

# CHECK THE SHERIFF

May 17, 2021

Los Angeles County Board of Supervisors  
Supervisor Hilda Solis  
Supervisor Holly Mitchell  
Supervisor Sheila Kuehl  
Supervisor Janice Hahn  
Supervisor Kathryn Barger  
500 West Temple Street  
Los Angeles, CA 90012

*Via E-Mail*

RE: Check the Sheriff Coalition Support for Motion for Increasing Transparency  
Through Access to Peace Office Records

Honorable Members of the Board of Supervisors:

The Check the Sheriff Coalition—which includes the ACLU of Southern California (“ACLU SoCal”), Black Lives Matter – Los Angeles, Centro CSO, the National Lawyers Guild – Los Angeles, and other organizations and individuals directly impacted by sheriff’s deputy violence and misconduct—strongly supports the Motion on the Los Angeles County Board of Supervisors (“Board”) meeting agenda for Tuesday, May 18, 2021: *Increasing Transparency Through Access to Peace Office Records* (Supervisors Holly Mitchell and Hilda Solis). Not only does the policy of proactively publishing public records of deputy uses of force and misconduct further the law enforcement transparency and accountability goals repeatedly affirmed by this Board, but the movement of authority away from the Los Angeles County Sheriff’s Department (“LASD”) is a necessary step to ensure that this mandate is truly followed and is not merely another law to be ignored by LASD and the current sheriff.

LASD has a history of impeding transparency and shielding its deputies from accountability. Sheriff Alex Villanueva has continued and exacerbated this practice by actively undermining the mechanisms that have been put into place to address these long-term departmental failings, and has abused his power, to the detriment of the public in ways too numerous to account in this letter.<sup>1</sup> With respect to transparency, Villanueva and his spokespeople have made outrageous and demonstrably false claims. The truth is that Villanueva

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<sup>1</sup> See, e.g., Letter from Max Huntsman, Inspector Gen., to L.A. Cnty. Civilian Oversight Comm’n re: Report Back on Unlawful Conduct of the Los Angeles County Sheriff’s Department, Dec. 14, 2020, [https://oig.lacounty.gov/Portals/OIG/Reports/UnlawfulConductOfLASD.pdf?ver=m\\_s7zzvyXR6DSbMsR9AEw%3d%3d](https://oig.lacounty.gov/Portals/OIG/Reports/UnlawfulConductOfLASD.pdf?ver=m_s7zzvyXR6DSbMsR9AEw%3d%3d).

and his department have refused to comply with state law<sup>2</sup> and federal law,<sup>3</sup> the County charter,<sup>4</sup> local ordinances,<sup>5</sup> and judicial orders<sup>6</sup> that all compel them to disclose information about deputy misconduct and uses of force. Instead, Villanueva and LASD have withheld information that the public and oversight entities have a right to know, preventing any meaningful external check on the department.<sup>7</sup>

Importantly, Villanueva and LASD have systematically failed to produce records in response to California Public Record Act (“PRA”) requests seeking records related to serious uses of force and misconduct committed by sheriff’s deputies. Since January 1, 2019, Senate Bill 1421 (also known as “The Right to Know Act”) has mandated that law enforcement agencies produce records of serious use of force investigations and sustained incident of sexual abuse and official dishonesty. CAL. PEN. CODE § 832.7(b). In the face of the State’s move towards greater law enforcement transparency, LASD has been one of a few law enforcement agencies across the state to systematically violate SB 1421. For example, according to a November 2020 OIG report, as of January 2020, over 70 percent of the PRA requests pursuant to SB 1421 were still pending—the vast majority for over 180 days after they were received, in violation of the law.<sup>8</sup> The report also documented that the agency was summarily denying valid PRA requests and refusing to take the steps mandated by state law to assist requestors in identifying responsive material in the LASD’s possession.<sup>9</sup>

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<sup>2</sup> THE RIGHT TO KNOW ACT: LOS ANGELES COUNTY SHERIFF’S DEPARTMENT TO POLICE TRANSPARENCY REFORM, OFF. INSPECTOR GEN., CNTY. LOS ANGELES (Nov. 2020) (hereinafter “OIG Report”), [https://oig.lacounty.gov/Portals/OIG/Reports/RighttoKnowActLASDCompliance.pdf?ver=U1\\_gk0xtYOOUII0KiSOgVA%3d%3d](https://oig.lacounty.gov/Portals/OIG/Reports/RighttoKnowActLASDCompliance.pdf?ver=U1_gk0xtYOOUII0KiSOgVA%3d%3d).

<sup>3</sup> See Maura Dolan, *California Supreme Court backs greater access to police misconduct cases*, L.A. TIMES (Aug. 26, 2019 6:41 PM), available at <https://www.latimes.com/california/story/2019-08-26/brady-list-prosecutors-los-angeles-sheriff-california-supreme-court-police-misconduct>.

<sup>4</sup> See, e.g., *Editorial: Effective sheriff oversight still a work in progress*, L.A. TIMES (June 29, 2020, 3:00 AM), available at <https://www.latimes.com/opinion/story/2020-06-29/villanueva-subpoena-tested-in-court> (discussing that a judge will decide whether to order Villanueva to abide by the Civilian Oversight Commission’s subpoena to appear before the commission to answer questions regarding LASD’s management of COVID-19 in the county jails); Cindy Chang, *As sheriff defies subpoena on jails, watchdog plans another for Kobe Bryant crash records*, L.A. TIMES (May 21, 2020 6:55 PM), available at <https://www.latimes.com/california/story/2020-05-21/sheriff-watchdog-panel-meets-on-jail-conditions-koby-bryant-photos-without-defiant-sheriff>; Alene Tchekmedyan, *On heels of Sheriff’s Department scandal, L.A. County voters overwhelmingly back stronger oversight*, L.A. TIMES (Mar. 5, 2020 5:00 AM), available at <https://www.latimes.com/california/story/2020-03-05/voters-support-measure-r-oversight-sheriffs-department>.

<sup>5</sup> See, e.g., Alene Tchekmedyan, *Sheriff asks attorney general to monitor shooting while stonewalling inspector general*, L.A. TIMES (June 25, 2020 6:00 AM), available at <https://www.latimes.com/california/story/2020-06-25/sheriff-villanueva-attorney-general-shootings>; Maya Lau, *L.A. County sheriff’s top watchdog is under investigation — by the L.A. County sheriff*, L.A. TIMES (Aug. 14, 2019 12:34 PM), available at <https://www.latimes.com/california/story/2019-08-14/la-county-sheriffs-department-launches-investigation-against-its-chief-watchdog>.

<sup>6</sup> See, e.g., Leila Miller, *Sheriff’s Department defied court orders to name deputies with histories of misconduct. It was a costly decision*, L.A. TIMES (Oct. 17, 2020 11:58 AM), available at <https://www.latimes.com/california/story/2020-10-17/court-orders-sheriff-refuses-to-name-deputies-misconduct>.

<sup>7</sup> See, e.g., Alene Tchekmedyan, *L.A. sheriff touts reform despite a record of fighting transparency, civilian oversight*, L.A. TIMES (June 15, 2020, 2:48 PM), available at <https://www.latimes.com/california/story/2020-06-15/sheriff-villanueva-force-policies-transparency>.

<sup>8</sup> OIG Report at 14, 16.

<sup>9</sup> *Id.* at 8-9, 19.

In addition, Villanueva has continued LASD’s policy of refusing to name deputies who are involved in shootings, in defiance of a 2014 California Supreme Court ruling.<sup>10</sup> LASD’s refusal to release these names is an outlier among law enforcement agencies across Southern California and the state.<sup>11</sup> For example, the Los Angeles Police Department released all the names of officers who opened fire between 2018-2020; LASD released none.<sup>12</sup> While LASD uniformly withholds this information, claiming general concerns regarding the safety of deputies if it were released, such generalized claims are insufficient under the law, and it strains credulity to think LASD deputies routinely receive credible threats when other major police agencies in the same Los Angeles and Southern California region have released the names of nearly every officer involved in a shooting since 2018 without incident. As a result of LASD’s failure to abide by the law, families of community members LASD has killed have been left grieving in the dark.

LASD’s utter failure to fulfill requests without basis and delayed responses not only impede the statewide goal of increased transparency around policing, but they also open the County up to increased liability, as requestors seek to enforce their statutory right to these records and recoup the mandatory attorneys’ fees guaranteed to prevailing parties. *See* CAL. GOV. CODE § 6259(d).<sup>13</sup> Indeed, LASD is currently facing multiple lawsuits for failure to comply with the PRA, including a suit brought by ACLU SoCal and families who were denied records related to the killing of their loved ones that has been pending for nearly two years. The expense of these lawsuits—all of which will be borne by the County if the requestor prevails—is another unnecessary cost imposed on the people of Los Angeles County as a result of LASD’s failure to comply with basic laws. This liability is only likely to increase in the future, as the Legislature has been considering further changes to state transparency laws: the current draft of SB 16—as well as a similar bill introduced last year, SB 776 (Skinner 2020), which passed with significant support out of the Assembly but was not able to receive a Senate vote before the end of the session—imposes a civil fine of up to \$1,000 per day if records are not timely produced.

While Villanueva blames LASD’s noncompliance on its alleged lack of resources for PRA fulfillment, we understand that positions allocated to LASD for the PRA unit have gone unfulfilled.<sup>14</sup> Moreover, no amount of County funding can address LASD’s affirmative stances on withholding documents that must be released, policies that are contrary to its obligations under the PRA, or its blatant hostility to state and local attempts to implement transparency around deputy misconduct. Indeed, this backdrop is ample proof that leaving transparency and compliance with SB 1421 at the discretion of the sheriff and LASD will only continue to enable violations of the law and the public trust, and continue to cost Angelenos both the information they are entitled to and valuable public funds that are sorely needed elsewhere.

We are grateful to Supervisors Holly Mitchell and Hilda Solis for introducing this motion as an important step toward ensuring transparency with respect to the conduct of LASD deputies,

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<sup>10</sup> Alene Tchekmedyan & James Queally, *L.A. County sheriff refuses to name deputies who open fire, defying state’s highest court*, L.A. TIMES (May 6, 2021 11:08 AM), available at <https://www.latimes.com/california/story/2021-05-06/sheriffs-deputies-shootings-names>.

<sup>11</sup> *See id.*

<sup>12</sup> *See id.*

<sup>13</sup> Gov. Code Sec. 6259(d) (“The court *shall* award court costs and reasonable attorney’s fees to the requester should the requester prevail in litigation”) (emphasis added).

<sup>14</sup> OIG Report at 10.

consistent with its duty to “supervise the official conduct of all county officers,” including the sheriff, and ensure that they “faithfully perform their duties.” CAL. GOV’T CODE § 25303. We urge the Board to unanimously pass this motion and, ultimately, an ordinance that: (a) requires County agencies employing peace officers—including LASD—comply with SB 1421 by disclosing publicly available records systematically, proactively, and immediately in an easily searchable format, once the records are disclosable; (b) ensures that the names of deputies involved in shootings are published within 48 hours; and (c) takes responsibility for publishing these records, as well as responding to PRA requests, away from LASD and provides it to an agency that can be better trusted to follow the law.

Sincerely,

Check the Sheriff Coalition

Check the Sheriff Coalition is a coalition consisting of: ACLU of Southern California; American Indian Movement – Southern California; Anti-Recidivism Coalition; Bend the Arc Jewish Action – Southern California; Black Alliance for Just Immigration; Black Jewish Justice Alliance; Black Lives Matter – Los Angeles; Brothers, Sons, Selves Coalition; California Immigrant Policy Center; Central American Resource Center – Los Angeles; Centro Community Service Organization; Clergy and Laity United for Economic Justice; Creating Justice – Los Angeles; Dignity & Power Now; Essie Justice Group; Immigrant Defenders Law Center; Inner City Struggle; Khmer Girls in Action; La Defensa; Me Too Survivors’ March International; National Immigration Law Center; National Lawyers Guild – Los Angeles; Occupy ICE – Los Angeles; People’s City Council; Reform L.A. Jails; The Row Church; TransLatin@ Coalition; White People 4 Black Lives; Youth Justice Coalition; YNOT Movement.<sup>15</sup>

Cc: Justice Deputies  
Max Huntsman, Inspector General  
Brian Williams, Executive Director, Sheriff’s Civilian Oversight Commission

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<sup>15</sup> CHECK THE SHERIFF, ABOUT, <https://www.checkthesheriff.com/about>.