

# Time to get rid of sheriffs in California

Joe Mathews Jan. 27, 2019

The county sheriff is the problem child among California elected officials. No office is less accountable or more reliable in producing scandal.

Once elected, sheriffs in all 58 counties have power over jails and policing, and act pretty much as they please. Under our state's structure, a sheriff in California can't really be fired. Those most liable to complain about a sheriff — inmates and those accused of crimes — have trouble gaining the public's ear, let alone its sympathy. And in the Trump era, some sheriffs, especially in conservative precincts, have flirted with anti-California treason, defying state laws that protect our immigrant families.

“The power of sheriffs,” historian Andrew Isenberg has written, “is inextricably tied up in the concept of a popular justice that is not bound by anything so mundane as the law.”

In theory, sheriffs should be accountable precisely because they are elected. The California Constitution requires every county to have an elected sheriff for that reason. But in practice, sheriffs' elections are not healthy contests. They draw little media attention, so voters know little about the contenders or the issues.

And when sheriffs draw challengers, they typically come from among the sheriff's own staff. This turns sheriffs' elections into departmental civil wars, forcing deputies to choose sides and distracting everyone from protecting the public. Last year's nasty fight in Santa Clara County between Sheriff Laurie Smith and her former Undersheriff John Hirokawa focused on which of these two bosses was more responsible for excessive force, racist texts and sexual solicitations among their mutual underlings.

The job's unaccountable nature is, like our two houses of Congress, a nasty artifact of America's history as an English colony. Going back to the ninth century, English sheriffs apprehended criminals, but mostly used violence to collect taxes and extort bribes. That's why we still celebrate Robin Hood and curse the sheriff of Nottingham.

That's also why England turned the sheriff into a ceremonial position in the 1800s. But California, like other U.S. states, has preserved the problematic power of the sheriff. Last year, *Governing* magazine criticized the American sheriff as highly susceptible to corruption.

Californians know this all too well. The two most prominent sheriffs of this century — Lee Baca of Los Angeles County and Mike Carona of Orange County — are now convicted felons. In both cases, state and local officials failed to police their corruption, so federal investigations were required to push them out of office.

The fact that the feds are often the only people who can stop such abuses is an unspoken reason so many California sheriffs prioritize the immigration-related whims of federal authorities over fealty to state law.

In Stanislaus County, Sheriff Adam Christianson, just before retiring in January, falsely claimed state law was responsible for the shooting death of a local police officer allegedly by an unauthorized immigrant. (In fact, Immigration and Customs Enforcement had never sought the immigrant's deportation, and the sanctuary law was not in effect when the migrant was arrested for DUI.)

Another of President Trump's sycophant, Sacramento's Scott Jones, also has refused to submit to civilian oversight, literally locking out an inspector general investigating excessive force.

To be sure, excesses are not limited to conservative sheriffs. In the November elections, incumbent Sheriff Jim McDonnell, a distinguished LAPD commander who became sheriff after his predecessor's conviction, lost to little-known sheriff's Lt. Alex Villanueva.

Democrats and liberal groups backed Villanueva to punish McDonnell for working to soften the sanctuary state law. But Villanueva also won in part by promising to reverse McDonnell's righteous efforts to install more outside oversight of the Sheriff's Department.

In his first few weeks in office, Villanueva removed oversight and sowed chaos by removing 18 high-ranking officials from their posts and re-evaluating the ranks of 500 other commanders. Some deputies say it's no longer clear who is in charge.

Questioned about these moves, Villanueva's response was classic California sheriff: "The state Constitution lays out that the oversight of the sheriff is the voters." In other words, you must wait four years before you can stop me, no matter what I do.

There is another solution. Voters should change the Constitution — protecting ourselves by writing the elected sheriff out of it.

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