

## Roache's request on review unit opposed

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### Document Text

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A group of civil rights activists yesterday urged county supervisors to reject Sheriff Jim Roache's request to investigate complaints against his deputies before they are referred to an independent review board.

"The changes sought by the sheriff would destroy the review board's ability to fulfill the voters' mandate for independent, effective and credible civilian oversight," said Betty Wheeler of the American Civil Liberties Union (ACLU) said in a prepared statement.

Roache maintains that he must have the first crack at investigations to fulfill his statutory duties as sheriff.

The proper role of the envisioned Citizens' Law Enforcement Review Board is to "fully evaluate the quality, reliability and integrity" of the sheriff's internal investigations, he said.

An ordinance to create the investigative panel will come before supervisors on Tuesday.

According to Wheeler, Roache's recent proposal to require the review board to wait 120 days after receiving complaints before launching independent investigations is "a last-ditch effort" to undermine the panel.

She said the newly elected sheriff's own internal affairs unit "would be given the exclusive right to investigate complaints for four months -- enough time to cause witnesses to be lost to the review board, to allow deputies to get their stories straight."

Wheeler was among several activists who spoke against Roache's proposals for the soon-to-be formed 11-member review board.

Others who took part in a downtown news conference included Michael Crowley, of the ACLU's police practices committee; Roberto Martinez of the American Friends Service Committee; Douglas Oden of the Earl B. Gilliam Bar Association; attorney Tom Adler; and Jim Butler, a former Navy chaplain who was awarded \$1.1 million last summer in a suit that alleged that he was brutalized by deputies. That case is under appeal.

Butler was accompanied yesterday by several others who said they had been brutalized by sheriff's deputies. Adler, who is Butler's attorney, said his client has offered to use his court award to fund the review board's first year of operation.

Those who took part in the news conference said they opposed Roache's request that the review board not be allowed to make recommendations about criminal prosecution or determining guilt. They also said a separate request by the sheriff that the review board make copies of its records available to him could undermine its confidentiality.

The group attributed to Roache a proposal to require that complaints be filed within 60 days of an alleged incident. Roache later said that he also opposed the suggestion, which came from the chief administrative office.

Voters last fall approved a charter amendment that gave the county the authority to create an advisory board to monitor the Sheriff's Department. Supervisors placed the measure on the ballot following county grand jury reports outlining inmate abuses within the region's overcrowded jail system.

As approved by the voters, the review board would have subpoena powers to investigate allegations of misconduct concerning peace officers or custodial officers employed by the Sheriff's Department or the Probation Department. Its duties would include looking into complaints of excessive force, discrimination, sexual harassment, the improper discharge of firearms, illegal search or seizure and criminal conduct.

Roache's request to conduct initial investigations of complaints against his officers "makes sense," said Supervisor George Bailey.

"The first guy in has to be the sheriff to see what's going on inside his department," he said.

John MacDonald, chairman of the Board of Supervisors, agreed.

"As long as the review board has subpoena powers and the authority to do its own investigation, I don't have any problem" with Roache's suggestion, he said. "People might think the sheriff's internal investigation units would try to cover something, but this review board will be alert to that possibility."

Supervisor Brian Bilbray said he shared some of Wheeler's concerns, however. He said his goal was to implement the type of review board that the voters envisioned.

Credit: Staff Writer

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#### **Abstract** (Document Summary)

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