

1 **9 POINTS ON THE UNLAWFUL NATURE OF THE SHERIFF'S OVERSITE**

2 **COMMITTEE**

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4 **POINT #1**

5 **The constituents of Alameda** County are being asked to agree to something that is against our  
6 best interests. Yes, accountability is of utmost importance, but what is needed is accountability  
7 **for ALL Public Offices equally and according to the law. Not just certain Offices.** The  
8 County Board of Supervisors is equally responsible for the conditions in the Jail and oversight  
9 should be wholistically applied to their Offices and across the board to Judges, Courts,  
10 Attorneys, Municipal Police and California Highway Patrol. AB1185 and an Oversight  
11 Committee will interfere with the function of the Office of the Sheriff, Its contract with the  
12 people and paralyze the only Law Enforcement body that is accountable directly to the Public.  
13 **We elect the Sheriff.** Police Chiefs and California Highway Patrol Commissioners are  
14 appointed, and they do not balance our unalienable rights with their policy enforcement duties,  
15 and this has led to profiling, unlawful arrests, obstruction of due process, minimum sentencing  
16 laws and malicious prosecution and worse, the murdering of our sons and daughters. This has  
17 forced the Public to seek remedy through lofty Federal District Courts, long drawn-out litigation,  
18 technically difficult and expensive lawsuits. The Office of the Sheriff maintains our DIRECT  
19 ACCESS to Law Enforcement on a local level. This State Legislature's Bill is unlawful and  
20 illegal, and it will restrict our access to our local government and consolidate it in the hands of  
21 appointed, quasi-employees who would have subpoena power, who would be unbonded against  
22 crimes and do not have to swear an oath to protect the Public's Rights. Be it known; the Master  
23 Crime policy of the County would not cover any of these potential criminal acts of this proposed  
24 Sheriff's oversight committee.

25 **POINT #2**

26 At minimum it is dysfunctional for the Board of Supervisors to begin to implement this process.  
27 As the Legislative Branch of the County, the Board should recognize and know that the State's  
28 Legislature **lacks the authority** to write legislation such as this and ask for the construction of  
this type of body. It is simply out of order for Board of Supervisors to construct and appoint  
people to this type of committee. It in effect creates an unaccountable extension of themselves  
and has great potential for abuse. The California State Assembly Bill will restrict the Public's  
access to our local government Office and consolidate it in the hands of appointed, quasi-

1 employees who are paid by stipend, but would also have subpoena power, who would be  
2 unbonded against crimes and do not have to swear an oath to protect the Public's Rights. The  
3 Master Crime Insurance Policy of the County does not cover these quasi-employees. Therefore,  
4 therefore is no real accountability from a committee who would be set up to ensure  
5 accountability. AB1185 overreaches and upsets the Checks and Balances that are constructed to  
6 defend and limit the abuse of power of government. The intention to limit State power is good,  
7 but it cannot be achieved by increasing state power, which has proved itself to be abusive. We as  
8 county constituents have more in common than we realize, we all value human rights and want  
9 accountable law enforcement. It is tantamount to understand that the official role of the Office of  
10 the Sheriff is to protect the very things that we all value and that the Office is our only  
11 mechanism to enforce punishments for other public offices that are breaking the law. It is **our**  
12 responsibility to hold the Sheriff to account **DIRECTLY**. And it is our responsibility to know  
13 how to do that rather than rely on the government to police itself.

### 14 **POINT #3**

15 **The Public understandably wants the abuses from law enforcement to stop**, But there is far  
16 more to the criminal justice system than just the Office of the Sheriff. The harm to the Public  
17 begins with the very laws that put citizens in jail for victimless crimes. Many of the bills passed  
18 are never run through any **judicial review test to establish Constitutionality**. The Municipal  
19 Police forces, BART police and California Highway Patrol enforce these thousands upon  
20 thousands of codes and statutes that lead to arrests and court processes. Defense attorneys  
21 immediately waive the rights of their clients in the courts and fail to properly defend their clients  
22 as their allegiance is primarily to the court. The Judges and the courts often impose onerous fines  
23 and minimum sentencing laws, they conduct malicious prosecutions that can **and do** incur steep  
24 fines or worse, funnel the People of Alameda into the County Jail which harms and damages  
25 these people, physically and financially and sometimes irreparably. Further, the City police and  
26 the California Highway Patrol are unelected and unaccountable. If anything, a committee should  
27 be pointed directly at the Superior Court of Alameda County... The municipal police departments  
28 and the California Highway Patrol both need to have **DIRECT DEFUNDING EFFORTS** pointed  
at THEM. They should be removed from the corporate cities and put under the purview of the  
**ELECTED, OATH SWORN AND BONDED OFFICE OF THE SHERIFF** which is the  
Executive Branch of the County and where the responsibility of Conservator of the Peace and  
Chief Law Enforcement Officer resides and has resided for centuries. **(end)**

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4 **POINT #4**

5 AB1185 is an overreach of the State and County’s Legislative branch into the Executive branch  
6 of the County and would be destructive to our system of checks and balances. This “Oversight  
7 Committee” interferes and attempts to trespass on the People’s direct contract with the Sheriff  
8 elect and the Oath of Office he gives to protect our Right to life, liberty and property. The office  
9 of the Sheriff is required to perform Common Law duties, Constitutional law duties, and it is also  
10 commissioned by the Governor to execute defacto statutes and codes, but primarily with a  
11 requirement that he first and foremost protect the guaranteed rights of the people. The Sheriff is  
12 wholly independent of the California Legislature and the County Board of Supervisors, and the  
13 Alameda County Board of Supervisors has the duty to refuse to enforce or enact any Bills that  
14 are not true legislation and that are in violation of the due process rights of the Public. The Board  
15 of Supervisors is reminded that individuals in violation of the actual law or their sworn Oath of  
16 office can be held personally liable and qualified immunity can be withdrawn. The office of the  
17 Sheriff was established under the Magna Carta, 500 years before the founding of this Country.  
18 The people separated the Sheriff from the King in order to stop the unlawful acts carried out by  
19 the King against the People. If the Board can “oversee” can the Board then punish the Sheriff if  
20 the Sheriff decides that he or she is going to follow the law rather than an unlawful ordinance?  
21 What will happen to the Sheriff if he decides to investigate any on of the Supervisors for  
22 corruption? Can that be stopped.

23 **POINT #5**

24 If the people of Alameda County want their Rights to be protected and upheld, It is important  
25 that they recognize and support the Sheriff’s independence in the performance of his/her  
26 Common Law duties, including (but not limited to) his/her duty to protect the people’s rights and  
27 their life, liberty and property. The people do not acquiesce to the Board of Supervisors and the  
28 State Legislature interfering with the Alameda County Sheriff’s performance of his/her duties.  
The People recognize the role of the Sheriff in County governance, and we do not consent to  
Board of Supervisors capturing the authority of the Office of the Sheriff. This attempt from the  
State and County Board of Supervisors is paramount to an act of war on the People, yet, it is no  
surprise. The following portentous statement is as true today as it was when written in 18<sup>th</sup>

1 Century: “Because it is in the nature of unrestrained government servants to seize more and more  
2 power and control over the People, this is precisely why we need a true Lawman who takes pride  
3 in the knowledge of the Law. The office of the Sheriff is not to blindly enforce codes, rules and  
4 statutes but to enforce the Law and constitutional statutes that prevent lawless servants from  
5 injuring the People.” - Thomas Jefferson

6 **POINT #6**

7 **I now read an excerpt from the 1960 text of the document entitled “Sheriff’s Manual” By**  
8 **EVERETT M. KING, Coroner of Alameda County, California:** “The sheriff is required to  
9 protect the person, property, health, and morals of every citizen in the county, and these rights  
10 and possessions must not only be protected, they must be made continuously safe. The sheriff  
11 shares his responsibilities with both state and local officers who operate within his county, but  
12 this does not, in any degree, remove overall responsibility from him. The sheriff, almost  
13 universally, is empowered to correct any unlawful situation in his county **whether it occurs in a**  
14 **municipality** or in an unincorporated area. Any condition detrimental to the public welfare in a  
15 local municipality may not be overlooked. The problem is not the exclusive responsibility of the  
16 municipality concerned. The sheriff must correct these conditions, **even if it causes antagonism**  
17 **and resistance by city officers.”**

18 CHAPTER FOUR of the same manual list the POWERS, DUTIES AND  
19 RESPONSIBILITIES OF THE SHERIFF as follows:

- 20 ○ the power to preserve the peace without interference
- 21 ○ absolute powers in times of emergency
- 22 ○ powers not subject to the direction of others within his jurisdiction
- 23 ○ all of the common-law powers and duties
- 24 ○ It is the duty of a sheriff to preserve the peace, enforce all laws, and arrest and commit all  
25 violators of the law.
- 26 ○ It is the duty of the sheriff carry out mandates and execute all processes given him, and to  
27 preserve the peace and tranquility of the court.
- 28 ○ He is bound to respond to, follow out, and enforce all orders and directives of the court.
- As principal guardian of the peace within the county, he must suppress vice, crime, and  
other evil conditions.
- The sheriff sometimes directs a civil defense establishment, a rehabilitation center, a  
clinic, or a juvenile bureau to fulfill specialized requirements.

- 1 ○ The sheriff and his staff are the first to be involved in case of war, flood, explosion, or any
- 2 disaster occurring in his jurisdiction. In his capacity as chief law enforcement officer, it is
- 3 ○ his duty to take command in any dangerous situation.
- 4 ○ The responsibilities of the sheriff are, in many instances, governed by the official
- 5 himself...In case of unusual danger, the exercise of the sheriff's discretion is unlimited.”

6 **(end)**

7 **POINT #8**

8 The following be done if it is not being done already to address the public's outcry about  
9 conditions at the Jail:

- 10 1. Each Supervisor personally walk the jail twice a year at least
- 11 2. The Office of each Supervisor should audit the systems and procedures of the jail and talk
- 12 with inmates which are your constituents too.
- 13 3. Evaluate and nullify laws that harm the public such as those that violate their due process
- 14 rights or that imprison them for victimless crimes.
- 15 4. Refrain from passing ordinances that do not meet Constitutional testing.
- 16 5. Upon admission to the jail, create a system that identify inmates that have mental health
- 17 issues and provide the Office of the Sheriff with real resources that can truly rehabilitate
- 18 6. members of the Pubic who are vulnerable, who find themselves in troubling situations and
- 19 may have hit rock bottom. If a person is suicidal, can the Office of the Sheriff truly
- 20 address that?
- 21 7. Each Member of the Board of Supervisors needs to take direct and professional
- 22 8. responsibility for conditions in the County's jail and create a partnership with the Sheriff
- 23 rather create a system that will destroy checks and balances. **(end)**

24 **POINT #9**

25 Assembly Bill 1185's passage in September 2020 allows a county to set up an oversight board or  
26 commission to review the actions of the Sheriff's Office. If genuine oversight is to happen, it  
27 should be similar to the San Francisco Police Commission and Oakland's Community Police  
28 Review Agency since they intend to help set policy, investigate complaints of police misconduct,  
and conduct disciplinary hearings on the charges. Currently, the Boards of Supervisors, City  
Councils, Mayors, or appointed selection committees determine who is on these committees.  
Instead, we citizens propose that the members of the oversight committees be elected. Elected

1 committee members will ensure decisions on misconduct, discipline, and proposed sheriff's  
2 policies are by citizens that do not owe political allegiance or  
3 debts to elected officials that put them in these committee position. Instead, the committee  
4 members' actions reflect the needs of the citizens they represent and the officers they support. As  
5 citizens, you must make the right decision for the people you represent. Only set up an oversight  
6 committee free of undue influence with members of the committee elected by the county  
7 constituents and officers they will represent.  
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