

February 19, 2019

Via E-Mail to avillan@lasd.org
Sheriff Alex Villanueva
Los Angeles County Sheriff's Department
Hall of Justice
211 W. Temple Street
Los Angeles, California 90012

Re: Trust and Safety Concerns

Dear Sheriff Villanueva,

We are a group of organizations and people growing increasingly concerned by the divergence of your recent actions with your campaign promises. Our three most urgent concerns are: (1) Deputy Mandoyan's reinstatement, (2) your statements about jail violence; and (3) your proposed immigration policies. These actions demonstrate blatant disregard for the pledges you made on the campaign trail as well as the people who believed them and voted you into office.

Reinstatement of Deputy Caren Carl Mandoyan

Your reinstatement of Deputy Caren Carl Mandoyan is deeply troubling. During your campaign, you said you would focus on [rooting out cronyism from the leadership of the department](#) and yet you reinstated a deputy who worked on your campaign despite being fired from the Los Angeles County Sheriff's Department (LASD) after an internal investigation and a Civil Service Commission County Appeals Board reviewed evidence of misconduct against an ex-girlfriend who was also a deputy sheriff. The allegations included: physically assaulting and strangling his ex-girlfriend; breaking down her bathroom door; attempting to break into her home on two separate occasions (caught on video); and sending her threatening text messages indicating he was surveilling her.

You remarked that a domestic violence firing must be "related to employment." Because of an officer's role in enforcing domestic violence laws, *any* domestic violence committed by an officer is related to employment. Survivors of intimate partner violence cannot trust an institution that permits persons who commit domestic violence to enforce laws against domestic violence. Law enforcement who abuse their partners have access to weapons and surveillance tools that make them particularly dangerous and difficult to escape. Deputy Mandoyan illustrated this power when he reminded his ex-girlfriend that he had "eyes and ears everywhere." The International Association of Chiefs of Police (IACP) has adopted a zero tolerance policy for law enforcement who commit domestic violence, and notes in its policy that "[\[i\]t is imperative to the integrity of the profession of policing and the sense of trust communities have in their local law enforcement agencies that leaders, through the adoption of clear policies, make a definitive statement that domestic violence will not be tolerated.](#)" The vast majority of domestic violence incidents do not result in prosecution, and criminal conviction should not be the standard for removing a member of the department. The IACP policy recognizes this by requiring a parallel administrative process, and ensuring that "[\[r\]egardless of the outcome of the criminal case, the department shall uphold all administrative decisions.](#)"

Finally, several of your comments, such as questioning the survivor's credibility because of her delay in reporting, demonstrate a fundamental misunderstanding of sexual assault and domestic violence. This incomprehension is particularly problematic because as Sheriff, you are tasked with ensuring (1) that LA County jails comply with the Prison Rape Elimination Act and (2) that deputies appropriately respond to domestic violence and sexual assault. Your failure to take violence against women and abuse of power seriously suggests a lack of understanding, care, and commitment to addressing sexual assault and domestic violence.

Accordingly, in light of our concerns expressed above, we request the following: rescind the reinstatement of Deputy Mandoyan.

Violence in the Jails

We were heartened to hear your campaign trail disdain for former Sheriff Lee Baca and former Undersheriff Paul Tanaka's violent reign in the jails, but we are very concerned about a number of statements you made about jail violence in your state of the department press conference and the conclusions you drew from the data you cited.

Any discussion about force in the jails needs to be understood in context of the long history of excessive force in the jails. For example, in its [September 2012 report](#), the Citizens' Commission on Jail Violence concluded that "[t]here has been a persistent pattern of unreasonable force in the Los Angeles County jails that dates back many years." Moreover, a significant number of sheriffs' personnel were indicted by the federal government and convicted by juries in federal court of, among other things, using unreasonable force against inmates and filing false reports to cover up excessive force that occurred between 2009 and 2011. The reforms that you described in your press conference as a "social experiment" were a direct response to the Citizens' Commission's findings, the federal convictions of sheriff's personnel, the millions of dollars of settlements and jury verdicts against sheriff's personnel for use of excessive force, and the jail policy changes required by the consent decree in the federal lawsuit, *Rosas v. Baca*. The results of these reforms are tangible and positive. The court-appointed monitors in the *Rosas* consent decree, who are independent and have no allegiance to either LASD or the plaintiffs' lawyers, recently found "that Department members do not appear to be using force to retaliate against inmates or punish inmates or in ways that result in severe injuries (such as broken bones that were too often the result of the force as noted by the Citizens' Commission on Jail Violence)."

Your assertion that hard data supports your claim that the jails are less safe now than they were in 2013 concerns us for a number of reasons. Your certainty about what the data show is undermined by the fact that both the Citizens' Commission and the Office of Inspector General found significant problems with LASD's use of force data collection and reporting. We are concerned about your making broad conclusions about problems in the jails while relying on questionable data from 2013-16. Moreover, it appears that you drew trend lines comparing data compiled between 2013-16 and data from 2017-18 even though your own charts show that LASD was not collecting the same data in the same categories in 2013-16 as it was in 2017-18.

We are also troubled by your assertion that inmate assaults on deputies have gone up and that a principal reason for that increase is deputies are either afraid to defend themselves, or have been instructed not to defend themselves. In the first place, if deputies have been instructed not to use force to defend themselves if assaulted, those instructions are not the result of the *Rosas* consent decree or the Citizens' Commission's recommendations, neither of which prevent deputies from using reasonable force to defend themselves. It also seems you are implying that if deputies had been permitted to use more force, inmate assaults against deputies would not have increased. However, the very data you cite does not support your assertion. The data you cite shows that the greatest percentage rise in inmate assaults on deputies was between 2013 and 2015, a period of time in which the use of force by deputies also rose significantly.

Your bid that deputies be "assertive" is also of significant concern in light of the past history of systematic, unlawful use of violence by deputies in the jails. Specifically, the Citizens' Commission concluded that one of the problems in the jails was a result of deputies "adopt[ing] a confrontational approach in their interactions with inmates, thereby heightening disrespect among deputies and inmates and increasing tensions in the jails."

Accordingly, in light of our concerns expressed above, we request the following:

- **Affirm that you are committed to ensuring that LASD abide by its obligations under the consent decree in *Rosas v. Baca*; and**
- **Provide us with any information, including memos or directives, which supports the claim that sheriff's personnel at the jails were instructed not to use force to defend themselves or not to report gassings by inmates.**

Immigration Policies

You ran on a platform of promises to do better by immigrant community members and differentiation from former Sheriff McDonnell's stance and policies of local cooperation with Immigration and Customs Enforcement (ICE). In particular, you committed to improving the California Values Act's (SB 54) protections for county residents, physically removing and barring ICE from all LASD property, including for purposes of transfers of individuals to ICE custody, and rebuilding trust with immigrant community members

At your swearing-in ceremony, you told your deputies that "the success of [their] career[s] will be determined by how well [they] serve the community, not the political powers that be. Those days are over. [...] Our hard-working immigrant families shouldn't have to wonder if we're here to protect them or deport them." Your proposed policy regarding ICE's access to LASD facilities is a serious departure from this and other statements you made. In fact, you have made clear that you intend to continue the destructive practice of transferring people from your jails to ICE. Replacing ICE agents with ICE contractors to handle the arrest and transfer of individuals to ICE is a cosmetic difference with the same result. The voters elected you because of your promise that you would end LASD's facilitation of deportations, but your proposed policy would continue that practice virtually unabated.

Although we believe the practice of ICE notifications and transfers should stop completely and that you made a commitment to do so to voters, you have an opportunity to at least limit this practice to encompass only individuals who have been convicted of violent or serious felonies. Instead, based on the new policy your office was set to announce on February 15th, it is our understanding that your intention is to only tinker with the list of misdemeanor crimes for which former Sheriff McDonnell would transfer individuals to ICE, rather than establish clear bright lines and truly minimize LASD's facilitation of deportations.

We see no meaningful change in the policy proposals you've made from the policies of your predecessor. We urge you to make good on your promises to disentangle LASD from ICE's deportation efforts, promises that the voters believed were consistent with our values and public safety.

We request the following:

- **Stop the practice of transferring individuals to ICE, whether through ICE contractors or directly; and**
- **If you intend to continue ICE transfers and notifications, only do so for serious or violent felony convictions, with a washout period of three years.**

Conclusion

At your swearing in, you said "[voters] have decided to make real a new vision for what law enforcement in our community should look like. This office belongs to [the people]." You ran on a reform platform of reducing cronyism, lessening violence, protecting immigrants, and building trust; however, your actions since taking office fly in the face of these campaign promises and raise serious concerns among the very communities that elected you. We call on you to hold true to your campaign pledges and to run an office that is accountable to your electorate and furthers the reforms you promised on the campaign trail.

Sincerely,

ACLU of Southern California
Aryeh Cohen, Rabbi, American Jewish University
Patrisse Cullors, Chairperson of Reform LA Jails
Neil Comess-Daniels, Rabbi, Beth Shir Shalom
Marilyn Townsend, Retired Parole Agent

Sherry Varon, White People for Black Lives
5C Prison Abolition Group
Asian Americans Advancing Justice-LA
Bend the Arc Jewish Action
California Coalition for Women Prisoners
California Immigrant Policy Center
California Partnership
Californians United for a Responsible Budget
CARECEN
Claremont Colleges Prison Abolition Collective
Community Coalition
Dignity and Power Now
End Solitary
Fair Chance Project
Immigration Center for Women and Children
Immigrant Defenders Law Center
Justice LA
Justice Not Jails
Koreatown Immigrant Workers Alliance
LA Forward
LA Progressive
Law and Mediation Offices of Joan Patsy Ostroy
Los Angeles County Deputy Public Defenders Union
Los Angeles Regional Reentry Partnership
Loyola Immigrant Justice Clinic
Mexican American Bar Association
Moms of Black Boys United for Social Change
National Lawyers Guild — Los Angeles
Peace Over Violence
People Power LA | West
Root and Rebound
Time for Change Foundation
TransLatin@ Coalition
T.R.U.S.T. South LA
UCLA South Asian Law Students Association
Youth Justice Coalition