAHRO So. Cal. Regional Human Relations Summit—November 9th: Executive Director Toma provided a summary of the summit which brought together Human Relations Commissions and staff from throughout southern California, including the counties of Los Angeles, Ventura, Orange, and San Diego. With approximately 50 attendees, there was a great turn out for the event which was held at Los Angeles City Hall's Tom Bradley Tower. The event provided an opportunity for human relations professionals to meet one another and identify resources to strengthen their commissions. California State University-Los Angeles was also present to offer assistance in this area, including student volunteers and research. The Not in Our Town film group provided film presentations which highlighted policing issues and the targeting of an African American family in Manhattan Beach. A statewide campaign against hate is currently in development.

5.2 Follow-Up on Gemmel Moore Case: At the request of the Commission, staff drafted and sent letters to the District Attorney's office, the Sheriff, West Hollywood City Council, and the Los Angeles LGBT Center requesting all available information on the investigation into the death of Gemmel Moore. Executive Director Toma reported that some responses have been received, including a promising response from the West Hollywood City Council and the West Hollywood Sheriff's Station. A detailed list of the steps taken to identify the cause of death of Gemmel Moore has been provided. Currently, there is an open Sheriff's Department investigation into Mr. Moore's death. Staff will continue to follow-up with those agencies who have not yet replied, and will follow-up again with those who have replied once some time has passed. Copies of the letters that were sent were included in the agenda packet.

Executive Director Toma also announced that the Kellogg Foundation's Truth Racial Healing and Transformation team is organizing a National Day of Racial Healing in January, which will occur during the same week as the County Equity Summit on Implicit Bias and Cultural Competency for designated county staff. Additional information will be provided as it becomes available.

Lastly, Mr. Toma discussed an upcoming proposal to develop an initiative/project to address prejudice and hate. The proposal recognizes that billboard campaigns and other public service announcements do not achieve enough to counter hate and organize people. The proposal would include a separate website where people can come together to commit and pledge to stand up for people regardless of class or identity. The pledge

would include some way for people to download a sign or obtain a sticker in order to display it from their business, car or home as a symbol of solidarity against hate. Further this proposal can also provide an opportunity to gather more hate incident data, and connect constituents in order to form a strong network that can respond to hate. More information will be provided as it becomes available.

Commissioners requested that the Executive Director provide a written summary of the Commission's former youth program, the restrictions related to the use of the John Anson Ford Trust Fund to fund such a program, and how the proposal discussed above is impacted by this information. In response, Mr. Toma also indicated that the guidelines for the JAF Trust Fund must be amended, as required by the County Auditor-Controller, and this will be on the agenda for the next Commission meeting.

6. Committee Report

- 6.1 JAF Human Relations Awards Event Committee:** Executive Director Toma provided an update on the JAF awards event on behalf of Commission Oh, who was not present at the meeting. A meeting of the JAF committee will be called, and at that time the budget for the event will be discussed. It is the hope of the committee that the visibility and scale of the event can be increased in the coming year.

Commissioner Davidson emphasized the need to increase commissioner involvement in the planning and outreach of next year's event.

- 6.2 Ad Hoc Committee on Policing and Human Relations:** It was reported that the Policing and Human Relations Project is moving forward with obtaining the academic consultant to assist with compiling and analyzing testimony from the hearings, and to write the final report with recommendations. The hope is to have the consultant ready to begin work by December 15, in order to allow the law enforcement hearing to take place during the first quarter of 2018. Additional information will be provided as it becomes available.

7. Action/Discussion Items

- 7.1 Civility Issues:** Due to lack of quorum, this item will be addressed at the next commission meeting.
- 7.2 Addressing Hate Crime, Hate Motivated Activity, and Hate Speech:** Due to lack of quorum, this item will be addressed at the next commission meeting.
- 7.3 Board Directive on Annual Report and Sunset Review of Commissions:** Executive Director Toma advised commissioners to review the attachment for this item, which includes information related to the sunset review date of the Commission and the information needed to comply with this requirement.
- 7.4 Sheriff's Policy on Drones and SB 21:** Due to lack of quorum, this item will be addressed at the next Commission meeting.

7.5 Proposal to Create Committee on Police Investigations: Due to lack of quorum, this item will be addressed at the next Commission meeting.

7.6 Review Process For Issuance of LACCHR Public Statements: Due to lack of quorum, this item will be addressed at the next Commission meeting.

7.7 Commissioner Code of Conduct: Due to lack of quorum, this item will be addressed at the next Commission meeting.

8. Commissioner's Comments/Announcements: No commissioner comments were received.

9. Adjournment: It was moved by Commissioner Davidson, and seconded by Commissioner Kulkarni to adjourn the meeting at 2:00 p.m.

Respectfully submitted,

Commission Staff



Los Angeles County

Commission on Human Relations

Department of Workforce Development, Aging Community Services
3175 West Sixth Street, Suite 406
Los Angeles, CA 90020

(213) 738-2788

Ad Hoc Committee on Policing and Human Relations

Meeting Notice

Monday January 8, 2018
11:00 a.m.

Department of Workforce Development, Aging Community Services
3175 West Sixth Street, Teamwork Room 301
Los Angeles, California 90020

Members: Commissioners Melina Abdullah (Chair), Cynthia Anderson-Barker, Adrian Dove, Isabelle Gunning, Sandra Thomas

Staff: Robin Toma, Ray Regalado, Joshua Parr, Emily Pacheco

AGENDA

1. Academic Consultant Statement of Work, Status
Reissue of RFB and possible candidates
Discussion regarding any other suggested candidates
2. Plan for Law Enforcement Hearing
3. Law Enforcement Contact Update – Chief Beck and Sheriff McDonnell



LORI GLASGOW
EXECUTIVE OFFICER

COUNTY OF LOS ANGELES BOARD OF SUPERVISORS


KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 383
LOS ANGELES, CALIFORNIA 90012
(213) 974-1411 • FAX (213) 620-0636

MEMBERS OF THE BOARD

HILDA L. SOLIS
MARK RIDLEY-THOMAS
SHEILA KUEHL
JANICE HAHN
KATHRYN BARGER

July 28, 2017

TO: Los Angeles County Citizen Advisory Commissioners, Executive Directors, and
Commission Liaisons

FROM: Lori Glasgow 
Executive Officer of the Board

SUBJECT: Los Angeles County Commission Manual, Annual Report and Sunset Review

On May 16, 2017, the Los Angeles County Board of Supervisors directed the Executive Office of the Board to develop a Commission Manual and to initiate a sunset review and annual report process for all Citizen Advisory Commissions.

Commission Manual and Annual Report

Attached is the Los Angeles County Commission Manual which will serve as a helpful guide to assist Commissioners in their role on the Commission. The Manual covers various topics, such as roles and responsibilities, conducting meetings, communicating with the Board, in addition to an appendix with useful information pertaining to your Commission. Also, to provide greater awareness of the Commission's work and future goals, Commissions are encouraged to submit an Annual Report to the Board of Supervisors with a copy to the Executive Office's Commission Services Division. A sample report template of information for inclusion in the annual report is included in the Manual. You may also visit the Executive Office Website to review the manual.

Sunset Review

In order to provide Commissions an opportunity to share information and periodically review and evaluate their activities, the Board directed Citizen Advisory Commissions and select Commissions to participate in a sunset review process every four years. This process includes the completion of a sunset review evaluation questionnaire that will also allow Commissions to showcase their community engagement and interaction with stakeholders.

If you have any questions or would like to discuss further, please contact Twila Kerr of my staff at (213) 974-1431. Thank you.

LG:tpk

Attachment

c: Chief Deputies/Chiefs of Staff, Board of Supervisors
Chief Executive Officer
County Counsel



LOS ANGELES COUNTY COMMISSION MANUAL

This manual provides a guide to Los Angeles County processes, legal parameters, and protocols that affect the business of County Commissions. In addition, the manual details information on the role and duties of Commissioners when conducting meetings, developing agendas, advocating on legislative issues, and provides information on resources available while representing the County Board of Supervisors.

Executive Office, Board of Supervisors

Commserv@bos.lacounty.gov

(213) 974-1431

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Disclaimer: This manual contains general information, county policies and practices to be used as a commissioner guide. Contents within the guidelines are subject to change anytime without notice.

PREFACE

Welcome to the County of Los Angeles. We thank you for your dedication to public service in facilitating the important work of the County of Los Angeles through County Boards, Commissions, Committees, Oversight Boards, Task Forces, Working Groups, and Special District Agency Boards (collectively referred to as Commissions). This manual will outline your responsibilities and obligations as a Commissioner, on how to communicate your recommendations and findings to the Board of Supervisors (Board), and on other practical information in the conduct of your service.

Please take time to read through this manual to understand how business is handled by the various Commissions and the Board. You are expected to attend meetings regularly and to conduct the business of the Commission in a transparent, efficient, and professional manner. As you advocate for the community you represent, please remember your expertise is a valued, important, and essential factor in assisting the Board to reach their goals and strategic priorities for the County and the communities they serve.

I. ROLE OF COMMISSIONS IN COUNTY GOVERNMENT

Commissions serve a vital role in county government by gathering and analyzing public input and recommending options to the Board. The guiding principle of any Commission recommendation to the Board is that of addressing the overall public benefit. Some Commissions are authorized by the Board to take independent action (e.g., Regional Planning Commission, Civil Service Commission, Business License Commission, etc.); others serve in a fact-finding or advisory role and are not authorized to take action. These Commissions are advisory to the Board; therefore, may not take an official position for the County which has not been approved by the Board. (See also Section VI. Legislation and Public Officials)

A. Establishment of Commissions

Commissions were established to assist the Board with the varied duties and responsibilities of local government, and encourage citizen involvement, expertise and participation.

Commissions may be created by:

- State or Federal Law
- County Ordinance or Charter
- Action by the Board of Supervisors

Commissions are organized into seven categorical roles:

1. **Citizen Advisory Commissions** are local, state or federally mandated bodies whose primary role is to provide feedback and recommendations to the Board and/or County Departments on proposed or existing policies, procedures, programs and services.
2. **Administrative Board and Committees** are bodies tasked with providing essential administrative functions on behalf of or in conjunction with government entities.

3. **Authorities of the County** are decision making bodies that approve funding for specific County projects, equipment and facilities.
4. **Interagency Coordination Committees** are entities that are concerned with inter-organizational coordination of policies, regulations, services and programs to better serve the needs of residents in specific subject areas.
5. **Joint Power Authorities and other agencies** are comprised of a group of bodies that are primarily concerned with the direct delivery and management of government services, programs, and public infrastructure.
6. **Special Districts** are independent government entities that provide specialized functions for clearly defined geographic areas.
7. **Ad-Hoc Committees and Task Forces** are temporary, special purpose committees that are created by the Board and/or other government entities to address pressing County matters.

II. COMMISSIONER RESPONSIBILITIES

A. Role and Responsibilities of a Commissioner

- Commissioners are encouraged to take an active role in helping the Commission fulfill its goals and objectives.
- Commissioners are responsible for attending meetings regularly to ensure a quorum, and to facilitate the business and meet the goals of the Commission.
- It is the responsibility of Commissioners to provide advance notice to the Chairperson, Executive Director, Commission Liaison, or Commission Staff, if they cannot attend a meeting.
- Commissioners are also responsible for reviewing meeting materials in advance of a meeting, and complying with the Ralph M. Brown Act (Brown Act) as set forth in state and local laws regarding public meetings.
- Commissioners should also have knowledge of the County's Strategic goals and the vision and priorities of the Board. (See Appendix Section XII C. [2016 -2021 County Strategic Plan and County Strategic Priorities](#))

B. Public Statements by Commissioners to Media and Other Organizations

Prior to responding in your capacity as a Commissioner to any inquiry from television, magazines, newspapers, or any other media outlets, the request should be discussed with the Executive Director, Commission Liaison, or Commission Staff to ensure Departmental policy and protocols are followed to respond to media inquiries.

When speaking to the media, Commissioners should not imply they are speaking on behalf of the Commission without prior approval from the body. Commissioners affiliated with non-county organizations should proactively clarify with reporters that they do not speak on behalf of the Commission and are only commenting as an individual affiliated with an outside organization. Commissioners comments (verbal or written) as a private citizen solely reflect your personal position and not as a representative of the Commission.

C. New Commissioner Orientation

All newly-appointed Commissioners are encouraged to attend an orientation session coordinated by the Executive Office of the Board relating to the County's Governance, legislative process and the Brown Act.

D. State Mandated Ethics and Other Trainings

[California Government Code sections 53235 and 53235.1](#) require that any newly appointed local agency official and certain Commissioners receive two hours of training in local government ethics within one year of assuming the position and once every two years thereafter. The Executive Director, Commission Liaison, or Commission Staff will notify you if your Commission is required to complete this training.

Citizen Advisory Commissioners are also required to complete the Cultural Diversity Awareness and Sexual Harassment and Prevention Training and the County Policy of Equity Training. The Executive Director, Commission Liaison, or Commission Staff will notify you of your scheduled trainings.

E. Conflicts of Interest and Statement of Economic Interests (Form 700)

Commission members must keep their personal interests separate from their Commission duties and responsibilities, and avoid conflicts of interest. A conflict of interest occurs if Commission members allow their personal relationships, money (or the promise of money), or other outside factors to influence how they perform their Commission duties and responsibilities. A conflict of interest also exists if Commission members use information acquired in their capacity as Commission members for personal gain.

To avoid potential conflicts or the appearance of any conflicts, Commission members may not participate in discussions, deliberations, or recommendations regarding issues in which they have a personal or financial interest. In addition, they may not accept gifts from lobbyists or anyone doing business with the County or who may come before the Commission. This is against County policy and may be illegal.

Some Commissioners are required to complete and sign conflict of interest documentation (Statement of Economic Interests - Form 700) prior to commencing their Commission duties. Not all Commissioners are required to file a Form 700, because the filing requirement is based upon the authority and responsibilities of the Commission. If you have questions about whether or not you need to file, please contact your Executive Director, Commission Liaison, or Commission Staff.

F. Service at the Will of the Board of Supervisors

Generally, Commissioners serve at the pleasure of the Board and can be removed at any time.

G. Process for Resigning from a Commission

Letters or email of resignation can be submitted to their appointing authority and Board Office. Copies of the resignation should also be provided to the Chairperson, Executive Director, Commission Liaison, or Commission Staff.

H. Process for Filling Vacancies

It is the policy of the Board of Supervisors to give public notice of vacancies on Commissions and actively recruit qualified candidates. Vacancy information along with the Commission qualifications found on Commission's Fact Sheet is available on the Commission Services Membership Roster webpage at <http://bos.lacounty.gov/Services/Commission-Services/Membership-Roster>. Commissions are encouraged to forward letters of interest along with a biography, to the Board.

III. COMMISSION OFFICERS

A. Chairperson's/President's Duties

The duties of the Chairperson/President or Co-Chair if applicable, generally shall include, unless otherwise established by the bylaws, operating rules and/or ordinance of the Commission:

- Working with the Executive Director, Commission Liaison, or Commission Staff to prepare the meeting agenda to comply with Brown Act standards and timeframes.
- Presiding over all meetings by:
 - Calling the meeting to order at the scheduled time.
 - Verifying the presence of a quorum.
 - "Processing" all motions including (stating the motion prior to discussion, restating the motion just prior to the vote, and announcing the result of the vote, specifying who voted in favor, who voted against, and any abstentions and recusals).
 - Facilitating meetings by staying on track and adhering to time constraints.
 - Conducting the meeting in a fair and equitable manner.
 - Restraining the members when engaged in debate, within the rules of order to enforce the observance of order and decorum among the members.
 - Maintaining neutrality to facilitate debate.
 - Ensuring the work of the Commission is consistent with its intended purpose and mission.
- Be familiar with and conduct the meetings according to the Robert's Rules of Order, and/or bylaws and ordinance. (See Appendix Section XII E. County of Los Angeles Procedural Rules for County Commissions and Committees Based on [Robert's Rules of Order \(Abridged\)](#) and in Compliance with the Brown Act)
- For issues related to business processes, contact the Executive Director, Commission Liaison, or Commission Staff.

B. Vice Chairperson's/President's Duties-if applicable

The Vice Chairperson's/Vice President's duties shall generally include, unless otherwise established by the bylaws, operating rules and/or ordinance of the Commission:

- Assuming the role of the Chairperson/President, in the absence of the Chairperson/President.
- Working in collaboration with the Chairperson/President.

C. Election of Commission Officers

As indicated in the Commission's bylaws, Ordinance, or Board Directive, each body should organize the election of its Officers (Chairperson, Vice Chairperson, Treasurer, etc.). The Commission's bylaws or operating rules should contain the duties of its elected officers.

IV. ROLE OF THE DEPARTMENTS, EXECUTIVE DIRECTORS, COMMISSION LIAISONS, AND COMMISSION STAFF

A. Executive Directors, Commission Liaisons, Commission Staff

Administrative support provided by the assigned Executive Director, Commission Liaison, or Commission Staff who is responsible for providing leadership to the Commissions and assisting the Commissions with annual goals and objectives that align with the Board and/or Department priorities. The Executive Director, Commission Liaison, or Commission Staff serve as the point of contact for your Commission. Commissions are generally administratively assigned to County Departments as mandated by legislation, ordinance or Board order.

B. Relationship with Departments

County Departments may be a resource for Commissions to answer questions, provide data on the impact of issues being considered, clarify County policy, and generally keep Commissions current on issues related to the County's budget, legislation endorsed by the County, and information on available services.

V. COMMUNICATING WITH THE BOARD OF SUPERVISORS

The Board is always interested in facilitating the work of Commissions and welcomes any suggestions. Board members value information that alerts them to upcoming issues and concerns allowing them to respond proactively.

Commissions have various avenues of communicating and reporting their collective recommendations and findings to the Board, including an annual report to the Board of its activities and accomplishments. Another avenue for communication with the Board is through Commission approved correspondence. Commission approved letters/memos can be submitted to the Board to relay information or to obtain guidance on matters of Commission concern.

A. Recommendations to the Board of Supervisors

Recommendations approved by the Commission as a whole can be submitted to the Board via memos or written correspondence for consideration. It is recommended that you consult with your Executive Director, Commission Liaison or Commission Staff regarding correspondence guidelines and protocols for your respective departments when submitting memos or written correspondence on behalf of the Commission.

B. Consulting and Engaging with Board Offices

Commissioners may communicate with their District's assigned Board offices. However, protocol suggests that Commissioners work within the framework of the Commission and the Chairperson when information needs to be conveyed to or obtained from the Board as a whole, or to an individual Supervisor.

C. Commission Annual Reports

Each Commission should provide an update to the Board about its activities through an Annual Report. The Annual Report is to be completed by each Commission and approved at a regular Commission meeting. The Executive Director, Commission Liaison, or Commission Staff will transmit the Annual Reports to the Board. (See Appendix Section XII A. Annual Report Template and Instructions)

It is the Commission's responsibility to write its Annual Report. Some Commissions assign this task to a committee or a particular Commissioner, who will prepare a draft for Commission review. Once the content is approved by the Commission, the Executive Director, Commission Liaison, or Commission Staff can prepare the final documents and forward to the Board.

D. Sunset Review Evaluation

Every four years, a Sunset Review is conducted for each Citizen Advisory Commission, and others as designated as indicated on the Commission's Fact Sheet that can be accessed on the Commission Services Membership Roster webpage at <http://bos.lacounty.gov/Services/Commission-Services/Membership-Roster>. The Sunset Review will provide an opportunity for Commissions and stakeholders to evaluate their work and accomplishments, as well as allows Commissions to periodically review their ordinance and scope of work. The Sunset Review analysis is forwarded to the Audit Committee for assessment and recommendations to the Board for extension to the sunset review date and any changes to the Commissions' ordinances. (See Appendix Section XII B. Sunset Review Evaluation Questionnaire and Instructions)

VI. LEGISLATION AND PUBLIC OFFICIALS

A. How to Obtain Information on the Board of Supervisors Legislative Positions

Each year, the County's State and Federal Legislative Agendas are developed based on the political and economic climates in Sacramento and Washington, D.C. Through the County's Legislative Program, the Board adopts legislative goals and policies, enabling the County's advocates in Sacramento and Washington D.C., to effectively respond to legislative proposals that could significantly impact the County's finances or programs. The Legislative Agenda includes general principles and positions, as well as policy statements regarding issues of major County interest. These documents are updated annually, after consultation with County departments, the Board offices, the County's legislative representatives, and commissions and advisory boards. The Legislative Agendas are presented to the Board for consideration in December or January and once approved, provide a framework for ongoing advocacy throughout the year.

You can request a copy of the County's State and Legislative Agenda via the Executive Director, Commission Liaison, or Commission Staff, if applicable. Also, for additional information and status updates of bills for which the County has taken a position on, you may also review the State and Federal Legislation of County Interest report available through the Chief Executive Office (CEO) Legislative Affairs and Intergovernmental Relations office or website at http://ceo.lacounty.gov/igr/leg_info.htm. For information on State legislation information, visit <http://leginfo.legislature.ca.gov/>.

B. Recommending a position of Commission Interest to the Board of Supervisors

Commissions may not take an official position for the County which has not been approved by the Board. County Commissions and other advisory bodies seeking a position on legislation or State Budget items are required to submit their recommendations to the CEO for review to determine if they are consistent with existing policy prior to taking an advocacy position. Upon completion of the review, the CEO will provide a copy of the review findings to be attached to the document containing the Commission's recommendations transmitted to the Board.

C. Engaging with other Jurisdictions and Elected Officials

Commissions can work with the Executive Director, Commission Liaison, or Commission Staff when engaging other jurisdictions, such as other counties, cities and elected officials in the work of the Commission when needed. Commissions should notify Board Offices before inviting or if they are informed that a state, or federal, or other local elected official will attend a Commission meeting, event or County facility.

VII. TYPES OF MEETINGS

A. Regular Meetings

Commissions hold regular meetings to conduct business, such as receiving and filing reports, discuss and take action on recommendations and vote to forward recommendations to the Board or other entities as deemed appropriate. The agenda for a regular meeting must be posted 72 hours in advance of the meeting in accordance with the Brown Act. The Executive Director, Commission Liaison, or Commission Staff attending the meetings assist the Commission Chair.

B. Special Meetings

The Chairperson/President or a majority of the appointed Commissioners may call a special meeting if deemed necessary and will coordinate with the Executive Director, Commission Liaison, or Commission Staff regarding availability of staff and a meeting room. The agenda of a special meeting must be posted 24 hours in advance of the meeting in accordance with the Brown Act and distributed to interested parties that have requested notification.

C. Planning Meetings

Commissions may work in coordination with the Executive Director, Commission Liaison, or Commission Staff to schedule to meet in planning sessions to develop their annual goals, review bylaws, and focus on Commission issues. These meetings are subject to the Brown Act and will be properly noticed, agendized, open to the public and require a quorum of members in attendance to conduct business.

VIII. COMMISSION MEETINGS

A. Process for Developing the Meeting Agenda

The Chairperson/President works with the Executive Director, Commission Liaison, or Commission Staff to coordinate the meeting agenda; however, the method by which the agenda is developed varies according to the procedures of the individual Commissions. A Commissioner may request that an item be placed on the agenda by submitting a request to the Chairperson. The Executive Director, Commission Liaison, or Commission Staff, in collaboration with the Chairperson, will ensure that the agenda follows standard formatting and language guidelines and Brown Act requirements.

B. Ralph M. Brown Act (Brown Act)

Commission meetings are subject to the Brown Act, which guarantees the public's right to attend and participate in Commission meetings. Agendas must be physically posted at the meeting site and accessible to the public. It is also highly encouraged for Commissions with websites to post current agendas and minutes online for public view. The agenda must include all items which will be discussed or acted upon by the Commission. Generally, the Commission cannot discuss, deliberate, or take action on any item not included on the agenda. Commissions must allow a member of the public to address the Commission on any agenda item before or during consideration of that item. Members of the public are also given the opportunity to address the Commission on any matter not on the agenda which is within the subject matter jurisdiction of the Commission. (See Appendix Section XII E. County Counsel Guide to the Brown Act)

C. Quorum Determination

A quorum is the minimum number of members who are required to be present at the meeting in order to conduct business. Generally, a quorum is a majority of the members of the body, unless otherwise established. Statute or bylaws may specify a higher (but not a lower) number.

D. Attendance Reports to the Board of Supervisors

Attendance information is maintained by the Executive Office of the Board, Commission Services Division and is provided to the Board quarterly for their review.

IX. COMMITTEES

A Commission may choose to create standing and/or ad-hoc committees that report to the full Commission to assist with Commission business and priorities.

A. Standing Committees

Standing committees have a continuing subject matter and have a meeting schedule fixed by formal action. Standing committees may not include a quorum of the entire Commission membership. All standing

committees are subject to the Brown Act and must be properly noticed, agendized, and open to the public, and have a quorum of the committee membership present to meet.

B. Ad-hoc Committees

Ad-hoc committees are established by the Commission for a limited purpose and time. The Chairperson/President can appoint Commissioners to serve on ad-hoc committees or an ad-hoc committee can be established by Commission vote. An ad-hoc committee may not include a quorum of the entire Commission membership.

X. CONDUCTING MEETINGS

A. Business Conducted at Commission Meetings

The application of Parliamentary Procedure is the best method to enable Commissions to determine the will of the Commission. The Procedures help create a balance between the rights of persons in the minority on specific issues to be heard with the rights of persons holding the majority position to prevail. All meetings should be conducted in accordance with Robert's Rules of Order to aid in conducting meetings in a fair and equitable manner. (See Appendix Section XII E. County of Los Angeles Procedural Rules for County Commissions and Committees Based on [Robert's Rules of Order \(Abridged\)](#) and in Compliance with the Brown Act)

The meetings are called to order by the Chairperson/President or Vice Chairperson/President in the absence of the Chairperson/President. If neither is in attendance, the Commission selects a Chairperson Pro Tempore to conduct the meeting.

B. Public Comment

Pursuant to the Brown Act, before or during consideration of each agenda item, the public must be given an opportunity to comment on the item, and have a right to comment on any agenda item or items that are within the jurisdiction of the Commission. The Chairperson/President establishes the amount of time public speakers are authorized to speak on each item. Generally, speakers fill out Request to Speak Forms, which will be provided to the Chairperson to call on speakers. A member of the public is not required to identify themselves, but must provide identifiable information allowing the Commission the reasonably call upon them to address the body. Also, a member of the public may record (audio/video) the meeting including their testimony before the Commission.

C. Distribution of Materials and Meeting Accommodations

The Brown Act states that documents being distributed by the Commission during meetings must be made available for review by the public. This applies to documents distributed prior to the meeting. Any material that is not prepared by the County or a Commissioner and is distributed during an open meeting must be made available for public inspection as soon as possible after the meeting. For example, if a member of the public submits a document to accompany his/her public comment statement, Commission staff retain the document as part of the meeting records, provide a copy of the document to the Commissioners following the meeting, and have it available upon request following the meeting.

XI. MISCELLANEOUS

A. Travel Expense Reimbursement

Commissioners can consult with their Executive Director, Commission Liaison or Commission Staff to determine whether they are authorized by County Code to travel on Commission related business (other than commission meetings) and are eligible for reimbursement of expenses incurred while conducting Commission business. Commissioners authorized to travel must make all air travel reservations through as mandated by the Board (See [County Code Section 5.40](#) and [Fiscal Guidelines Chapter 13](#)).

B. Mileage Reimbursement

Commissioners can consult with their Executive Director, Commission Liaison or Commission Staff to determine whether they are eligible pursuant to County Code to receive mileage reimbursement for Commission business. A Commissioner who uses their private vehicles for travel on County Business, if eligible, may become certified as a Mileage Permittee for reimbursement of mileage at the current established rate. Mileage claim forms are provided by the Executive Director, Commission Liaison, or Commission Staff. Claims for mileage reimbursement are required be submitted within 30 days of County business conducted.

C. County Issued Materials

If applicable, County Commission Business cards may only contain information concerning the Commission, not personal business information. Commissioners may not use County-issued materials such as business cards and letterhead for personal correspondence purposes. If a "Commissioner" title is used for information purposes, you must include a disclaimer that you do not speak on behalf of the County of Los Angeles or the Commission for which you are a member.

D. Commissioner Parking

The Executive Director, Commission Liaison or Commission Staff will inform commissioners of available parking for commission meetings.

E. Commission Publications

Commissions may develop or produce informational and educational materials for distribution in hard copy or for inclusion on the Commission's website relating to their roles, responsibilities and meeting information. Material and information shall be in compliance with enabling legislation, federal and state laws, County Codes and Board policies.

F. Commission Webpages

Available Commission Websites are linked on the Executive Office Membership Roster website <http://bos.lacounty.gov/Services/Commission-Services/Membership-Roster> as the central location to obtain commissioners rosters, fact sheets and websites. To ensure that the County's commissions

website are consistent with information that various stakeholders have indicated they would like to access, it is recommended that at least the following information be included:

- A current agenda and past minutes
- An annual regular meeting schedule
- A description of the commission and its mission with creating authority (link to ordinance, board order, state or federal mandate establishing the body)
- Commission's annual report (if applicable)
- Commission members and officers

XII. APPENDIX

A. Annual Report Template and Instructions

A Template and Instructions on completing and submitting the Annual Report is attached

B. Sunset Review Evaluation Questionnaire and Instructions

A Template and Instructions on completing and submitting the completed questionnaire is attached.

C. County Strategic Plan and Major Priorities

A copy of the [County Los Angeles Strategic Plan](#) is attached; Los Angeles County Board of Supervisors Major Priorities can also be accessed at <http://priorities.lacounty.gov>.

D. Commission Bylaws, Ordinances, and/or Board Directives

See your Executive Director, Commission Liaison, or Commission Staff for additional information specific to your Commission.

E. Parliamentary Procedures

The following are attached:

- County of Los Angeles Procedural Rules for County Commissions and Committees Based on [Robert's Rules of Order \(Abridged\)](#) and in Compliance with the Brown Act
- [County Counsel Guide to Brown Act Requirements](#)

ANNUAL REPORT TEMPLATE

Each Commission is required to provide an update to the Board of Supervisors about its activities through an Annual Report. The Annual Report for Commissions is to be completed either each Fiscal Year or each Calendar Year as determined by the Commission. The following template includes suggested sections, but is meant to be used as a guide and does not preclude a Commission from including additional information.

Part I. Cover Sheet

- Include the name of the Commission and the timeframe covered in the Annual Report
- Include the Commission's physical and website addresses, telephone and fax numbers
- Include members' names and their titles, and the name of the Executive Officer

Part II. Mission Statement

- State the mission of the Commission and any motto or vision/values, if applicable; and how mission, vision and values align with and support the County's Mission and Strategic Priorities
- List any roles and responsibilities of the Commission; this information can be extracted from the Commission ordinance, bylaws or fact sheet

Part III. Historical Background

- Provide historical information about the Commission such as when it was formed and the purpose for its formation
- Include issues of focus in past years, not including most recent past year to be discussed in Prior Year's Accomplishments
- Include significant outcomes of work by the Commission

Part IV. Annual Work Plan

- Provide goals or objectives for the upcoming year; and indicate how goals and objectives support the County's mission, vision and strategic priorities
- Include a work plan to accomplish the goals
- Include a timeline for completion of each goal

Part V. Prior Year Accomplishments

- Include accomplishments for the last year and status of each accomplishment
- Include a completion date or expected completion date

Part VI. Ongoing Long-Term Projects

- Provide any ongoing or long-term projects that the Commission is continuing to work on

A PROMISING CALIFORNIA BILL COULD HELP COMMUNITIES STOP SECRET AND DISCRIMINATORY POLICE SURVEILLANCE

Nicole Ozer, Technology & Civil Liberties Policy Director, ACLU of Northern California & Chad Marlow, Advocacy and Policy Counsel, ACLU
August 29, 2017 | 10:00 AM



California is on the verge of passing Senate Bill 21 (SB 21), a strong bill that, in its current form, would help empower communities and their local elected officials to stop secret and discriminatory use of police surveillance technologies. Making sure state lawmakers enact robust surveillance reform laws is all the more important right now as the Trump administration equips its deportation force with surveillance capabilities, aggressively pursues political activists, and escalates pressure on sanctuary cities. Now is the time to make sure a strong SB 21 — with no further amendments — gets across the finish line.

For years, the secret use of surveillance technology has been consistently expanding with virtually no restraints. Law enforcement agencies nationwide, using federal funds, have amassed sophisticated technologies, including

Stingray cell phone trackers, automatic license plate readers (ALPRs), drones, and algorithm-based policing software.

These surveillance technologies are frequently used to target immigrants and communities of color. South Asian, Muslim and Sikh protesters were spied on in San Jose. Baltimore police used facial recognition technology to identify people protesting the police killing of Freddie Gray. And social media surveillance technology in Fresno enabled police to monitor hashtags like #BlackLivesMatter as “threats to public safety.” Residents of Compton, California, have been monitored in their own backyards with high-powered, fly-over cameras and the New York Police Department used license plate readers to track people as they worshiped at mosques. Now immigrant communities living along the United States and Mexico border are facing an invasive new program to scan their eyeballs.

Californians want reform, with more than two-thirds supporting both local and state-level rules to rein in police surveillance. If passed in its current form, SB 21 will become the first state law to require transparency and community control over police decisions about surveillance technology. The bill requires a public debate over proposals to acquire new surveillance technologies. It places local communities and elected officials at the center of every decision to approve or reject their locality’s use of surveillance technologies. And should local elected leaders approve the use of a surveillance technology, SB 21 requires the adoption of a council-approved policy governing its use and regular evaluations of its impact on civil rights and civil liberties.

Urge California to pass a strong SB 21 to rein in secret and discriminatory surveillance.

The need for surveillance reform is not just a local issue. Sensitive surveillance information about who we are, where we go, and what we do that is collected by local law enforcement often flows, without adequate controls, to the federal government through fusion centers, which collect and share surveillance data from all levels of government, as well as other domestic spying infrastructure. This is not a hypothetical threat. Just ask Oakland, California, which despite

being a sanctuary city, discovered that U.S. Immigrations and Customs Enforcement (ICE) was using a fusion center to get its hands on Oakland's license plate reader data. SB 21's provisions, which empower communities to consider if and how any surveillance information is shared with the federal government, are particularly important in the current political climate.

SB 21 builds on the nationwide Community Control Over Police Surveillance (CCOPS) movement, a reform effort spearheaded by 17 organizations, including the ACLU, that is designed to put local residents and elected officials in charge of decisions about surveillance technology. Last summer, Santa Clara County, California passed a groundbreaking ordinance ensuring consistent transparency, accountability, and oversight procedures for all surveillance decisions in the county. Nashville adopted a CCOPS law earlier this summer, and Seattle just voted to strengthen its first-in-the-nation surveillance ordinance.

California's SB 21 has emerged at a key moment — right now at least 18 U.S. cities are actively considering their own surveillance bills. Oakland is poised to enact a robust ordinance in an effort led by the city's new Privacy Advisory Commission. In New York City, the ACLU of New York and various community groups are fighting to end the NYPD's secret use of surveillance technology and prevent any inappropriate data sharing with the Trump administration. Residents in St. Louis are working to pass a CCOPS law as a part of broader efforts to address discriminatory policing in the region.

We need strong local and state protections to push secret surveillance into the light, put communities back in control, and prevent abusive practices that all too often target immigrants, people of color, religious groups, and activists.

We hope you'll urge California lawmakers to pass a strong SB 21 – with no further amendments – and in so doing set an example for other cities and states to follow.

To learn more about the CCOPS effort and how to start or join an effort in your community, please visit www.CommunityCTRL.com.

September 6th, 2017

TO: Robin Toma, Assistant Director
Human Relations Branch

FROM: Vera Castillo, Legislative Analyst

RE: SB 21 (Bradford) – Law Enforcement Agencies: Surveillance: Policies

BILL SUMMARY

This bill would, beginning July 1, 2018, require each law enforcement agency, as defined, to submit to its governing body at a regularly scheduled hearing open to the public, a proposed Surveillance Use Policy for the use of each type of surveillance technology and the information collected, as specified. The bill would require the law enforcement agency to cease using the surveillance technology within 30 days if the proposed plan is not adopted. The bill would require the law enforcement agency to submit an amendment to the surveillance plan, pursuant to the same open meeting requirements, for each new type of surveillance technology sought to be used. The bill would require the policy and any amendments to be posted on the agency's Internet Web site. The bill would also require the agency to make specified reports, at approved intervals, concerning the use of surveillance technology, and to make those reports available on the agency's Internet Web site. The bill would prohibit a law enforcement agency from selling, sharing, or transferring information gathered by surveillance technology, except to another law enforcement agency, as permitted by law and the terms of the Surveillance Use Policy. The bill would provide that any person could bring an action for injunctive relief to prevent a violation of these provisions and, if successful, could recover reasonable attorney's fees and costs. The bill would require an agency to discipline an employee who knowingly or intentionally uses surveillance technology in violation of these provisions, as specified. The bill would authorize an agency to temporarily use surveillance technology during exigent circumstances, as specified, without meeting the requirements of these provisions, provided that, among other things, the agency submits a specified report to its governing body within 45 days of the end of the exigent circumstances, except as specified.

The bill would establish separate procedures for a sheriff's department or a district attorney to establish their own Surveillance Use Policies, instead of submitting them through their governing body. The procedures would include holding a noticed public hearing on the proposed policy, posting the policy on the department's Internet Web site, amending the policy to include new types of surveillance technology, and publishing a biennial report regarding the department's use of surveillance technology, as specified.

The bill would also establish procedures for the Department of the California Highway Patrol and the Department of Justice to establish their own Surveillance Use Policies. The bill would, among other things, require that these agencies ensure that the collection, use, maintenance, sharing, and dissemination of information or data collected with surveillance technology is consistent with respect for individual privacy and civil liberties, and that the policy be publicly available on the agency's Internet Web site. The bill would also require that if these agencies

intend to acquire surveillance technology, they provide 90 days advance notice on the agency's Internet Web site, as specified.

CURRENT STATUS

Held in the Assembly Appropriations Committee.

Date of Vote	Location	Ayes	Noes	Not Voting	Absent
3/21/2017	Senate Public Safety Committee	4	2	1	0
4/25/2017	Senate Judiciary Committee	5	2	0	0
5/25/2017	Senate Appropriations Committee	5	2	0	0
5/31/2017	Senate Floor	21	15	4	0
6/27/2017	Assembly Public Safety Committee	4	2	1	0
7/11/2017	Assembly Privacy and Consumer Protection Committee	6	3	1	0

NEXT CRITICAL STEP

The bill is now considered a 'two year' bill. However, there is a deadline in January (towards the end of the month) when each house has to pass bills introduced in that house in 2017.

REGISTERED SUPPORT/OPPOSITION

Support

Asian Law Alliance
California Civil Liberties Advocacy
California Attorneys for Criminal Justice
California Public Defenders Association
Conference of California Bar Associations
Council on American-Islamic Relations, California
Electronic Frontier Foundation
Firearms Policy Coalition
San Jose Peace & Justice Center

Opposition

Association for Los Angeles Deputy Sheriffs
Association of Deputy District Attorneys
Association of Orange County Deputy Sheriffs
California Association of Code Enforcement Officers
California College and University Police Chiefs Association
California District Attorneys Association
California Narcotic Officers Association
California Police Chiefs Association
California State Sheriffs' Association
California Statewide Law Enforcement Association
Fraternal Order of Police
League of California Cities
Long Beach Police Officers Association
Los Angeles County Probation Officers Union, AFSCME local 685
Los Angeles County Professional Peace Officers Association
Los Angeles County Sheriff's Department

Los Angeles Police Protective League
Peace Officers Research Association of California
Riverside Sheriffs' Association
Sacramento County Deputy Sheriffs' Association
Sheriff of San Bernardino, John McMahon

Date of Hearing: June 27, 2017
Counsel: David Billingsley

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Reginald Byron Jones-Sawyer, Sr., Chair

SB 21

(Hill) – As Amended May 26, 2017

SUMMARY: Requires local law enforcement agencies to have a policy, approved by the local governing body, in place before using surveillance technology, as defined. Specifically, **this bill:**

- 1) Provides that on or before July 1, 2018, a law enforcement agency that uses or accesses information from surveillance technology, shall submit to its governing body a Surveillance Use Policy to ensure that the collection, use, maintenance, sharing, and dissemination of information or data collected with surveillance technology is consistent with respect for individuals' privacy and civil liberty.
- 2) Provides that the Surveillance Use Policy shall be in writing and made publicly available on the agency's Internet Web site prior to the public hearing and after adoption.
- 3) Provides that the governing body shall consider the policy for adoption by resolution or ordinance on the regular, nonconsent calendar at a regularly scheduled hearing.
- 4) Provides that on or before July 1, 2018, the Department of Justice (DOJ) and the Department of California Highway Patrol (CHP) shall hold a properly noticed public hearing and provide an opportunity for public comment before adopting a Surveillance Use Policy which shall ensure that the collection, use, maintenance, sharing and dissemination of information or data collected with surveillance technology is consistent with respect for individuals privacy and civil liberties. The policy shall be in writing and available on the agency's Internet Web site.
- 5) Provides that the policy shall pertain to any surveillance technologies already in use by the law enforcement agency and shall include, in separate sections specific to each unique type of surveillance technology, a description of each surveillance technology used by the law enforcement agency.
- 6) Specifies what each section of the policy covering a separate technology shall include.
- 7) Provides that after July 1, 2018, if a law enforcement agency intends to acquire a new type of surveillance technology after the adoption of the policy the agency shall submit an amendment to the policy to include the new type of technology as a new section of the policy and submit the amendment to its governing body for approval as provided.

- 8) Requires the amendment to be submitted prior to the acquisition of the technology and be submitted to the governing body at a properly noticed hearing and be in writing and publicly available on the agency's Internet Web site prior to the public hearing and after adoption.
- 9) Provides that if the DOJ or CHP intends to acquire a new type of surveillance technology after the adoption of the policy, they shall hold a notice public hearing and provide an opportunity for public comment before adopting the amends.
- 10) Provides that if before July 1, 2018, a law enforcement agency has implemented the requirements for automated license plate readers as provided for in law or cellular communications interception technology as provided for in law, the law enforcement agency shall include the required information as part of the Surveillance Use Policy.
- 11) Provides that at a time interval agreed to by the law enforcement agency and the governing body, a law enforcement agency shall submit a report on its surveillance use of approved technologies to the governing body and that report shall be made available on the agency's Internet Web site.
- 12) Specifies the minimum information to be included in the report.
- 13) Provides that a law enforcement agency may temporarily acquire or temporarily use a surveillance technology in exigent circumstances unless that acquisition or use conflicts with or is preempted by state or federal law and if the specified requirements are followed.
- 14) Provides that nothing in this bill shall be construed to prohibit a governing body from adopting additional protocols as they relate to surveillance technology.
- 15) Allows a civil action to be brought by an individual harmed by a violation of the Surveillance Use Policy against a person who knowingly caused a violation of a surveillance policy.
- 16) Includes the following definitions for purposes of this bill:
 - a) "Exigent circumstances" means "a law enforcement agency's good faith belief that an emergency involving danger of death or serious physical injury to any person requires use of a surveillance technology or information it provides;"
 - b) "Governing body" means "the elected or appointed body that oversees the law enforcement agency or the law enforcement agency's corresponding geographic area in the case of a county sheriff;"
 - c) "Law enforcement agency" means "any police department, sheriff's department, district attorney, county probation department, transit agency police department, school district police department, the police department of any campus of the University of California, the California State University, or community college, the CHP and the DOJ;" and
 - d) "Surveillance technology" means "any electronic device or system primarily intended to monitor and collect audio, visual, locational, thermal, or similar information on any individual or group. This includes, but is not limited to, drones with cameras or monitoring capabilities, automated license plate readers, closed-circuit cameras/televisions, international mobile subscriber identity trackers, global positioning

system technology, radio-frequency identification technology, biometrics-identification technology, and facial-recognition technology.”

- 17) Specifies that “Surveillance technology” does not include standard public agency computers and software, fingerprint scanners, ignition interlock devices, cellular telephones, two-way radios, or other similar electronic devices.

EXISTING LAW:

- 1) The right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches may not be violated; and a warrant may not issue except on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized. (Cal. Const., art. 1, sec. 13.)
- 2) States that a search warrant is an order in writing, in the name of the people, signed by a magistrate, directed to a peace officer, commanding him or her to search for a person or persons, a thing or things, or personal property, and, in the case of a thing or things or personal property, bring the same before the magistrate. (Pen. Code, § 1523.)
- 3) Prohibits wiretapping or eavesdropping on confidential communications. (Pen. Code, § 630.)
- 4) Makes it a crime for a person, intentionally, and without requisite consent, to eavesdrop on a confidential communication by means of any electronic amplifying or recording device. (Pen. Code, § 632.)
- 5) Allows eavesdropping or wiretapping by specified law enforcement officers or their assistants or deputies acting within the scope of his or her authority, when recording any communication that they could lawfully overhear or record. (Pen. Code, § 633.)
- 6) California Public Records Act generally provides that access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state. (Gov. Code, § 6250 et. seq.)
- 7) Provides that public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law. (Gov. Code, § 6253.)
- 8) Makes a person liable for “physical invasion of privacy” for knowingly entering onto the land of another person or otherwise committing a trespass in order to physically invade the privacy of another person with the intent to capture any type of visual image, sound recording, or other physical impression of that person engaging in a personal or familial activity, and the physical invasion occurs in a manner that is offensive to a reasonable person. (Civ. Code, § 1708.8, subd. (a).)
- 9) Makes a person liable for “constructive invasion of privacy” for attempting to capture, in a manner highly offensive to a reasonable person, any type of visual image, sound recording,

or other physical impression of another person engaging in a personal or familial activity under circumstances in which the plaintiff had a reasonable expectation of privacy, through the use of a visual or auditory enhancing device, regardless of whether there was a physical trespass, if the image or recording could not have been achieved without a trespass unless the visual or auditory enhancing device was used. (Civ. Code, § 1708.8, subd. (b).)

- 10) Provides that a person who commits an invasion of privacy for a commercial purpose shall, in addition to any other damages or remedies provided, be subject to disgorgement to the plaintiff of any proceeds or other consideration obtained as a result of the violation of this section. Existing law defines “commercial purpose” to mean any act done with the expectation of sale, financial gain, or other consideration. (Civil Code § 1708.8 (d), (k).)
- 11) Requires that a public agency that operates or intends to operate an Automatic License Plate Recognition (ALPR) system to provide an opportunity for public comment at a public meeting of the agency's governing body before implementing the program. (Civil Code, § 1798.90.55.)
- 12) Prohibits a local agency from acquiring cellular communications interception technology unless approved by its legislative body. (Gov. Code, § 53166, subd. (c)(1).)
- 13) States that the board of supervisors shall not obstruct the investigative function of the sheriff of the county nor shall it obstruct the investigative and prosecutorial function of the district attorney of a county. (Gov. Code, § 25303.)
- 14) Clarifies that the statement above, shall not be construed to limit the budgetary authority of the board of supervisors over the district attorney or sheriff. (Gov. Code, § 25303.)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, "SB 21 expands the transparency requirements established for automatic license plate readers and cell-phone tracking devices established in 2015 to all surveillance technologies used by law enforcement agencies. This means surveillance technology will subject to public disclosure and local legislative review. Surveillance technologies must be governed by a Surveillance Use Policy and law enforcement agencies must submit biannual surveillance reports. The bill provides an exigent circumstances provision to law enforcement, which allows them to use unapproved surveillance devices in emergency situations.

“Over 100 law enforcement agencies in the state are thought to use some type of surveillance technology and many deploy multiple kinds without any public oversight or rules of the road. These are powerful devices that can collect a wide array of information allowing even the smallest of law enforcement agencies to cheaply and easily know where you go, who you speak with, and what you do.

“While technology can be used to improve public safety, its use should be balanced with reasonable safeguards for civil liberties and elected officials have the responsibility of

safeguarding the rights to civilian oversight, privacy and other civil liberties, as we strive for a safer environment. SB 21 proposes reasonable safeguards to ensure that law enforcement is held accountable for how they use surveillance technologies – that they are used only to fight crime, as they are intended to do.”

- 2) **Use of Surveillance Technology in California:** From June to November 2014, the ACLU of California examined thousands of publicly available records for California’s 58 counties and 60 selected cities. The ACLU looked at the types of surveillance technology in communities, including automated license plate readers (ALPRs), body cameras, drones, facial recognition, cell phone intercepts (CCIT or “Stingrays”), and video surveillance. The ACLU found that in California there are at least 90 communities (40 counties, 50 cities) possessing some form of surveillance technology. The ACLU found that video cameras were used in more than half of the cities and counties. ALPRs were used in 57 of the 118 counties and cities in our survey possess such devices. At least 32 California communities had body cameras as of November 2014.
[\(201501-aclu_ca_surveillancetech_summary_and_recommendations.pdf\)](#)

Local law enforcement agencies have also acquired newer technologies like drones and “Stingray” cell phone tracking devices that can be used for surveillance. According to the ACLU, at least three communities (San Jose and Los Angeles and Alameda Counties) have acquired drones for law enforcement purposes. The ACLU reports that Stingrays exist in at least 10 different communities, including Los Angeles, Oakland, San Jose, San Francisco, San Diego and Sacramento. (*Id.*)

The survey by the ACLU found a publicly available use policy for fewer than 1 in 5 surveillance technology programs. (*Id.*)

- 3) **Existing Law Requires Law Enforcement To Have Transparent Policies for the Use of the Surveillance Technologies of Automatic License Plate Recognition Systems (ALPR) and Cell Phone Intercepts (CCIT):** SB 34 (Hill) Chapter 532, Statutes of 2015, imposed a variety of security, privacy and public hearing requirements on the use of automated license plate recognition systems, as well as a private right of action and provisions for remedies. SB 34 specifically required that a public agency that operates or intends to operate an ALPR system to provide an opportunity for public comment at a public meeting of the agency's governing body before implementing the program.

SB 741 (Hill) Chapter 741, Statutes of 2015, prohibits a local agency from acquiring cellular communications interception technology unless approved by its legislative body. SB 741 also requires local agencies to develop and release a usage and privacy policy for CCIT.

- 4) **Santa Clara County Ordinance on Surveillance Technology:** On June 7, 2016, the Santa Clara County Board of Supervisors approved (5-0) a regulatory framework governing the acquisition and use of surveillance technology by County officials, including the Sheriff and District Attorney.

Under the new law, officials who want to purchase and use surveillance technology in Santa Clara County will have to meet the following requirements:

- a) Provide analysis of the privacy and due process implications of the technology they wish to acquire;
- b) Submit for approval a set of “use policies” governing the use of the technology, before the technology is acquired or used; and
- c) Report back annually on the use of the technology, in order to provide some measure of accountability.

The ordinance also provides that the Board of Supervisors, “...shall assess whether the benefits to the impacted County departments and the community of the surveillance technology outweigh the costs – including both the financial costs and reasonable concerns about the impact on and safeguards for privacy, civil liberties and civil rights.”

The ordinance addresses specific existing technologies (like surveillance cameras, automated license plate readers, and cell-site simulators), but also attempts cover surveillance technologies which have not yet been developed, by providing a broad definition of “surveillance technology.”

The ordinance provides law enforcement with exceptions in the case of “exigent circumstances,” that is in cases of “...an emergency involving danger of death or serious physical injury...” (<https://www.sccgov.org/sites/d5/newsmedia/press-releases/Pages/SurveillanceOrdinance.aspx>)

This bill takes a similar approach the Santa Clara County Ordinance.

- 5) **Broad Definition of Surveillance Technology in This Bill:** This bill defines “Surveillance technology” as any electronic device or system primarily intended to monitor and collect audio, visual, locational, thermal, or similar information on any individual or group. The definition goes on to specify that “surveillance technology” includes, but is not limited to, drones with cameras or monitoring capabilities, automated license plate readers, closed-circuit cameras/televisions, international mobile subscriber identity trackers, global positioning system technology, radio-frequency identification technology, biometrics-identification technology, and facial-recognition technology.

“... any electronic device or system primarily intended to monitor and collect audio, visual, locational, thermal, or similar information on any individual or group” is language which includes a number of technologies which are in common use by law enforcement. Such technologies include video and audio recording of suspect interviews, video cameras in holding cells within a local police department, or video surveillance in county jails. Such technologies might not merit separate approval by the governing entity of the law enforcement agency and an opportunity for public comment.

This bill does provide some limitations on its broad definition by listing some existing technologies which are excluded from the provisions of this bill. This bill specifies that “Surveillance technology” does not include standard public agency computers and software, fingerprint scanners, ignition interlock devices, cellular telephones, two-way radios, or other similar electronic devices.

The author intends that this bill expand transparency requirements to an extensive range of

surveillance technologies currently used by law enforcement agencies, and surveillance technologies that might be used in the future. In order meet that policy objective, a broad definition of “surveillance technology” is necessary. Adopting a broad definition of “surveillance technology” can avoid a piecemeal approach to dealing with each new technology individually. However, by creating such a broad definition of “surveillance technology,” this bill will include technologies used in routine law enforcement applications.

- 6) **This Bill Requires County Sheriffs and District Attorneys to get Approval by The Board of Supervisors in Their County to Use Surveillance Technology:** Opposition to this bill has pointed out that the requirement that county sheriffs and district attorneys get approval from the county board of supervisors before using surveillance technology is potentially in conflict with an existing statute.

California Government Code § 25303 states that the board of supervisors shall not obstruct the investigative function of the sheriff of the county nor shall it obstruct the investigative and prosecutorial function of the district attorney of a county. Section 25303 goes on to say that nothing in the section, including the language above, shall be construed to limit the budgetary authority of the board of supervisors over the district attorney or sheriff.

It is unclear if requiring a sheriff or district attorney to get approval from the board of supervisors before using surveillance technology would be found to be an impermissible obstruction of the investigative function of those offices. However, the language of Government Code § 25303 does raise the potential for conflict with the language of this bill. If the Legislature intends that the provisions of this bill requiring approval by the board of supervisors apply to sheriffs and district attorneys, notwithstanding Government Code § 25303, then clarification might be appropriate. This concern does not apply to any of the other law enforcement agencies covered in this bill.

- 7) **Argument in Support:** According to the *Electronic Frontier Foundation*, “All too often, government executives unilaterally decide to adopt powerful new surveillance technologies that invade our privacy, chill our free speech, and unfairly burden communities of color. These intrusive and proliferating tools of street-level surveillance include drones, cell-site simulators, surveillance cameras, and automated license plate readers.

“Under S.B. 21, the power to decide whether or not to adopt new surveillance technologies would rest instead with the elected bodies that govern police departments and other public agencies. Most importantly, S.B. 21 would require these governing bodies to provide the general public with an opportunity to comment on proposed surveillance technologies and use policies for these technologies, before deciding whether to adopt them. This will ensure community control over decision-making about these powerful spying tools.”

- 8) **Argument in Opposition:** According to the *California State Sheriff’s Association*, “This bill will dangerously provide a roadmap to criminals as to how and when law enforcement agencies deploy surveillance technology and techniques. SB 21 requires the surveillance policy to detail the types of surveillance used, what data can and are collected by the technology and how the surveillance technology is monitored for security. The risk involved in publicizing this sensitive information dwarfs any perceived benefit emanating from the desire to inform the public about how law enforcement operates as it relates to lawful

surveillance techniques.

“We are also concerned about the requirement that sheriffs submit the initial policy for approval, as well as amendments based on future technology acquisition, to the county board of supervisors. Sheriffs are independent elected officials and respectfully should not be required to obtain the approval of the board of supervisors before determining how to best carry out their duty to protect the public safety. In fact, by limiting the ability of the sheriff to acquire surveillance technology without the prior consideration of the policy by the board, SB 21 likely violates Government Code Section 25303, which states, in relevant part, ‘The board of supervisors shall not obstruct the investigative function of the sheriff of the county . . .’”

9) Related Legislation:

- a) SB 466 (Bates), would expand a rental company’s ability to use, access, and obtain information relating to a renter’s use of a vehicle obtained through electronic surveillance technology when the vehicle is the subject of an AMBER Alert. SB 466 is awaiting hearing in the Assembly Privacy and Consumer Protection Committee.
- b) AB 401 (Aguiar-Curry), would require a remote dispensing site pharmacy to utilize certain security measures, including capturing and retaining a recording of facility surveillance for 90 days. AB 401 is awaiting hearing in the Senate Committee on Business, Professions, and Economic Development.
- c) AB 1185 (O’Donnell), would expand a rental company’s ability to use, access, and obtain information relating to a renter’s use of a vehicle obtained through electronic surveillance technology when the rental vehicle has not been returned. Currently, a company must wait one week, and this bill would shorten that period to three calendar days. AB 1185 is awaiting hearing in the Senate Judiciary Committee.

10) Prior Legislation:

- a) SB 868 (Jackson), of 2015-2016 Legislative Session, would have regulated the use of unmanned aircraft and provided penalties for the violation of those prohibitions. SB 868 was held in the Assembly Privacy and Consumer Protection Committee.
- b) SB 34 (Hill) Chapter 532, Statutes of 2015, imposed a variety of security, privacy and public hearing requirements on the use of automated license plate recognition systems, as well as a private right of action and provisions for remedies.
- c) AB 1820 (Quirk), of the 2015-2016 Legislative Session, would have regulated the use of unmanned aircraft systems (UAS) by law enforcement agencies. AB 1820 was held in the Senate Judiciary Committee.
- d) SB 741 (Hill) Chapter 741, Statutes of 2015, requires local agencies to publicly approve or disclose the acquisition of CCIT. SB 741 also requires local agencies to develop and release a usage and privacy policy for CCIT.

- e) AB 1327 (Gorell), of the 2013-2014 Legislative Session, would have generally prohibited public agencies from using unmanned aircraft systems, with certain exceptions applicable to law enforcement agencies. AB 1327 was vetoed by the Governor.
- f) SB 262 (Galgiani), of the 2015-2016 Legislative Session, would have allowed a law enforcement agency to use an unmanned aircraft system if the agency complies with: (1) protections against unreasonable searches and seizures; (2) Federal Law applicable to the use of unmanned aircraft systems; and, (3) state law applicable to the use of surveillance technology. SB 262 was held in the Senate Judiciary Committee.
- g) SB 15 (Padilla), of the 2013-2014 Legislative Session, would have clarified when a law enforcement agency needs a warrant to use a unmanned aircraft system(UAS) and that an UAS cannot be used in a manner to invade a person's privacy. SB 15 was held in the Assembly Public Safety Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Asian Law Alliance
 California Civil Liberties Advocacy
 California Attorneys for Criminal Justice
 California Public Defenders Association
 Conference of California Bar Associations
 Council on American-Islamic Relations, California
 Electronic Frontier Foundation
 Firearms Policy Coalition
 San Jose Peace & Justice Center

Opposition

Association for Los Angeles Deputy Sheriffs
 Association of Deputy District Attorneys
 Association of Orange County Deputy Sheriffs
 California Association of Code Enforcement Officers
 California College and University Police Chiefs Association
 California District Attorneys Association
 California Narcotic Officers Association
 California Police Chiefs Association
 California State Sheriffs' Association
 California Statewide Law Enforcement Association
 Fraternal Order of Police
 League of California Cities
 Long Beach Police Officers Association
 Los Angeles County Probation Officers Union, AFSCME local 685
 Los Angeles County Professional Peace Officers Association
 Los Angeles County Sheriff's Department
 Los Angeles Police Protective League
 Peace Officers Research Association of California
 Riverside Sheriffs' Association

Sacramento County Deputy Sheriffs' Association
Sheriff of San Bernardino, John McMahon

Analysis Prepared by: David Billingsley / PUB. S. / (916) 319-3744

Date of Hearing: August 23, 2017

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez Fletcher, Chair

SB 21

(Hill) – As Amended August 21, 2017

Policy Committee:	Public Safety	Vote:	4 - 2
	Privacy and Consumer Protection		6 - 3

Urgency: No	State Mandated Local Program: Yes	Reimbursable: Yes
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SUMMARY:

This bill requires law enforcement agencies to develop a Surveillance Use Policy for all surveillance technologies, and requires those policies to be available to the public for comment and posting. Specifically, this bill:

- 1) Requires, by July 1, 2018, a law enforcement agency that uses or accesses information from surveillance technology, to submit to its governing body, for adoption at a public hearing, a Surveillance Use Policy, which must be in writing and made publicly available. If the policy is not adopted, the law enforcement agency is required to cease the use of the surveillance technology within 30 days. Also requires law enforcement agencies to submit Surveillance Technology Use Reports, with specified information, to their governing bodies at least every two years.
- 2) Requires, by July 1, 2018, a sheriff's department or district attorney to hold a public hearing and provide an opportunity for comment before adopting a Surveillance Use Policy, which must be in writing and made publicly available. Also requires the posting of a Surveillance Technology Use Report, with specified information, on its Internet Web site at least every two years.
- 3) Requires, by July 1, 2018, the Department of Justice (DOJ) or the California Highway Patrol (CHP), if it uses or access information from a surveillance technology, to adopt a Surveillance Use Policy. Also requires the posting of a Surveillance Technology Use Report, with specified information, on its Internet Web site at least every two years.
- 4) Provides that any person could bring an action for injunctive relief to prevent a violation of the provisions of this bill and, if successful, could recover reasonable attorney's fees and costs.

FISCAL EFFECT:

- 1) Unknown but significant DOJ costs (GF). The Division of Law Enforcement (DLE) has identified the need for three positions, first year costs of \$265,000 and annual ongoing costs of \$427,000. The Criminal Law Division will see an increase in workload to assist DLE with online investigations, data collection and reporting regarding Surveillance Use Policies throughout the state; this significant cost is unknown.

- 2) Moderate CHP costs of approximately \$500,000 (Motor Vehicle Account) for personnel and programming to develop, build and test a database. The annual ongoing costs will not be as significant.
- 3) Unknown but significant costs, in the millions of dollars, for local law enforcement agencies to comply with the provisions of this bill. For example, the Los Angeles County Sheriff's office has identified the need for ten positions and \$600,000, to comply with the provisions of this bill. Some costs will be reimbursable, such as the cost to develop a Surveillance Use Policy, but other costs will not be reimbursable since they could be considered an extension of the Open Meetings and/or Public Records Act. The Commission on State Mandates will have to determine which activities constitute a reimbursable state mandate.

COMMENTS:

1) **Background.** Current law requires data collected through the use or operation of an automated license plate recognition (ALPR) system to be considered as personal information subject to existing law pertaining to agencies, persons, or businesses that conduct business in California, and that own or license computerized data including personal information. An ALPR operator that accesses ALPR information is required to maintain a record of that access and limits the use of that information for authorized purposes only, the operator is also required to maintain security procedures and practices to protect ALPR information. A public agency that operates or intends to operate an ALPR system is required to provide an opportunity for public comment at a regularly scheduled public meeting of the governing body of the public agency before implementing the program.

Current law requires a local government or law enforcement agency that operates cellular communications interception technology, as defined, to maintain reasonable security procedures and practices, and implement a usage and privacy policy, as specified. Current law prohibits a local government or law enforcement agency from acquiring cellular communications interception technology unless approved by its legislative body at a regularly scheduled public meeting. A county sheriff may acquire such technology after a public notice of the acquisition and adoption of a usage and privacy policy.

In addition to ALPR, surveillance technology includes facial recognition systems, portable biometric scanners, social media scrubbers, portable surveillance cameras, mounted closed caption cameras, drones, and radar systems.

2) **Purpose.** This bill is intended to address transparency concerns around the use of various kinds of surveillance technologies by law enforcement agencies by requiring public notice and usage policies for law enforcement agencies that wish to use any form of surveillance technology, which in some cases would also require public approval before deployment.

According to the author, "SB 21 expands the transparency requirements established for automatic license plate readers and cell-phone tracking devices established in 2015 to all surveillance technologies used by law enforcement agencies. This means surveillance technology will subject to public disclosure and local legislative review. Surveillance technologies must be governed by a Surveillance Use Policy and law enforcement agencies must submit biannual surveillance reports."

3) **Support and Opposition.** Supporters argue that requiring the governing body to approve the use of surveillance technology will ensure community control over these

powerful spying tools. In opposition, the Peace Officers Research Association of California, argues that oftentimes, public safety uses of surveillance technology that must remain confidential in order to enhance the efficacy.

Analysis Prepared by: Pedro Reyes / APPR. / (916) 319-2081

APPROVED: September 8, 2015

PROCESS FOR ISSUANCE OF LACCHR PUBLIC STATEMENTS

ISSUE: When the Los Angeles County Commission on Human Relations (LACCHR) approves a public statement, the lack of clarity of process and timeline for issuance of the statement can result in delays that affect the relevance and value of the statement.

PROPOSAL: Obtain LACCHR support for the proposed process set forth below, that would be presented to the key stakeholders for their agreement.

STEPS:

1. The Commission votes to approve the issuance of a public statement, or votes to delegate Commission approval of a public statement to one or more Commissioners and the Executive Director. At the time of the statement approval, commission establishes whether the statement is “noncontroversial” or “Within the scope of debate”. (“Within the scope of debate” means that even though there can be debate about the perspective expressed in the public statement, the content of the statement is appropriately within the subject matter jurisdiction of the Commission.)
2. If noncontroversial
 - a. Prior to release of the statement to the news media, the Commission’s public statement shall be sent to CSS department head (Cynthia Banks) or her designee, as well as to Supervisors’ deputies, with 1 business day/24 hours’ notice to advise us if they have any concerns. If no concerns are received within that time, the statement will be deemed approved.
 - b. If concerns are received by the Executive Director or his designee, he shall share them with the Commission President and any other commissioner designated with the authority to come to an agreement with the Executive Director on whether to make changes, and if so, what those changes will be.
3. If “Within scope of debate”
 - a. Prior to release of statement to news media, the Commission’s public statement shall be sent to CSS department head or her designee, as well as to supervisor’s deputies. If no word back is received after 48 hours (i.e., two work days - not including weekends or holidays), the statement will be deemed approved.
 - b. If concerns are received by the Executive Director or his designee, he shall share them with the Commission President and any other commissioner designated with the authority to come to an agreement with the Executive Director on whether to make changes, and if so, what those changes will be.

Los Angeles County Commission on Human Relations

Responsibilities and Code of Conduct

The Los Angeles County Commission on Human Relations (“the “Commission”) works to transform prejudice into acceptance, inequity into justice, and hostility into peace. The Commission is committed to fostering harmonious and equitable inter-group relations, empowering communities and institutions, and promoting an informed and inclusive multicultural society. These principles are derived from general societal values and recognized principles of professional responsibility. As societal values compete, so may ethical principles. The ethical Commissioner must carefully balance various public and private interests based on the facts and context of each situation guided by the commitment to serve the public interest. Individual Commissioners should be knowledgeable, honest and forthright in their dealings with other Commissioners, local elected officials and staff, as well as the general public. Although not elected by the public, Commissioners are accountable for their actions in the communities they serve.

Commented [RT1]: Our current mission statement is added, and our old mission statement (“...is committed to...” was moved to the second sentence.

In addition, all Commissioners agree to abide by the standards set for in this Responsibilities and Code of Conduct that, in sum, comprise guidelines for ethical conduct organized under three main categories:

Responsibility to the Community

Responsibility to the Profession

Code of Ethics and Conduct

Responsibility to the Community

All Commissioners should remember that it is their duty, as public servants, to advance the greater good of the community. Commissioners shall:

1. Advocate for the community, striving to protect its integrity while balancing the human and civil rights and liberties of individual citizens.
2. Promote public awareness of, access to and support for Commission goals, objectives, programs and resources.
3. Develop standards and guidelines that are appropriate and ensure the highest standard for the quality of life for all.
4. Respect the diversity of communities with varying cultures and modes of operation.
5. Respect the public’s right to know by providing full, clear and accurate information and observing both the letter and spirit of open meetings and open records laws.

Commented [RT2]: To align with our guiding principles and core values adopted in 2016

6. Provide opportunities for meaningful public participation in the work of the Commission.
7. Make timely, fair, informed and impartial decisions that guarantee community representation.
8. Be sensitive to the interrelatedness of their decisions and the long-term implications for human relations and the community.
9. Seek compromises or search for alternatives where necessary to achieve overall goals.
10. Continually evaluate and update their plans, standards, guidelines and procedures to ensure they meet the community's current and future needs.
11. Always strive to make decisions that are in the best interest of the community.

Responsibility to the Profession

Commissioners are drawn from many disciplines and backgrounds. The common thread that joins them is their interest and commitment to encourage positive human relations and protect fundamental human rights in their communities. Commissioners have an obligation to advance the best interests of this profession in the context of their commission work. Commissioners shall:

1. Be mindful that they are representatives of the Commission and conduct themselves in a way that brings credit to the Commission and its goals.
2. Share their knowledge and experience, and contribute to the development of colleagues, particularly newly appointed Commissioners, students, and interns.
3. Actively promote human relations and human rights, and strive to increase the involvement of underrepresented groups.
4. Work collaboratively with related professionals and professional organizations whose actions also affect human relations.
5. Treat fairly and comment responsibly on the professional views of fellow commissioners, colleagues and members of other professions.
6. Acquire a depth of knowledge that will enable them to explain to others the role of human relations in a complex, modern world.
7. Recognize that the field of human relations is constantly evolving, and actively pursue continuing professional educational opportunities in order to maintain, refine and enhance their abilities as practitioners.

Commented [RT3]: Also to align with our mission/vision/values statements adopted in 2016

CODE OF ETHICS AND CONDUCT

All ~~employees and~~ Commissioners are required to sign the Code form certifying that, in serving on the Commission and in all other activities related to the Commission, they shall be mindful of the following standards:

• **Compliance Requirements.** All ~~employees and volunteers~~ Commissioners are required to comply with applicable federal, state and local laws and regulations and ~~with~~ Los Angeles County ~~corporate~~ policies and regulations.

• **Actions Prohibited by the Code of Business Ethics and Conduct.** No ~~employee or volunteer~~ Commissioner shall engage in the following actions:

a. **Personal Use.** Authorize the use of or use for the benefit or advantage of any person, name, emblem, endorsement, services or property of the Commission, except in connection with Commission duties.

b. **Financial Advantage.** Accept or seek on behalf of or any other person, any financial advantage or gain of other than nominal value offered as a result of the employee's or Commissioner's affiliation with the Commission.

c. **Commission Affiliation.** Publicly use any Commission affiliation in connection with the promotion of partisan politics, religious matters or positions on any issue not in conformity with the official position and expressed values of the Commission.

d. **Confidentiality.** Disclose any confidential Commission information that is available solely as a result of the employee's or Commissioner's affiliation with the Commission to any person not authorized to receive such information, or use to the disadvantage of the Commission any such confidential information, without the express authorization of the Commission.

e. **Improper Influence.** Knowingly take any action or make any statement intended to influence the conduct of the Commission in such a way as to confer any financial benefit on any person, corporation or entity in which the individual has a significant interest or affiliation.

f. **Conflict of Interest.** Operate or act in a manner that creates a conflict or appears to create a conflict with the interests of the Commission and any organization or individual in which the employee or commissioner has a personal, business or financial interest. In the event there is a conflict, the Commission has a structured conflict of interest process [perhaps the County already has one?]. First, the individual shall disclose such conflict of interest to the president or executive director of the Commission. Next, a decision will be made about the conflict of interest, and, where required, the individual may be required to recuse or absent themselves during deliberations, decisions and/or voting in connection with the matter.

g. **Contrary to the Best Interest of the Commission.** Operate or act in any manner that is contrary to the best interest of the Commission.

h. **Professional Boundaries.** Conduct that violates standards of professionalism with respect to their interactions with Commission staff and each other. Commissioners are not authorized to

Commented [RT4]: If employees are included, we would need to run this by many other channels to make sure this is consistent with the county personnel policies, etc., as well as collective bargaining agreements (CBAs) with the union, to determine if this goes beyond what county policy and the CBAs require of employees. While I personally have no problem having employees signing this, it would likely create a delay and be a major obstacle to getting this put into place.

Commented [PG5]: Just highlighting this is a question for staff here.

Commented [RT6]: Yes, the County is regulated by state conflict of interest laws. The Form 700 is the disclosure process that is part of the oversight mechanism. But its focused on economic conflicts of interest, so the steps stated here is good to include. And the Commission can also through its bylaws address how it handles these issues with its commissioners.

Commented [RT7]: We've handled Commission matters this way in the past.

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directly supervise, manage or discipline Commission staff. Commissioners should defer to County management on personnel matters. Commissioners should observe respectful and professional boundaries in their communications (electronic, in-person, phone, etc.) with one another and County employees at all times.

Commented [RT8]: Commission staff members requested this addition.

CERTIFICATION OF COMMITMENT TO

THE CODE OF ~~BUSINESS~~ ETHICS AND CONDUCT

I, ~~certify~~ that I have read and understand the Code of ~~Business~~ Ethics and Conduct of the Los Angeles County Commission on Human Relations (“the “Commission”) and agree to comply with it, as well as applicable laws that impact the organization, at all times. I affirm that, except as listed below, I have no personal, business or financial interest that conflicts, or appears to conflict, with the best interests of the Commission. I agree to discuss any conflicts listed below with the president or executive director of the Commission and to refrain from participating in any discussions, deliberations, decisions and/or voting related to the matter presenting the conflict until such time as it is determined by the Commission that the conflict is mitigated or otherwise resolved.

Describe any potential conflicts:

At any time during the term of my affiliation with the Commission, should an actual or potential conflict of interest arise between my personal, business or financial interests and the interests of the Commission I agree to: (1) disclose promptly the actual or potential conflict to the president or executive director of the Commission; and (2) until the Commission approves actions to mitigate or otherwise resolve the conflict, refrain from participating in any discussions, deliberations, decisions and/or voting related to the conflict of interest.

Failure to comply with the Commission Code of Conduct may result in consequences allowable under any applicable Commission bylaws and policies, County policies, or state and federal laws.

Signature: _____ Date: _____

Print Name: _____

Commented [RT9]: Commission staff members proposed this to address not only conflicts of interest, but compliance with the many other elements of this code.

JOHN ANSON FORD TRUST FUND GUIDELINES

Background

1. The John Anson Ford (JAF) Trust Fund of the Los Angeles County Commission on Human Relations (LACCHR) is named for the former County Supervisor (1934-58) who was one of the County officials responsible for establishing the Commission. Mr. Ford had a long history of involvement in intergroup relations and numerous other activities intended to improve the quality of life for County residents.
2. The JAF Trust Fund was established to support the programs and projects of the LACCHR, an agency established by ordinance as part of Los Angeles County government (Chapter 2.78 of the Los Angeles County Code). The Commission's mission is to promote better human relations in Los Angeles County by working to transform prejudice into acceptance, inequity into justice, and hostility into peace.
3. The original JAF Trust Fund was established to accommodate the receiving of monies (ticket sales, event sponsorship, and donations) and paying of bills connected with the Commission's annual human relations awards luncheons.
4. Monies that remain in the JAF Trust Fund at the close of the fiscal year shall remain in the Fund, and shall not revert to the County General Fund or be used for any other purpose other than the furtherance of the Commission's work.
5. Contributions to the JAF Trust Fund have been, and as long as it is in compliance with applicable tax laws, shall be considered tax-deductible.

Guidelines for the JAF Trust Fund

6. The LACCHR JAF Trust Fund is a Commission bank account under the auspices of Los Angeles County government.
7. All such spending of the trust funds must have as their ultimate purpose the furtherance of the Commission's work, be it the improvement of intergroup relations, reduction of discrimination, protection of human rights, or any other goal or objective of the Commission as set forth in the relevant sections of the County's ordinance, the Commission bylaws, vision, mission, strategic plan, or any other specific program, project or action taken in furtherance of the aforementioned purposes. Use of monies from the JAF Trust Fund must be approved by the Commission through a general budget or by specific action of the Commission held in compliance with open meetings laws.
8. Donations solicited on behalf of the Commission or the Department become Los Angeles County assets, and not assets of individual offices. Therefore,

donated assets are subject to County fiscal policies and procedures. For more detailed information, see County Fiscal Manual, Section 2.4.0 Donations and Donation Trust Funds.

- 8.1. The permissible use of any funds contributed to the JAF Trust Fund shall be determined by the donor's intent indicated by specific language in the memo of any check received, or by an explicit written communication from the donor regarding the donation. When restricted donations are received, they can only be used for the purpose specified by the donor.
- 8.2. If a donor's contribution to the JAF Trust Fund is not accompanied by or connected to an explicit written communication regarding the use of such contribution, it shall be considered "unrestricted" and subject to the guidelines for usage set forth in this document.
9. Unrestricted contributions to the JAF Trust Fund may be used to achieve the mission of the commission, as referenced herein for any purposes of the Commission and at the discretion of the Commission, as set forth in section 7 above. One key criterion for such Commission spending of unrestricted funds shall be whether it is for Commission needs for which there are insufficient County funds available. Unrestricted funds are never to be used for parties, awards, conferences or gifts for County employees.
10. All donations and contributions must be reported to Revenue Management Section of Financial Management Division.

JAF Human Relations Awards Event

10. Individual and corporate contributions to the JAF Trust Fund may be made in order to purchase a ticket or tickets to the Commission's awards event, to cover the expenses of the event, to support the work of the Commission, or for other purpose consistent with the Commission's work, per section 7 above. A donor may indicate their intent of their contribution. If the donor does not specify a particular purpose, the Commission may use it for any purpose within the parameters set forth in the previous sentence.

Miscellaneous Commission Purposes

11. Contributions, may also be made by a donor to the JAF Trust Fund for a variety of other needs, such as training and education expenses for Commissioners and staff (including related necessary travel expenses), communication and social marketing costs for Commission programs and projects, and miscellaneous expenses for Commission-sponsored events.

Tax Deduction Guidelines for Donations

12. Contributions or gifts to WDACS or to any of its branches or commissions are tax deductible if they are for public purposes.

Los Angeles County's Federal Identification Number is 95-6000927, and its California Tax Identification Number is 800-9593.

WDACS – HUMAN RELATION BRANCH PROCEDURES

Receipt Guidelines for Soliciting Donations

13. Per County Code requirement, 7.24.200, each person making a contribution shall receive a written receipt that contains, in addition to a description of the amount and kind of the contribution, the following information:
 - a) The name of the contributor and/or entity contributing the funds;
 - b) The donor's specific intent for the contribution, if any; and
 - c) A statement that the donor was advised of key JAF Trust Fund information, such as the purpose and the title of the fund, contact person for future questions, and contact information of that person, etc., prior to making the contribution, or any information that is required by applicable laws and policies.

Departmental Receipt (DR)

14. Must issue receipts immediately in the presence of the donor for the following acceptable methods of payment: checks, money orders, cash, material donations (computers, supplies, etc.). To obtain a Departmental Receipt book, contact Revenue Management Section of FMD.

Donation Account Withdrawals, CSS 7

15. Ensure there are enough funds available, complete CSS 7 and attach to the Requisition (RQN) to be reviewed by FMD:

Trust Fund Spending Plan

16. Develop Spending Plans on a fiscal year basis that is approved by management to prevent the accumulation of trust monies.

WDACS – FINANCIAL MANAGEMENT DIVISION PROCEDURES

Trust Fund Monitoring

17. Trust funds must be closely monitored by WDACS' Financial Management Division, Revenue Management to ensure they are being utilized as intended. Department staff should examine trust fund deposits and withdrawals to ensure they are in compliance with the purpose of the

trust fund. Also, management should develop spending plans each fiscal year.

- 18.1 WDACS will maintain the JAF Trust Account, which will be operated for the benefit of the LACCHR.
- 18.2 Unless specifically stipulated by the donating party or stated as part of the revenue generating activity, all funds deposited to the JAF Trust Account will be used for the benefit of the LACCHR.
- 18.3 WDACS' Financial Management Division will maintain all revenues and records of expenditures incurred against this account.
- 18.4 FMD will provide monthly updates on the JAF Trust Account activity to the Executive Director of the Los Angeles County Commission on Human Relations.

Monetary Donations

- 19. WDACS staff is responsible for the accounting of all funds, donated, or collected and for depositing of monies into the trust account on behalf of the JAF Trust Fund.

Accessing Funds

- 20. In keeping with WDACS' internal procedures for accessing all County funds, WDACS staff will process a "RQN" and/or a "Request for ISD Service" when accessing JAF Trust Fund monies.

JAF Trust Fund Expenditures

- 21. Invoices will initially be paid by WDACS after approval by the LACCHR Executive Director or designee, and then be reimbursed from the JAF Trust account.