

## President of deputy group sues to stop review panel funds

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Author: J. Stryker Meyer

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The president of the 1,200-member Deputy Sheriff's Association, acting as a private citizen, filed a civil suit seeking a permanent injunction to block funding for the civilian review board approved by voters in last November's election.

"The expenditure of public funds to implement and operate the review board constitutes an illegal expenditure of public funds," DSA President Randy Dibb asserted in the lawsuit, the second civil action filed to stop the county from forming the review board. The first was filed by the DSA.

"We wanted to make sure that at least one person on the (DSA) board was involved in the suit against the county...", Dibb said. "We're not opposed to a civilian review board, but anything that they do pass has to be lawfully implemented, in areas of subpoena power, access to records, etc."

DSA's attorney, James M. Gattey, said, "The review board, as set up, is intended to investigate the Sheriff's Department. The state constitution and state governmental statutes preclude the county from setting up an agency to basically investigate the activities of the Sheriff's Department. The state Attorney General already has that power."

Gattey also said the 1976 Board of Supervisors formed a civilian review board but dropped that effort when then-Sheriff John Duffy and District Attorney Edwin L. Miller refused to honor the board's subpoenas. The two agreed to issue only "board summary reports to the review," he said.

"I'm not familiar with the history of the 1976 action," said Deputy County Counsel Valerie Tehan, "but I feel this suit is premature and without merit. (In the suit) the DSA is concerned about interfering with other investigative agencies.

"The proposal said specifically, the review board shall coordinate its activities with other public officers, including the sheriff, the district attorney, and the grand jury so as not to obstruct the investigative and prosecutorial functions of other officers. What more do they want?"

As to the critical issue of subpoena power, Tehan said, "That issue was handled differently this time because we amended the charter to provide for it. I feel very comfortable with the county's position in this case. Now, the issues will be settled in court."

In other litigation, before Jim Roache was sworn into office, the DSA filed a request for a restraining order to stop the county from moving quickly to implement the review panel. In court papers, DSA lawyers argued that the county's labor contract with deputies required it to "meet and confer" with the DSA before taking any action that would change working conditions.

The DSA contends that the review board will change working conditions. Tehan adamantly denies that.

Earlier this month, Roache asked, as an interested party, to be removed from that suit. A Superior Court will decide that question next month.

"This is an issue that impacts Sheriff Roache as the official custodian of records, and, to date, he has been supportive," Lehan said.

Michael Crowley, a spokesmen for CLEAR (Citizens for Law Enforcement Accountability and Responsibility), said Dobb "is wrong on the law and I think the vote by the people demonstrated a need for (the review panel). To say it's not needed is to be totally contrary to the voters. The voters have spoken and the need is totally overwhelming."

Credit: Staff Writer

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<b>Abstract</b> (Document Summary)
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