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NO JUSTICE, NO PEACE

THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT'S
TARGETED HARASSMENT
of
GRIEVING FAMILIES



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This report was written by Rebecca Brown, attorney and legal fellow with the National Lawyers Guild Los Angeles, and Maggie Gaffney and Lindsey V. Thompson, law students at UCLA School of Law.

Invaluable contributions to this report were made by Julie Diaz Martinez, Leah Garcia, Jaylene Rea, Lisa Vargas, Stephanie Luna, and Valerie Vargas who shared their experiences of harassment at the hands of the Los Angeles County Sheriff's Department (LASD).

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1. Executive Summary

This report documents serious abuses of power by the Los Angeles County Sheriff's Department (LASD) in the form of harassment of the families of individuals LASD deputies have killed. From November 2015 to November 2020, there were 133 LASD deputy shootings.¹ Some of the families of these individuals have bravely spoken out publicly against the killings of their loved ones. LASD deputies have responded to these families who are exercising their First Amendment rights by aggressively and continuously harassing them.

To provide a glimpse into the severity of LASD's harassment of families who have spoken out against the department following the killing of their loved ones, this report chronicles the harassment of the family members of Paul Rea and Anthony Vargas, who were both shot and killed by LASD deputies. Eighteen-year-old Paul Rea was shot multiple times by East Los Angeles LASD Deputy Hector Saavedra (badge number 608299) on June 27, 2019. Deputy Saavedra has been identified as prospective member of the East Los Angeles Banditos deputy gang at the time of Paul's murder.² Twenty-one-year-old Anthony Vargas was fatally shot thirteen times by East Los Angeles LASD Deputies Nikolis Perez (badge number 602261) and Jonathan Rojas (badge number 602976), both of whom have also been identified as Banditos prospects.³

On an almost daily basis, LASD deputies try to intimidate relatives of Paul Rea and Anthony Vargas by slowly driving by or parking in front of their homes; slowly driving by memorial sites; damaging items at memorial sites; taunting family members with rude comments, gestures, smirks, and laughter; following family members while they are driving; parking outside family members' workplaces; and taking pictures of or recording family members. Deputies have also engaged in more serious and often illegal forms of harassment on a number of occasions, including targeting family members for arrest and detention without probable cause, frequently pulling over family members and searching their vehicles, and harassing family members of minor age. The following is a selection of these egregious incidents:

- In October of 2019, Paul Rea's sister Jaylene spoke publicly for the first time about her brother's murder at the hands of LASD and later attended a town hall hosted by Sheriff Villanueva. Later that evening, LASD deputies forcefully arrested Jaylene at her brother's memorial site without probable cause that she committed any crime. At around

¹ Center for Juvenile Law and Policy, LMU Loyola Law School, *50 Years of Deputy Gangs in the Los Angeles County Sheriff's Department* (Jan. 2021) at 39.

² María Elena Salinas & Caitlin Yilek, *These Latino Victims' Families say they Were Targeted by Law Enforcement*, CBS News (Mar. 10, 2021) at 11:37-11:54 available at <https://www.cbsnews.com/news/anthony-vargas-paul-rea-sean-monterrosa-andres-guardado-los-angeles-sheriff-lawsuit/>.

³ *Id.* at 11:55-12:14.

11:00 pm, deputies drove away with Jaylene in the back of a patrol car and would not tell her or her family where she was being taken or why she was arrested. They eventually took her to a hospital. During this time, for nearly two hours, LASD personnel did not provide Jaylene's family with any answers as to where she was, causing them severe emotional distress as they feared the worst. Jaylene likewise did not understand what was happening and feared for her safety. LASD deputies eventually brought her to the East Los Angeles Station around 1:00 am, when ACLU SoCal attorney Andrés Dae Keun Kwon was able to see her. Claiming no one on staff at the East Los Angeles station was able to run her fingerprints, LASD kept Jaylene overnight. Jaylene's family members and the ACLU SoCal attorney stayed at the East Los Angeles station until 7:00 am, when LASD finally released Jaylene. While she was detained, LASD personnel deleted videos Jaylene took of them on her phone.⁴

- After attending a town hall hosted by Sheriff Villanueva in September of 2019, Anthony Vargas's aunt, Valerie Vargas, was followed as she drove home by an unmarked black SUV with tinted windows and no license plates. The SUV followed her through side streets in East Los Angeles, onto the 710 freeway, and eventually off the freeway in Compton. The SUV followed her into a Walmart parking lot where it pulled up behind her, blocking her into the parking spot so she could not leave. She grabbed her cell phone to start recording and opened the car door and the SUV sped away.
- In February of 2020, LASD deputies harassed Paul Rea's fourteen year-old sister as she left her middle school, which is located across the street from the East Los Angeles station. She was wearing a sweatshirt with her brother's face and name on the front. As she was walking outside the school, two deputies stared at her and then started laughing. One of the deputies then got into a patrol car and pulled up alongside her. The patrol car followed her very slowly as she walked along the street. Janae ran into the library and called her mother for help.

While the brave family members of Paul Rea and Anthony Vargas are adamant that they will not be bullied into silence, the ongoing harassment has had a profound impact on their lives. The psychological harm and toll of the harassment includes fear for their own and their loved ones' safety, fear of facing future harassment, traumatization, retraumatization, and disruption of the grieving process. Furthermore, the extensive harassment of these and other families who

⁴ See Letter to the Los Angeles County Board of Supervisors and District Attorney Jackie Lacey, from Centro Community Service Organization, Black Lives Matter - Los Angeles, and American Civil Liberties Union of Southern California, dated November 18, 2019. See also Taylor Walker, *Grieving Families Report Harassment from LASD Deputies, Civilian Oversight Commission Votes to Investigate*, WitnessLA (Nov. 21, 2019) available at <https://witnessla.com/grieving-families-report-harassment-from-lasd-deputies-civilian-oversight-commission-votes-to-investigate/>.

have spoken out against LASD has deterred other families who have lost loved ones at the hands of LASD from speaking out for fear of similar retaliation.

This harassment of Latinx and Black families who have lost loved ones to LASD's brutal violence—often at the hands of deputy gang members—must stop.⁵ The harassment of the families of Paul Rea and Anthony Vargas is only intensifying, especially as they continue to speak out against LASD on larger platforms. Losing a child, sibling, or relative suddenly at a young age is already traumatic enough. We must allow these families to grieve in peace and seek justice. We urge the Board of Supervisors to immediately adopt the following recommendations that are aimed at putting an end to LASD's harassment of families and holding LASD personnel who engage in this conduct accountable:

- Create an independent office of law enforcement standards that would operate independently of LASD and would investigate all allegations of misconduct and impose discipline.
- Create a reporting mechanism outside of LASD for incidents of family harassment.
- Complete an independent investigation into LASD's practice of family harassment.
- Fund and expand the Family Assistance Program to provide trauma-informed support to families who lose a loved one to LASD violence.
- Ensure that LASD adopts policies prohibiting harassing or intimidating conduct by LASD personnel towards families of people who have died in interactions with LASD and requiring sensitivity and respect when interacting with these families and when present at memorial sites.
- Ensure that LASD adopts a policy requiring the transferring of deputies involved in incidents of deadly force to different stations.
- Ensure compliance with state transparency laws.

⁵ To learn more about other Latinx and Black families' experiences of harassment by LASD, see Black Lives Matter - Los Angeles, *Stop LA Sheriff Attacks: Family Forum* (Mar. 27, 2021) available at <https://www.facebook.com/799880030084316/videos/347471413335304> and Sahra Sulaiman, *Families of Those Killed by LASD Describe Ongoing Harassment by Deputies as Part of a "Triple Assault"*, StreetsblogLA (Apr. 13, 2021) available at <https://la.streetsblog.org/2021/04/13/families-of-those-killed-by-lasd-describe-ongoing-harassment-by-deputies-as-part-of-a-triple-assault/>.

2. Introduction

This report documents serious abuses of power by the Los Angeles County Sheriff's Department (LASD) in the form of harassment of the families of individuals LASD deputies have killed. From November 2015 to November 2020, there were 133 LASD deputy shootings.⁶ Over eighty percent of the people shot by LASD in this period were Black or Latinx.⁷ At least twenty of these shootings have been committed by deputies who work at the East Los Angeles station, which is home to the Banditos deputy gang.⁸ Thirty-five of these shootings occurred in the jurisdictions of the three South Los Angeles LASD stations, all of which are home to active deputy gangs.⁹

Many of the families of individuals killed by LASD have bravely spoken out publicly against the killings of their loved ones. LASD deputies have responded to these families exercising their First Amendment rights by aggressively and continuously harassing them. From conducting unlawful arrests, to following family members while driving, to making rude gestures at grieving family members, the harassment has increased as families have begun to speak out more frequently and on larger platforms, rising to an almost daily occurrence for some families.

To provide a glimpse into the severity of LASD's harassment of families who have spoken out against the department following the killing of their loved ones, this report chronicles the harassment by LASD East Los Angeles station deputies that family members of Paul Rea and Anthony Vargas have experienced since their shooting deaths at the hands of deputies from this same station. This information has been collected through interviews with family members of Paul Rea and Anthony Vargas and documentation of the harassment that the family members have provided. The information collected reveals that this constant harassment has had profound impacts on their lives as they fear for their safety and fear future harassment, are traumatized and retraumatized by each incident, and are not able to move forward in their grieving processes. Furthermore, after seeing the harassment that these two and other families have faced, families who have lost loved ones to LASD violence have chosen not to speak out against the department for fear of being subjected to harassment as well.

⁶ CJLP, *supra* note 1 at 39.

⁷ *Id.* at 40.

⁸ *Id.* at 39.

⁹ *Id.* Twelve shootings were committed by personnel from the Compton station, which is home to the Executioners deputy gang. *Id.* Another twelve were committed by personnel from the Century station where the Spartans deputy gang exists. *Id.* Eleven shootings were committed by personnel from the South LA station, which houses the Grim Reapers deputy gang. *Id.* See also Cerise Castle, *A Tradition of Violence: The History of Deputy Gangs in the Los Angeles County Sheriff's Department*, KnockLA (March 22, 2021) available at <https://knock-la.com/tradition-of-violence-lasd-gang-history/>.

This harassment is retaliation against families for speaking out, likely in violation of the First Amendment.¹⁰ Unconstitutional retaliation occurs when a government actor, in response to an individual engaging in constitutionally protected speech, takes actions that would chill an ordinary person from continuing to engage in the protected activity.¹¹ Here, family members of Paul Rea and Anthony Vargas have engaged in constitutionally protected speech when they speak out against LASD through their activism. Both families report that their respective harassment either began or drastically increased shortly after they started speaking out publicly about the killing of their loved ones by LASD deputies. In addition, as the issues of deputy gangs and family harassment have gained more public attention, including national media coverage and the launch of investigations, including the Federal Bureau of Investigations (FBI) investigation of LASD's deputy gangs and the California Department of Justice's pattern or practice investigation, the families both report that the harassment against them has intensified. The aggressive and constant harassment the two families have faced would certainly make an ordinary person think twice before speaking out against LASD for fear of being subjected to this traumatizing treatment; as discussed below, LASD's conduct has in fact deterred families from speaking out. The timing between the harassment and the families speaking out draws a clear inference that LASD is illegally retaliating against the two families.

Furthermore, this report demonstrates that LASD deputies often engage in illegal practices in violation of the Fourth Amendment to conduct this retaliation, including conducting warrantless arrests or prolonged detentions without probable cause,¹² searching cars without probable cause,¹³ and pulling over cars without reasonable suspicion¹⁴ for unreasonably long stops.¹⁵ Current deputies have confirmed that it is a common practice for East Los Angeles deputies who are members or prospects of the Banditos gang to stop people with no justification: "It's called working backwards. You make the detention first, then you figure out legally how you can make that detention."¹⁶

It is critical to note that while the scope of this report is narrow, as it only presents the stories of two families based in East Los Angeles, the harassment of families that speak out against LASD is a countywide problem disproportionately affecting Black and Latinx Angelenos.¹⁷ In East Los Angeles, other Latinx families besides those of Paul Rea and Anthony Vargas have faced retaliatory harassment after speaking out after their loved ones were killed by

¹⁰ *Hartman v. Moore*, 547 U.S. 250, 256 (2006) ("Official reprisal for protected speech 'offends the Constitution [because] it threatens to inhibit exercise of the protected right,' and the law is settled that as a general matter the First Amendment prohibits government officials from subjecting an individual to retaliatory actions . . . for speaking out.").

¹¹ *O'Brien v. Welty*, 818 F.3d 920, 932 (9th Cir. 2016).

¹² *See Terry v. Ohio*, 382 U.S. 1, 15 (1968).

¹³ *See Carroll v. United States*, 267 U.S. 132, 149 (1925).

¹⁴ *See Michigan v. Long*, 463 U.S. 1032, 1049-50 (1983).

¹⁵ *See Florida v. Royer*, 460 U.S. 491, 500 (1983).

¹⁶ Salinas & Yilek, *supra* note 2 at 11:06-11:24.

¹⁷ *See Sulaiman*, *supra* note 5.

LASD deputies. In South Los Angeles, LASD deputies have also ruthlessly harassed Black families grieving relatives killed by the department. For example, family members of Ryan Twyman, who was killed by deputies from the LASD Century Station on June 6, 2019, report that LASD deputies regularly drive by their home, give them the middle finger, laugh at them, make rude comments to them, make intimidating comments in reference to Ryan to family members while conducting illegal traffic stops, and have shown up uninvited at Ryan’s funeral and other memorial services.¹⁸ Similarly, deputies from the South Los Angeles station frequently harass the family of AJ Weber, who was killed by LASD on February 4, 2018. Deputies harass AJ Weber’s family members at their family business, follow family members, make rude gestures at them, and have even searched the family’s home at gunpoint, without a warrant, multiple times.¹⁹ Future reports that document the harassment experienced by Black families in South Los Angeles will be necessary to provide a fuller picture of the expansive scope of this issue.

Like the families from East Los Angeles featured in this report, the families from South Los Angeles have been actively speaking out against LASD’s violent killings and harassment for years at Los Angeles County Board of Supervisors (Board) meetings and Los Angeles County Civilian Oversight Commission (COC) meetings, but have not seen any meaningful action taken by County leadership to address this issue. Given the pervasiveness and rising intensity of LASD’s harassment of grieving families, it is time for the Board to step up and put an end to this unlawful and inhumane practice. The report concludes by presenting recommendations that the Board should adopt to take immediate action to stop the harassment of families and hold offending LASD personnel accountable.

a. The East Los Angeles Sheriff’s Station

The LASD East Los Angeles station employs about eighty-eight deputies who police unincorporated East Los Angeles, the City of Commerce, the City of Cudahy, and the City of Maywood.²⁰ The East Los Angeles station approaches policing these communities with an “us versus them” mentality, “embrac(ing) a warrior model of policing in which the deputies behave like an occupying force of the communities they police.”²¹ The East Los Angeles station has long been an “incubator of (deputy) gangs” that promotes this mentality of viewing the community they serve as the enemy.²²

¹⁸ BLMLA, *supra* note 5 at 1:19:30-1:26:45.

¹⁹ *Id.* at 1:26:45-1:31:00.

²⁰ Los Angeles County Sheriff’s Department, *About Us - East LA*, <https://lasd.org/about-us-east-la-station/>; Los Angeles County Sheriff’s Department, *East Los Angeles Sheriff’s Station*, <https://lasd.org/east-los-angeles/>.

²¹ CJLP, *supra* note 1 at 42-43, 51.

²² Salinas & Yilek, *supra* note 2 at 26:20-26:40. A member of the Little Red Devils described the group’s attitude of “us against the world.” The Little Red Devils or Red Devils is one of the first known deputy gangs that existed in the East Los Angeles station in the 1970’s. CJLP, *supra* note 1 at 15. The Cavemen was a deputy gang or subgroup also based out of the East Los Angeles station that preceded the currently dominant gang, the Banditos. *Id.* at 9.

A study of LASD deputy shootings in connection with the existence of deputy gangs in the five years between November 2015 and November 2020 found a strong correlation between the number of shootings committed by deputies of a station and the existence of deputy gangs at that station, “buttress(ing) the conclusion that deputy gangs escalate uses of force.”²³ In fact, the East Los Angeles station has had the highest number of deputy shootings in the last five years with 20 of the 133 department-wide shootings.²⁴ In order of highest shootings, the other stations were: Compton station (Executioners); Century station (Regulators, Spartans); South LA station (Grim Reapers); and Lancaster and Palmdale stations (Cowboys and Rattlesnakes).

The Banditos deputy gang is the current one that dominates the East Los Angeles station. Numerous lawsuits have alleged that the Banditos “exercise de facto control over the East Los Angeles station and that LASD management has tolerated and even tacitly approved of their misconduct.”²⁵ In a recent special on CBS News about the Banditos, LASD deputies speaking anonymously identified Deputy Hector Saavedra, who shot and killed Paul Rea, as a prospect of the Banditos.²⁶ Similarly, the deputies confirmed that East Los Angeles Deputies Nikolis Perez and Jonathan Rojas, who shot and killed Anthony Vargas, are also prospects of the Banditos.²⁷ The deputies stated that they knew this from personal conversations with Deputies Perez and Rojas, who told them that “one of their main goals was to be a part of this gang.”²⁸

Criminal law scholar Sean Kennedy has found that “in the eyes of deputy gang members, that value arises from being ready and willing to use violence against community members and to violate their civil rights.”²⁹ Current deputies have confirmed that there is an initiation process which targets young Latino deputies, and that deputies who want to be a part of the gang would “do anything for these guys.”³⁰ This process could include “getting a shooting,” which would be considered “a definite brownie point.”³¹ The deputies confirmed that Banditos members and prospects have been known to plant weapons on victims and that on “multiple occasions” they have falsely alleged to be pursuing an armed suspect in order to justify their use of lethal force. Members of the Banditos have also been accused of planting evidence, conducting unlawful arrests, and other illegal practices.³²

²³ CJLP, *supra* note 1 at 33-41.

²⁴ *Id.* at 39.

²⁵ *Id.* at 7 (referencing *Guadalupe Lopez v. County of Los Angeles*, Superior Court no. BC540387; *Rosa Gonzalez v. County of Los Angeles*, Superior Court no. BC591056; *Art Hernandez, et al. v. County of Los Angeles, et al.*, U.S. District Court no. 19STCV33158; *Lisa Vargas v. County of Los Angeles, et al.*, U.S. District Court no. CV-19-3279-PSG).

²⁶ Salinas & Yilek, *supra* note 2 at 11:37-11:54.

²⁷ *Id.* at 11:55-12:14.

²⁸ *Id.*

²⁹ CJLP, *supra* note 1 at 43.

³⁰ Salinas & Yilek, *supra* note 2 at 10:32-10:45.

³¹ *Id.*

³² *Id.* at 10:45-11:25.

A lawsuit by LASD deputies who were assaulted by Bandito members from the East Los Angeles station contends that there are approximately ninety tattooed members of the Banditos, approximately thirty of whom work at the East Los Angeles station.³³ It is well known amongst East Los Angeles station personnel that the Banditos police the unincorporated East Los Angeles portion of the station's jurisdiction, known as the north side, while non-Bandito deputies are largely assigned to the south side, which includes the cities of Cudahy and Maywood.³⁴

The existence of the Banditos and other LASD deputy gangs is no secret. The Los Angeles County Office of the Inspector General (OIG), the COC, the Board, the FBI, and the House Subcommittee on Civil Rights and Civil Liberties have all conducted or requested investigations into the Banditos and other deputy gangs.³⁵ Multiple East Los Angeles station personnel have spoken about the existence of a gang at the station or specifically the Banditos, while others have filed lawsuits related to the Banditos.³⁶ Even Sheriff Alex Villanueva has acknowledged the Banditos in East Los Angeles: "Pretty much they were calling the shots, they were dictating the decisions of the station and that has a very bad outcome obviously."³⁷ Yet, no meaningful measures have been taken by LASD or County leadership to address the crisis of deputy gangs.

b. Paul Rea

Paul Rea was only eighteen years old when East Los Angeles station Deputy Hector Saavedra (badge number 608299) shot him multiple times on June 27, 2019. Deputy Saavedra

³³ Office of Inspector General County of Los Angeles, *Analysis of the Criminal Investigation of the Alleged Assault by the Banditos* (Oct. 2020) at 3 available at https://oig.lacounty.gov/Portals/OIG/Reports/Review_Banditos_Investigation.pdf?ver=rFOrJ7O-WQGq4SYeyOVD Ew%3d%3d.

³⁴ *Id.* at 7-11. For example, a sergeant from the East Los Angeles station reported: "More like there are those that kind of side with these bandito [sic] people and then there's the other ones that don't want to be part of it. So they kind of keep to themselves and they were all being sent to work like down south. Yeah. Cudahy and Maywood. If they didn't like you or you didn't get along with, you know, the banditos then that's where you worked." *Id.* at 10-11.

³⁵ *See id.*; Sheila Kuehl & Hilda L. Solis, *Assessing County Liability in Settlements Involving Sheriff "Gangs"* (Apr. 30, 2019); Maya Lau & Joel Rubin, *FBI Investigating Tattooed Deputy Gangs in Los Angeles County Sheriff's Department*, LA Times (July 11, 2019) available at <https://www.latimes.com/local/lanow/la-me-fbi-investigating-sheriff-20190711-story.html>; Letter from Rep. Jaime Raskin to Assistant Attorney General Eric Driebard (Sept. 23, 2020), available at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-09-03.%20JR%20JG%20to%20Dreiband%20re%20LASD%20Gangs.pdf>. *See also* Civilian Oversight Commission, *[Proposed] LASD Policy Prohibiting Deputy Cliques* available at <http://file.lacounty.gov/SDSInter/bos/supdocs/ProposedPolicyandPreambleonDeputyCliques.pdf>; Alene Tchekmedyan, *Sheriff Villanueva Fights Subpoena for his Testimony on Deputy Cliques*, LA Times (Mar. 23, 2021) available at <https://www.latimes.com/california/story/2021-03-23/sheriff-villanueva-fights-subpoena-testimony-on-deputy-cliques>.

³⁶ OIG, *supra* note 33 at 6-23; Lisa Bartley, *Los Angeles County Sheriff's Deputy Describes Attack by Banditos Clique*, ABC7 (June 28, 2019) available at <https://abc7.com/lasd-deputy-describes-attack-by-banditos-clique/5370629/>.

³⁷ OIG, *supra* note 33 at 14; Bartley *supra* note 36.

has been identified as prospective member of the Banditos deputy gang at the time of the murder.³⁸ On June 27, Paul and his friend Tommy Sanchez were driving home in East Los Angeles when two deputies pulled them over. The deputies justified the stop by saying the driver ran a stop sign. Once pulled over, the deputies approached the car with their guns already out, telling Tommy to comply with their demands, threatening to shoot Tommy's head off if he failed to comply with their orders. The deputies forced Tommy to the back of the patrol car, but Paul attempted to run away. Paul, who was 5'1 and 104 pounds, was scared for his life. Paul only made it four feet from the car when Deputy Saavedra shot Paul multiple times in the back.

Since Paul's death, East Los Angeles deputies have harassed his grieving family. When members of Paul's family began speaking out at public events about his killing at the hands of LASD, other LASD killings, and deputy gangs, LASD deputies' harassment immediately intensified, with tactics including illegally arresting and detaining family members.

c. Anthony Vargas

Anthony Vargas was twenty-one years old when he was fatally shot thirteen times by East Los Angeles station Deputies Nikolis Perez (badge number 602261) and Jonathan Rojas (badge number 602976), who have both been identified as Banditos prospects.³⁹ Deputies Perez and Rojas responded to a report of a robbery in the early hours of August 12, 2018, when they saw Anthony Vargas running home near the Nueva Maravilla Housing Projects in East Los Angeles. Although they said they were looking for a single individual, approximately thirty-five to forty years old and wearing a blue shirt among a large group of other individuals, the two deputies pursued Anthony, who was twenty-one years old, alone, and was described as wearing dark clothing. The two deputies stalked him until they shot him fatally with thirteen rounds: ten shots to the back, two shots to the back of the head, and one shot to his arm. Anthony's loved ones have stated that Anthony did not own or carry a gun, and yet the officers stated that they found a gun on Anthony's person after they killed him. Notably, the gun did not contain any of Anthony's DNA or fingerprints. Anthony was an aspiring chef and devoted Christian.

In the two and a half years since his murder, amidst their grief, several of Anthony's family members, including his mother and his aunts, have dedicated themselves to seeking justice for Anthony and advocating against police brutality. After they started speaking out publicly against police brutality, and against LASD specifically, LASD deputies began harassing members of Anthony's family in retaliation. As the family has continued to speak out, gaining support from larger audiences and drawing attention to issues such as the Banditos deputy gang in East Los Angeles, the harassment has intensified in both hostility and frequency, to the point that it is an almost daily occurrence in the family's lives.

³⁸ Salinas & Yilek, *supra* note 2 at 11:37-11:54.

³⁹ *Id.* at 11:55-12:14.

2. Harassment of the Families of Paul Rea and Anthony Vargas

a. The Family of Paul Rea

LASD has relentlessly harassed the grieving family of Paul Rea. On an almost daily basis, deputies try to intimidate the family by slowly driving by or parking in front of their house, slowly driving by Paul's memorial site, damaging items at Paul's memorial, taunting the family with rude comments and gestures, and following family members while they are driving. Deputies have also regularly driven by the home of Paul's grandmother in Monterey Park, despite the fact that the home is located within the jurisdiction of the Monterey Park Police Department. These repeated measures seem calculated to appear non-serious, and thereby less subject to discipline, if assessed on an action-by-action basis. Yet, the cumulation of these taunts occurring day after day clearly establishes a pattern of intentional harassment. East Los Angeles station deputies have also used traffic stops to pull over Leah Garcia, Paul's mother, approximately eight times, and Jaylene Rea, Paul's sister, at least once. They unlawfully arrested and detained Jaylene the night after she spoke publicly about Paul's killing for the first time. They also harassed Janae Rea, Paul's minor sister outside of her school.

The family has recognized a few of the deputies that harass them, but they are often harassed by deputies that they have not encountered before. This pattern reflects that this harassment is not an isolated problem involving a few deputies, but rather a station- and department-wide practice. In other words, this is the result of the East Los Angeles station "us versus them" mentality and culture of intimidation and violence.

What follows are some selected stories of particularly egregious incidents of harassment experienced by the family of Paul Rea:

- **June 28, 2019** — The day after Paul was killed, the Rea family held a vigil on the East Los Angeles block where Deputy Saavedra shot him. Ten minutes into the vigil, numerous LASD patrol cars pulled up on either side of the median. They drove by very slowly and rolled down their windows, laughing at the family and friends, who were gathered honoring Paul's life. The deputies circled the median for ten minutes, driving to the nearby stop sign and then turning around to drive back by the group, trapping the group inside their circle while mocking the family. Then they drove off. It was clear to the family that the deputies only went there to harass them.
- **July 2019** — In another incident at the memorial site, ten family members went to the median to mourn Paul together. Soon, five LASD patrol cars pulled up. Deputy Santos, partner of Deputy Saavedra, got out of her car and stood facing the family with her arms crossed, staring at them and laughing. Jaylene Rea, Paul's sister, asked her why she was

doing this; Deputy Santos did not answer her and continued standing and staring at the family. The family filed a complaint with LASD, which determined that the complaint was unfounded.

- **August 2019** — Janae Rea, Paul’s sister who was fourteen at the time, was at the memorial median when two deputies drove by filming her. Janae asked why the deputies were filming her and they did not provide an explanation. Janae filmed the incident. The family filed a complaint with LASD. The watch commander informed the family that the deputies were filming Janae for their safety. To the family’s knowledge, no action was taken in response to the complaint.
- **Fall 2019** — Paul’s cousins made a cross for Paul’s memorial site. A group of seven family members, including Paul’s grandmother, brought the cross to the median. Suddenly, a helicopter arrived above them, and hovered there for approximately ten minutes. At the same time, a long line of LASD patrol cars drove down the street. One deputy rolled down the window and said “We don’t want to start anything with you ladies but we have received multiple calls that there are sixty people here.” However, there had never been more than the seven family members present at the memorial.

Leah Garcia, Paul’s mother later went to the East Los Angeles station to inquire about the alleged multiple calls that there were sixty people at the memorial site. Station personnel informed her that no such calls or complaints had been made.

- **October 30, 2019** — In one of the most egregious instances of harassment, LASD illegally arrested and detained Jaylene Rea overnight. Earlier that day, Jaylene spoke at a rally at the Hall of Justice regarding her brother’s murder. It was her first time speaking in public about Paul’s death. At the rally, organized by Black Lives Matter-Los Angeles and the Check the Sheriff coalition, a delegation of family members sought to deliver a copy of lawsuit to Sheriff Villanueva ACLU SoCal filed the previous day regarding LASD’s systematic violation of SB 1421 (“The Right to Know Act”). After the rally, Jaylene, other families, and community allies then attended a town hall hosted by Sheriff Villanueva in Temple City. At the town hall, Paul’s family members saw Deputy Sanchez taking pictures of them and the family of Anthony Vargas on her phone and sending them to her contacts. Another woman standing with the deputies, but not in uniform, was also taking and sending pictures of the family members, including several minors. Many community members, including ACLU SoCal attorney Andrés Dae Keun Kwon, were also present and attest to these facts.

After the town hall, the family went to Paul’s memorial site, the median on Gerhart Avenue. They set up an *ofrenda*, a display set up in observance of *Dia de los Muertos*.

LASD patrol cars began to arrive at the memorial site. At about 10:45 pm, a deputy made a rude hand gesture through the open window of his patrol car, directed at the family. Then, at around 11:15pm, more patrol cars arrived. As deputies proceeded to arrest two of Paul's friends, Jaylene recorded these arrests on her cell phone. Deputies told her to stop recording and to get off the street.

As they were conducting one of the arrests, the deputies instructed Paul's friend to put out a blunt he had been smoking. This friend complied. In full view of the deputy, the friend handed the extinguished blunt to Jaylene, so he could be handcuffed. The deputy did not say anything to Jaylene, nor did he try and take the blunt himself, so Jaylene took it. Then a second deputy said "I want that," and immediately after a third deputy present responded "I'll get it." Without warning, the third deputy walked up behind Jaylene, grabbed her wrists and bent her arms around backward. This deputy is approximately six feet tall and 200 pounds. Jaylene is less than five feet tall. She yelled out in pain and bent over to try and alleviate the pain. This deputy then walked her over to the patrol car to search her. At no point did a deputy ever ask Jaylene for the blunt.

The deputy searched Jaylene, handcuffed her, and pushed her in the back of the patrol car. Jaylene had never been arrested before. She asked "where are you taking me?" but the deputies only replied "You'll see when we get there." The driving deputy began driving faster, running red lights and stop signs.

After they drove past the East Los Angeles station without stopping, Jaylene feared for her safety and asked again "Where are you taking me?" Again, the deputies did not answer her question. Instead, they responded "None of your business. You'll see when we get there."

Eventually, after a long drive in the patrol car, they arrived at the hospital. The deputies cited to department protocol to justify taking Jaylene to the hospital, saying they had to treat her wrist injuries. At the hospital, doctors took X-Rays of her wrist and as she waited for the results, they handcuffed her to the hospital bed. Multiple deputies stood near her bed. They took pictures of her as she lay in her hospital bed. The deputies continued to ignore her questions.

During this time, Leah Garcia and other family members were desperate for information on Jaylene's whereabouts. They did not know where she was, nor where the deputies had taken her. No deputies on the scene would answer their questions. After losing Paul to LASD's violence, Leah feared that she was about to lose her daughter, too, and became physically ill due to the anxiety and trauma of the ordeal.

Leah and other family members went to the East Los Angeles station a little before midnight with ACLU SoCal lawyer Andrés Dae Keun Kwon. The LASD employees said no one by Jaylene's name was in custody but suggested she may be en route to the station. However, the memorial site where Jaylene was arrested was only three minutes from the station, so it was impossible that Jaylene would still be en route to the station. Finally, a deputy told them that Jaylene had been taken to the hospital, but refused to disclose which hospital. After calling five different hospitals, Jaylene's grandmother Julie learned that she had just been released from a nearby hospital.

Jaylene arrived at the East Los Angeles station at around 1:00 am. Watch Commander Reynaga informed Leah and the ACLU SoCal lawyer that they were citing Jaylene for "obstruction of justice." Under Penal Code section 135, to be guilty of obstruction of evidence, one must "willfully destroy[], erase[], or conceal[]" the evidence. It is clear that Jaylene did not attempt to destroy or conceal the blunt, or even had a chance to. Jaylene held the blunt for mere seconds before she was arrested. There was no probable cause for this arrest, meaning that this arrest and the subsequent prolonged detention violated Jaylene's Fourth Amendment rights.

Station personnel would not release Jaylene, claiming that no one would be available to perform a Live Scan of Jaylene's fingerprints until 6:00 am. They finally released her at 7:00 am. When Jaylene was released, she saw that LASD personnel deleted the recordings of the prior night's arrests from her phone. She never gave them permission to access her phone. She was ultimately able to recover them via her cloud storage.

The events of the night of October 30 into the morning of October 31, 2019 are disturbing. LASD personnel used their role as law enforcement to facilitate a baseless arrest meant to intimidate and harm members of the Rea family. The arresting deputy used more force than necessary to effectuate her arrest. Deputies also refused to tell Jaylene or her family where they were taking her, in order to scare them into thinking they would hurt Jaylene—and ultimately intimidate them into submission and silence. Additionally, the deputies may have prolonged Jaylene's detention to further intimidate or inconvenience her and her family. Last but not least, deputies accessed Jaylene's phone without her permission and attempted to delete recordings of their conduct.

The family filed a complaint with the Sheriff's Civilian Oversight Commission about Jaylene's arrest and detention. They also documented the event in a detailed letter to the Board, dated November 18, 2019, which urged the Board to fully and formally investigate the details of Jaylene's arrest, and more broadly, LASD's retaliation and

harassment of family members.⁴⁰ It does not appear that LASD has taken any action against the offending deputies.

- **February 2020** — LASD deputies harassed Janae Rea as she left her middle school, which is located across the street from the East Los Angeles station. Janae wore a sweatshirt with her brother's face and name on the front. As she was walking outside the school, two deputies standing nearby stared at Janae and then started laughing. Janae asked them what they were laughing at. They ignored her and continued laughing. One of the deputies then got into a patrol car and pulled up alongside Janae. The patrol car followed her very slowly as she walked along the street. Janae ran into the library to take refuge and called her mother for help. Janae and her mother then went into the East Los Angeles station to make a complaint about the conduct of the deputies. Leah never received anything in writing about the complaint.
- **March 2020** — LASD deputies knocked on the doors of elderly people living near the memorial median, asking where Leah moved to. The neighbors did not tell the deputies Leah's new address and neighborhood. This incident disturbs the family because it shows that East Los Angeles station deputies know where to go to find information about family members and attempt to do so.
- **August 1, 2020** — August 1 is Paul's birthday. Family and friends of Paul gathered at the memorial site. Deputy Aguilar repeatedly drove by the scene, and eventually got out of her car and approached Janae. Deputy Aguilar told Janae that she is Paul's second cousin, which is not true. She told Janae not to go to any more political protests, and that when you make a Black power fist, you are holding rage and that instead Janae should make a different gesture, which she showed Janae, which resembled the Nazi salute. She also told Janae that the people who sue the police are criminals and that there are no deputy gangs.
- **August 12, 2020** — Deputies watched Leah and Janae pull out of their driveway. The deputies followed them to a gas station where they parked behind them. The deputies yelled at them "Hey seatbelts." Janae pulled out her phone to start recording. The deputies then approached the vehicle and made Leah and Janae exit the car, citing a seatbelt violation as the reason for the stop.

Leah said to the deputies "Please don't kill my daughter." They put Janae, only fifteen years old, in the back of the patrol car, while they searched Leah's person. The deputies mocked Leah and called Janae a "little bitch," threatened to arrest her for resisting arrest,

⁴⁰ See Letter, *supra* note 4; Walker, *supra* note 4.

and made her send them the video she took of them. After Leah was searched, they handcuffed her and put her in the back of the patrol car with Janae.

The deputies next searched the car, including purses and other items inside the car. The deputies found a purse belonging to Jaylene containing cash in the car and made Leah call Jaylene to confirm that the purse belonged to her. To search a car law enforcement officers generally must have probable cause to believe that there is evidence of a crime inside the car, which was not present here since they were pulled over for not wearing seatbelts and nothing indicates that the deputy would have any reason to believe that there was evidence of a crime inside the car.⁴¹

Leah and Janae were detained in the back of the patrol car for forty-five minutes. Under the Fourth Amendment, an investigatory stop must not take longer than necessary for the law enforcement officers to confirm or dispel their suspicion.⁴² The deputies lacked any justification to detain Leah and Janae for forty-five minutes for a traffic violation, violating their Fourth Amendment rights.

Ultimately, Leah received an expired registration ticket for this ordeal.

- **September 2020** — Jaylene was pulled over by LASD deputies when driving in East Los Angeles. Jaylene believes that the deputies know who she is and know her vehicle. Jaylene was not violating any laws at the time of the stop and the deputy did not explain why she was pulled over. The deputies ordered Jaylene out of her car, put her in the back of a patrol vehicle, and searched her car, including the trunk without the requisite probable cause.⁴³ They found a sealed bag of legally purchased marijuana, for which she had a receipt, and approximately \$1000 in cash as she had just cashed her paycheck. They questioned her about both of these items multiple times, despite the legality of both of them. The deputy wrote up a ticket for Jaylene but ultimately did not give it to her.

b. The Family of Anthony Vargas

In the two and a half years since Anthony Vargas's death, several members of his family have endured constant harassment and surveillance by LASD deputies. LASD patrol cars drive slowly past family members' homes or park outside their homes on an almost daily basis, a phenomenon that only arose after Anthony's death. Lisa Vargas, Anthony's mother, often sees LASD deputies parked outside of her workplace. On countless occasions, deputies have followed behind family members driving, even for long drives across the county. Anthony's brother has repeatedly been illegally pulled over by deputies without reasonable suspicion while

⁴¹ *Carroll v. United States*, 267 U.S. 132, 149 (1925).

⁴² *Florida v. Royer*, 460 U.S. 491, 500 (1983).

⁴³ *Carroll*, 267 U.S. at 149.

driving. Deputies regularly approach family members at Anthony's memorial site or at family gatherings and glare, smirk, laugh, disingenuously wave, make gestures, and make rude comments at them. Deputies have even harassed children in the family when they are at school.

These encounters occur so frequently—almost daily—that family members are not able to keep track of how many times this type of harassment has happened. While the family is familiar with some of these deputies by name or face, they often are harassed by deputies that they have never seen before and do not see again, meaning that numerous East Los Angeles deputies are engaging in these harassing behaviors, not just a small number of individual deputies.

Some of the most vocal members of the family, especially Lisa Vargas, have also experienced online harassment from people who appear to be associated with LASD. Lisa frequently receives friend requests to her private Facebook account from people she does not know, many of them with the LASD symbol located somewhere on their page. There have also been numerous disrespectful comments left on posts on the public “Justice for Anthony Vargas” Facebook and Instagram pages that the family manages; most of the comments appear to be from blank accounts without any identifying information and are often deleted by the commenter. Recently, LASD Deputy Elizabeth Sutton left multiple comments on the Instagram account, including calling the page “your little movement” and portraying that she knew details about Anthony's killing: “I won't get into detail about what actually happened the night Anthony died, because I don't want to stir anyone's emotions.” The family has seen that current LASD deputies have been watching their Instagram stories on this page as well, including one deputy who was at the scene when Anthony was killed and put handcuffs on his lifeless body.

What follows are some selected stories exemplifying the kinds of ongoing harassment the family has faced at memorial sites, demonstrations, town halls, and their own homes:

- **August 12, 2018** — Just a few hours after Anthony was killed, family members gathered at the scene of the shooting, not knowing if Anthony was alive or dead. The family was met with harassment and cruelty by law enforcement, in particular from LASD Deputy Cruz. Deputy Cruz physically pushed a family member away from the yellow crime scene tape even though they were not interfering with the investigation. The same deputy then cursed at Anthony's twin sister, telling her to leave the shooting scene and saying something along the lines of “What are you, an animal? Get the hell away from here.” Anthony's sister is a transgender woman, and the family believes that Deputy Cruz chose his language based on this fact.

The family promptly reported this incident to LASD. The deputies interviewed falsely alleged that the group was shouting profanities and denied using any force against a

spectator. However, the offending officer admitted to using the word “animal” in reference to the spectators. Notably, the family’s allegation that the verbal harassment of Anthony’s sister was based on an anti-trans sentiment was not addressed.

- **October 2018** — In the months after Anthony’s death, his family erected a memorial site in his honor near the Nueva Maravilla housing projects. The candles, flowers, and other objects left to remember Anthony were repeatedly removed and thrown away. In this period, family members were followed by an LASD patrol car from the memorial site to their home.
- **November 2018** — Anthony’s mother Lisa pulled into a 7-11 parking lot at 1600 Monterey Pass Road, where LASD deputies were standing around. While her brother went into the store to buy cigarettes, Lisa remained in the car. A female deputy from the group approached the car where Lisa was waiting and knocked on the window, indicating for her to roll her window down. The deputy asked “Aren’t you the mother of Anthony Vargas?” The group of huddled deputies then waved at Lisa and smirked. When Lisa and her brother left the parking lot, the same female deputy followed close behind and next to their car until they arrived home, about a four minute drive.
- **January 3, 2019** — Anthony’s brother was eating at a King Taco in East Los Angeles with his girlfriend and son when he was approached by four deputies on bicycles who told him that he fit a description for someone they were looking for. He told the officers he was not involved in any crime. The deputies handcuffed and detained him on the curb for forty-five minutes while his three year old son watched, saying things like “We know you aren’t here to eat, so what are you really doing here?” Eventually, a supervisor came and when Anthony’s brother provided his address, he recognized it as the Vargas family home and told the other deputies to let him go and that he was in the Vargas family. Much of this incident has been recorded on video by the family. This lengthy detention clearly exceeded the Fourth Amendment parameters of reasonableness.⁴⁴
- **July 10, 2019** — Several members of the family attended a town hall meeting hosted by Sheriff Villanueva to voice their anger and concern about Anthony’s death. They were told by Villanueva’s spokeswoman that these killings happen all the time and that it wasn’t new to hear from a family, which deeply offended and upset the family. Many community members, including ACLU SoCal attorney Andrés Dae Keun Kwon, were also present and attest to these facts.

⁴⁴ An investigative seizure of a person must not take longer than necessary for the law enforcement officers to confirm or dispel their suspicion. *Royer*, 460 U.S. at 500.

- **July 2019** — A few days after the town hall, the family held a rally at the East Los Angeles station. The event was entirely peaceful and no deputies stood outside to monitor the event. However, when the group started singing “Happy Birthday” to honor Anthony’s birthday that month, deputies came out of the building and aggressively threw cases of water on the ground near them and said nothing before going back inside. Based on the deputies’ demeanor and their timing, the group felt that the deputies’ behavior was designed to communicate their disdain for their presence and to interrupt a moment meant to honor Anthony.
- **August 12, 2019** — On the anniversary of Anthony’s death, the Vargas family held a tree dedication near the site where Anthony was killed. As they were finishing the ceremony and were cleaning up the food, Deputy Tupper arrived and blocked the end of the long drive leading up to the tree where many people were parked. He got out of the car and approached the group and made a comment about issuing parking tickets although no cars were illegally parked. When they explained why they were there, he condescendingly offered his condolences. Feeling that Deputy Tupper’s response was inappropriate and hurtful, a tense conversation followed. At one point the family recalls that he told a fifteen year old cousin of Anthony that he was not the one responsible for Anthony’s death so he should not be mad at him. Deputy Tupper’s presence at an otherwise peaceful event continued for nearly half an hour until he called the housing development, which confirmed that they knew the Vargas family was gathering and that they had permission to do so. During that time, Deputy Tupper questioned the family about their presence, threatened to issue parking tickets, and prevented the Vargas family from honoring and mourning their loved one on the anniversary of his death. When the family was driving home immediately after the event, they noticed two different LASD patrol vehicles behind and next to their car following them from the site back to their house. The vehicles stopped in front of the house and then sped off.
- **September 5, 2019** — At a LASD town hall meeting in Norwalk, family members were again met with a large presence of deputies and being told to sit in the back of the event. Shortly after this town hall, Valerie Vargas, Anthony’s aunt, was in East Los Angeles near her mother’s house, when she noticed a black SUV with tinted windows that appeared to be following her across several side streets as she made her way to the 710 freeway. The same car then followed her onto the 710 at the southbound Eastern Avenue entrance and continued to follow her when she exited at Rosencrans Avenue, a drive that is over twenty minute. After exiting, Valerie was worried about leading the car to her house, so she parked at a nearby Walmart. The unmarked car then pulled up behind her so that she could not back out of the spot. She reached for her phone to start recording and opened her car door, and the SUV sped away. She noticed that the car had no license plate.

- **September 12, 2019** — At a town hall hosted by Sheriff Villanueva in Palmdale, the family was surrounded by LASD deputies immediately upon arriving, some of whom had their phones out, recording the family. They recognized one of the men as Captain John Bersher. The family was instructed to sit in the back, and they were surrounded by the armed deputies sitting on all sides of them. At one point, Captain Bersher got very aggressive with Anthony’s uncle because he was recording the town hall. Captain Bersher said “Do you want to step outside or I’ll take you outside.”
- **October 16, 2019** — When the family arrived at a town hall meeting hosted by Sheriff Villanueva in Cerritos, they were met with a heavy presence of deputies, who followed them from when they walked in the building all the way to where they took their seats. They observed some deputies loudly laughing and videotaping parts of the event, including family members, on their personal cell phones despite the gravity of the public safety concerns they were there to raise.
- **October 2019** — Shortly after the Cerritos town hall, deputies parked outside of Lisa’s workplace in East Los Angeles, and one of them said something along the lines of, “Oh, you’re the media queen. How are you handling Anthony’s death?” as she walked inside.
- **August 10, 2020** — One of Anthony’s teenage cousins was walking around their neighborhood to visit a store. On his way to the store, he saw a number of deputies gathering in front of a residence and recognized two of them as the deputies Nikolis Perez and Jonathan Rojas, the two deputies who shot and killed Anthony. He suffered a panic attack due to seeing Deputies Perez and Rojas, and had to be picked up by a family member.
- **August 12, 2020** — On the two year anniversary of Anthony’s death, family and friends gathered at his memorial site to visit and enjoy a meal together. Just as had happened one year prior, Deputy Tupper arrived. A member of the family approached his vehicle after noticing that he was taking photos of the gathering, asked why he was there, and told him that they were there to remember the day Anthony was murdered. Deputy Tupper told them that he was already aware of what day it was and offered disingenuous condolences. He said that he was there to issue parking tickets although no cars were illegally parked. Multiple patrol cars were parked around the perimeter of the memorial for the duration of the event.
- **August 12, 2020** — On the same day, the family organized a small protest in front of the East Los Angeles station. When they arrived they were met with a large formation of deputies in riot gear blocking off the whole area and with snipers positioned on the roof of the building. The family has a picture of an LASD deputy with his finger poised on

the trigger of his gun during this peaceful demonstration. Many community members, including ACLU SoCal attorney Andrés Dae Keun Kwon, were also present and attest to these facts.

- **September 20, 2020** — While driving home from Anthony’s memorial tree, Lisa noticed that an LASD patrol car without its lights or sirens activated was following her car. She decided to turn onto a side street and approach her home from a different direction in order to evade the patrol car. When Lisa then pulled up to her house, she found the same patrol car that had been following her sitting directly in front of her home. The deputies sped away when they saw Lisa pulling into the driveway.
- **October 3, 2020** — During a community event celebrating a mural dedicated to Anthony at East Beverly Boulevard and South Atlantic Boulevard, LASD deputies frequently drove up and down the street watching the event. Some LASD patrol cars parked nearby rolled down their windows and started taking pictures of the event. Some deputies winked and smirked at people in the crowd in a way that felt designed to be discourteous to those still grieving Anthony.
- **March 2, 2021** — Lisa Vargas and Anthony’s aunts, Valerie Vargas and Stephanie Luna, participated in a live virtual event on social media to discuss LASD gangs and harassment of families. While livestreaming, Stephanie heard a commotion outside, went out to the porch, and saw eight or nine deputies with a young person in the street right outside the home. She identified one of the deputies as Deputy Jonathan Rojas. Once he saw her, Deputy Rojas said something to the other deputies and they all turned and glared at her. In particular, one deputy gave her “the ugliest, dirtiest stare I’ve ever seen,” and smiled at her while not breaking eye contact. She felt very intimidated by the deputies and was extremely upset to be so close to the deputy that killed her nephew. She feared that the deputies would detain her or become violent with her if she moved off the porch. Deputy Rojas then tried to duck out of her view. She started recording, and two deputies ushered Deputy Rojas into a patrol car. Knowing that the deputy who shot Anthony was in front of their home made members of the Vargas family fear that Deputy Rojas could be violent against them as well. Lisa and Valerie were on the livestream media platform at the time of the incident. Due to concern for their sister Stephanie's safety, they rushed to the Vargas family home. When Lisa approached the vicinity of the house, she encountered deputies outside, including Deputy Rojas who was in a car laughing. One of the deputies said to Lisa, “What are you doing here? We can arrest you.” Lisa was able to safely proceed to the home. Many community members, including ACLU SoCal attorney Andrés Dae Keun Kwon, were also part of the live virtual event.

4. The Impact of the Harassment

While the brave family members of Paul Rea and Anthony Vargas are adamant that they will not be bullied into silence, the ongoing harassment has had a profound impact on their lives. The psychological toll of the harassment includes fear for their and their loved ones' safety, fear of facing future harassment, traumatization, retraumatization, and disruption of the grieving process. Furthermore, the extensive harassment of these and other families who have spoken out against LASD has deterred other families who have lost loved ones at the hands of LASD from speaking out for fear of similar retaliation.

a. Psychological Impact

Members of both families have reported fearing for their safety or the safety of their family members when they encounter LASD deputies, especially in situations when they are being followed or surveilled by deputies. For example, when Jaylene Rea was unlawfully arrested by LASD and held in jail overnight, she was terrified as deputies took her away and refused to tell her where she was going or what was going on. She feared that the deputies might have been taking her away to harm her. Likewise, her mother Leah Garcia experienced sheer panic and terror when the deputies violently cuffed Jaylene, put her into the squad car, and drove off, while refusing to tell her where they were taking Jaylene or why they were taking her. Remembering how she lost her son Paul to LASD violence, she feared that Jaylene would now also be killed and that she could possibly never see her daughter again. Leah was so emotionally disturbed that she got sick and vomited at the scene. This fear continued throughout the night as the deputies at the East Los Angeles station told Leah that they did not know where Jaylene was, and it took hours for Leah to learn of her daughter's whereabouts and that she was safe.

Similarly, when LASD deputies detained Janae Rea, Paul's younger sister, who was fifteen years old at the time in the back of an LASD car after pulling over Leah, Leah again feared that based on what happened to Paul, the deputies could kill her younger daughter.

Members of Anthony Vargas's family have feared for their safety when in the presence of LASD deputies, especially when the deputies are right outside of their homes. Recently, Stephanie Luna, Anthony's aunt, went onto the porch at her mother's house to film a number of deputies, including one of Anthony's killers, Deputy Jonathan Rojas, who were right outside the house detaining a young man. The deputies all turned and glared at her; one in particular gave her an extremely nasty look. She understood that the deputies meant to intimidate her so that she would stop filming and stop watching. After Anthony's killing, she understands that deputies can use the slightest movement to justify a shooting or invent a false reason to justify a shooting. She feared that if she moved off of the porch the deputies might have used force against her. Her sisters Valerie and Lisa likewise feared that the situation could have evolved into a deadly use of

force. Members of the Vargas family feel that it is possible that LASD deputies could use deadly force against them during any interaction and have made preparations for how the family would respond to another deputy shooting of a family member. Valerie has stated: “We’re not living life, we’re just living to document in case that if anything happens to us, we have something to show for us.” Lisa and Valerie have installed multi-camera surveillance systems in their homes and have begun wearing body cameras out of fear of what could happen.

Both families fear that they may experience another incident of harassment any time they leave their homes. Members of Paul Rea’s family have expressed that they “live in fear everyday” and are always watching their back when they are out because they never know when deputies will be following them or watching them. Because they are not engaging in any kind of illegal activity when they are harassed by deputies but are simply going about their day to day lives, it is impossible to know when LASD deputies will be prompted to harass them. They fear being pulled over for no reason when driving and being unlawfully arrested any time they have to interact with deputies. Members of the Vargas family get scared simply to walk down the street to go to the store because they may be harassed, reporting that they “feel like [they] have no sense of security walking or driving in the streets that [they] grew up in.” They report feeling like they are “forced to live with [the harassment] and . . . like [they’re] trapped with nowhere to go.” Living in constant fear of harassment by law enforcement that has real potential to turn violent has caused family members to feel frustrated and hopeless. Law enforcement agents are supposed to protect the community and make people feel safe, but when the ones who are supposed to keep them safe are the ones causing them harm, family members feel defeated that there is no one they can call for help or trust to keep them safe. These feelings are consistent with research conducted on this topic: “Mistrust and fear instilled as a consequence of institutionalized police brutality may prevent racially marginalized communities from seeking assistance, which can increase a sense of isolation and dehumanization.”⁴⁵

In addition to making family members fear for their safety, the harassment that they experience and that they watch their loved ones experience can be traumatic. Trauma is defined as “when an individual has an experience that threatens his or her life or bodily integrity, which overwhelms his or her ability to cope by creating feelings of hopelessness or intense fear.”⁴⁶ The direct victim of an act of aggression can be traumatized, as well as witnesses to the act, people who are close to the victim who have learned of the act, and people who have been repeatedly exposed to the details of the act.⁴⁷ Trauma “violate[s] the victim’s faith in a natural or divine order and casts the victim into a state of existential crisis.”⁴⁸ The symptoms of trauma are

⁴⁵ C. Grills, E. Aird, & D. Rowe, *Breathe, Baby Breathe: Clearing the Way for the Emotional Emancipation for Black People*, *Cultural Studies—Critical Methodologies*, 16(3) (2016).

⁴⁶ Judith Herman, *Trauma and Recovery: The Aftermath of Violence—from Domestic Abuse to Political Terror* (1997).

⁴⁷ American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders (DSM-5)* (2013).

⁴⁸ Herman, *supra* note 46.

numerous and can include depression, anxiety, hopelessness, shame, and confusion, as well as physical manifestations.⁴⁹

The constant harassment by LASD deputies, especially when instances of harassment involve the deputies who killed their loved ones, has been described as traumatic by both families. Leah Garcia has described that LASD deputies treat her and her family “like less than humans, like dogs.” The families have reported experiencing symptoms consistent with trauma including anxiety, fear, and paranoia as a result of the harassment. Leah says she feels traumatized when talking with LASD deputies to the point that she has experienced shaking and stuttering. Lisa and Valerie Vargas describe themselves as having symptoms of Post Traumatic Stress Disorder from their encounters with LASD deputies. Indeed, research has shown that there are “strong and largely robust” associations between an individual’s “experiences with the police and their mental health,” which “suggest[s] that police-community relations and local public health are inextricably linked.”⁵⁰ This study also notes that in the context of police stops predicated on no or low levels of suspicion, which members of both families have been subjected to repeatedly, “may trigger stigma and stress responses and depressive symptoms. These stresses can be compounded when police use harsh language.”⁵¹

The harassment is not only traumatizing on its own, but it also has the effect of retraumatizing family members who have already suffered the trauma of losing their loved ones in an unexpected and violent manner. Retraumatization is “one’s reaction to a traumatic exposure that is colored, intensified, amplified, or shaped by one’s reactions and adaptational style to previous traumatic experiences.”⁵² “Although the exposure may not be inherently traumatic but may only carry reminders of the original traumatic event or relationship, retraumatization typically refers to the reemergence of symptoms previously experienced as a result of the trauma.”⁵³ Retraumatization can be triggered “by a situation, an attitude or expression, or by certain environments that replicate the dynamics (loss of power/control/safety) of the original trauma.”⁵⁴ Psychological research also shows that “[e]thnic minorities who have experienced police brutality, directly or indirectly, may think about these instances when they do not want to think about them (nightmares, flashbacks, etc.), attempt to avoid interface with police

⁴⁹ Timothy J. Legg, *What is Trauma? What to Know* (June 3, 2020) available at <https://www.medicalnewstoday.com/articles/trauma#symptoms>.

⁵⁰ Thema Bryant-Davis, Tyonna Adams, Adriana Alejandre, & Anthea A. Gray, *The Trauma Lens of Police Violence Against Racial and Ethnic Minorities*, (December 2017) available at <https://spssi.onlinelibrary.wiley.com/doi/full/10.1111/josi.12251>.

⁵¹ *Id.*

⁵² Y. Danieli, *Fundamentals of Working with (Re)traumatized Populations* (2010) at 195.

⁵³ Karen Zgoda, Pat Shelly, & Shelley Hitzel, *Preventing Retraumatization: A Macro Social Work Approach to Trauma-Informed Practices & Policies*, The New Social Workers, available at <https://www.socialworker.com/feature-articles/practice/preventing-retraumatization-a-macro-social-work-approach-to-trauma-informed-practices-policies/>.

⁵⁴ *Id.*

officers (running from police, etc.), and remain in a psychological state of high vigilance, on guard against the possibility of abuse at the hands of the police.”⁵⁵

Family members of Paul Rea and Anthony Vargas have described the harassment that they have experienced from LASD deputies as retraumatizing as the incidents trigger the trauma of losing Paul and Anthony, which amplifies their emotional response to the harassment. Paul’s family members describe the retraumatization component of the harassment as “torture” as they have already suffered by losing their family member and do not understand why LASD simply cannot leave them alone as they try to grieve and heal.⁵⁶ Research has shown that “[w]hen communities witness or experience chronic police brutality, they may deal with a variety of challenges after these events, such as depression, anxiety, anger, fear, trust, and other psychosocial problems.”⁵⁷

As the Rea and Vargas families try to move forward and grieve the tragic losses of Paul and Anthony, while advocating for justice, the harassment has made the grieving process all the more difficult. Being confronted on an almost daily basis by East Los Angeles deputies is a constant reminder that because of this department, their loved ones are no longer there, especially when they encounter the deputies who were involved in the shootings. Paul’s mother Leah stated: “We can’t grieve . . . we’re too busy watching our backs or logging everything.” Valerie Vargas stated that her family feels like they “don’t even have time to grieve” the loss of Anthony. She says that her “family feels like [they] can’t breathe” and that “it’s hard to move forward when the sheriff’s department, they’re constantly there.”

It is important to note that the adult and immediate family members of Paul Rea and Anthony Vargas are not the only ones who experience the harassment: both children and elderly relatives have been impacted by LASD’s harassment. In the Rea family, Paul’s younger sister Janae has been targeted repeatedly for harassment by LASD deputies and even detained by deputies, starting when she was only fourteen years old. In addition, Paul’s elderly grandmother was brought by the family to his memorial site one night when deputies arrived and harassed the family members who were there. Deputies also regularly drove slowly past his grandmother’s home.

Children in the Vargas family have often been present when LASD deputies drive by family members’ homes or the memorial site and when they follow family members in their cars, as well as for more serious incidents of harassment. The children do not understand the full

⁵⁵ Samuel Aymer, *I Can't Breathe: A Case Studying-Helping Black Men Cope with Race-Related Trauma Stemming from Police Killing and Brutality*, *Journal of Human Behavior in the Social Environment* 26(3) (Feb. 2016).

⁵⁶ See Alene Tchekmedyian, *'It's Like Torture': Families Report Deputy Harassment to Sheriff Watchdog*, *LA Times* (Nov. 19, 2019) available at <https://www.latimes.com/california/story/2019-11-19/sheriff-deputy-harassment-investigation>.

⁵⁷ J.D. Ford, J.C. Chapman, D.F. Connor, & K.C. Cruise, *Complex Trauma and Aggression in Secure Juvenile Justice Settings*, *Criminal Justice & Behavior* 39(5) (2012).

context of what is going on, but they see that they are being followed or watched by deputies. Young members of the family have even been harassed by LASD school resource officers at their schools and taunted about Anthony. This has unfortunately caused these children to be extremely afraid of any law enforcement person they see. For example, a youth in the Vargas family became so scared and upset one day at school when she saw sheriff's deputies come into the building that she had to be picked up from school. The Vargas children are too afraid to play outside their home anymore because deputies are so often parked outside or drive by their house.

b. Impact on Other Families who Have Lost Loved Ones to the Los Angeles County Sheriff's Department

From 2015 to 2020, there were 133 LASD deputy shootings.⁵⁸ In addition, others have died at the hands of LASD in circumstances that did not involve deputy shootings and in the Los Angeles County jails, which are run by LASD. Countless others have been subjected to excessive force and illegal policing tactics by LASD. However, after being initially traumatized by LASD and then seeing the harassment that family members of Paul Rea and Anthony Vargas have been subjected to after speaking out against LASD, many families who have lost loved one at the hands of LASD have been afraid to speak out as well and face the same harassment and be retraumatized. For example, at a recent virtual forum about LASD violence and harassment, the brother of Ivan Pena, who was killed on September 24, 2018 by East Los Angeles station deputies, stated: "I feel to some degree that if I speak out they'll come after me," in reference to LASD and expressed fear for his and his daughter's safety from retaliatory harassment.⁵⁹ Likewise, the sister of Jorge Serrano, who was killed by East Los Angeles station deputies, said that she felt that she was not allowed to speak out against LASD and that she feared retaliation from the department if she were to come to Los Angeles.⁶⁰ Lisa Vargas has likewise confirmed that many families who have been subjected to LASD's violence that she has spoken with fear speaking out and being retaliated against. Considering the severe psychological toll that the harassment has taken on members of the Rea and Vargas families, as well as the constant violations of their constitutional rights, it is entirely understandable that families are hesitant to exercise their First Amendment rights. In fact, this chilling effect on free speech that the harassment has created and perpetuated is in itself likely a violation of the First Amendment.⁶¹

⁵⁸ CJLP, *supra* note 1 at 39.

⁵⁹ BLMLA, *supra* note 5 at 20:30-26:40.

⁶⁰ *Id.* at 31:30-34:30.

⁶¹ Frederick Schauer, *Fear, Risk, and the First Amendment: Unraveling the Chilling Effect*, Boston Law Review 58:685 (1978) at 693 ("A chilling effect occurs when individuals seeking to engage in activity protected by the first amendment are deterred from so doing by governmental regulation not specifically directed at that protected activity.").

5. The Office of the Inspector General’s Report on Los Angeles County Sheriff’s Department Family Harassment

In November 2019, after the families and the Check the Sheriff coalition urged immediate action, the Civilian Oversight Commission (COC) requested that the Office of the Inspector General (OIG) “initiate a formal inquiry and assessment as to whether the harassment of LASD patrol operations staff is occurring and the nature of said harassment following fatal uses of force.”⁶² One year later, the OIG returned with a report auditing 690 public complaints filed against LASD over twenty-two months, finding that “the possibility that the public complaints will lead to any discipline for misconduct is very low, at 1% of the total cases.”⁶³ These complaints may go uninvestigated, even where extremely simple detective work would have almost certainly turned up evidence that could have corroborated complaints.⁶⁴ The majority of cases (65%) were resolved with a disposition of “Employee Conduct Appears Reasonable.”⁶⁵

The OIG report details eight cases of reported family harassment, including complaints filed by the families of Paul Rea and Anthony Vargas. The OIG found that the reported conduct, although coming from different families, was “similar in its nature: deputies driving by memorial sites or the residences of family members to a degree noticeable by the complainants and deputy facial expressions that are perceived as insensitive to outright hostile.”⁶⁶ The conduct the OIG details mirrors the experiences of the Rea and Vargas families, and it is no accident that such conduct is “subtle and difficult to confirm.”⁶⁷ Deputies intentionally engage in behavior that walks the line between insensitive and illegal, knowing that a witness’s complaint would not be taken seriously when it can only be memorialized in words insufficient to capture the cruelty inherent in a deputy smiling or waving sarcastically at memorials for the young men their coworkers shot and killed. For the families who live these experiences every day, however, the message is patently clear: LASD is watching, and they are not there to protect or serve them. The OIG found that the lack of LASD’s meaningful investigation into and response to complaints “contributes to a lack of public trust” between LASD and the community they are supposed to serve.⁶⁸

⁶² *Statement of the Proceedings for the Regular Meeting of the Sheriff Civilian Oversight Commission* (Nov. 19, 2019) available at http://file.lacounty.gov/SDSInter/bos/commissionpublications/agenda/1064650_November19_2019MeetingAudio.pdf#search=%22*%22.

⁶³ Office of the Inspector General Los Angeles County, *Report Back on Inquiry and Assessment as to the Harassment of Families by LASD Patrol Operations Staff Following a Fatal Use of Force by LASD* (Nov. 2020) at 3 available at <https://oig.lacounty.gov/Portals/OIG/Reports/FatalForceHarassmentCOCReportBack.pdf?ver=epu1Kz8Opxxv7TCMhefoqA%3d%3d>.

⁶⁴ *Id.* at 7.

⁶⁵ *Id.* at 3.

⁶⁶ *Id.* at 5.

⁶⁷ *Id.* at 6.

⁶⁸ *Id.* at 14.

The OIG ultimately recommended that LASD adopt “policies on responses to memorials and vigils or calls for service involving family members of those killed in a LASD use of force incident” and that the absence of any such policy and proactive supervision to prevent harassment “contributes to the perception that the harassment is occurring, and the conduct is intentional.”⁶⁹

While this report did provide some useful insight into deputy harassment of families and LASD’s wholly inadequate response, it fails to capture the severity and scope of the problem. The report only examined the issue by looking at complaints filed with LASD. Due to families’ lack of trust in LASD to investigate themselves and their traumatic experiences with the department, they generally do not feel comfortable reporting harassment to LASD. The OIG did not interview any family members who have lost loved ones to LASD violence, including those who did file complaints with LASD, nor did the OIG obtain any evidence or documentation of the harassment outside of the complaints. We know that there have been far more than eight incidents of harassment over the last two years, as evidenced by the experiences of the Rea and Vargas families alone. The OIG report cannot serve as the County’s foundation for addressing this issue. Indeed, as recommended below, the County should conduct a full investigation into this crisis.

One month after the OIG’s report was published, the COC passed a motion to develop precisely what the OIG recommended, a policy for how to treat family members who have lost loved ones to fatal force. Specifically, the motion required that the policy “should encourage respect for family members who have lost loved ones and forbid harassment of them.”⁷⁰ In the following months, the COC returned with a procedure for “Family Impact Remarks” (FIR), in which family and next of kin who have lost loved ones to fatal force would be granted a total of ten minutes to address the COC, at the discretion of the Chair.⁷¹ The mere opportunity to voice grievances in ten minutes or less per family, while an improvement, fails to meaningfully address these families’ concerns.

6. Conclusion

This harassment of Latinx and Black families who have lost loved ones to LASD’s brutal violence, often at the hands of deputy gang members, must come to a full stop, once and for all. The harassment of the Rea and Vargas families is only intensifying, especially as they continue to speak out against LASD on larger platforms, such as the recent CBS News special. Losing a

⁶⁹ *Id.* at 9, 13.

⁷⁰ Los Angeles County Sheriff Civilian Oversight Commission, *Motion: Develop a Policy-Treatment of Family & Next of Kin* (Dec. 17, 2020) available at <http://file.lacounty.gov/SDSInter/bos/supdocs/Motion-RequestingHarassmentPolicy12.17.2020.pdf>.

⁷¹ Los Angeles County Sheriff Civilian Oversight Commission, *Procedure for Family Impact Remarks* (draft) (Jan. 21, 2021) available at http://file.lacounty.gov/SDSInter/bos/supdocs/FamilyImpactRemarksProcedures1-2021_revised1-14-21.FINAL.pdf.

son, brother, or nephew unexpectedly at a young age is already traumatic enough; we must allow these families to grieve in peace and seek justice.

Families members of Paul Rea and Anthony Vargas, as well as family members of other people killed by LASD, have been speaking out against LASD's violence and the harassment they face for years at Board meetings, COC meetings, in the media, and at public events. However, they have not yet seen anything done to meaningfully address the ongoing harassment. Family members express frustration and exhaustion from having to constantly share their traumatic experiences with the public and with County leadership only to see no change. It is past time for the Board to do the right things and take immediate steps to put this unlawful, retaliatory harassment to an end and hold LASD accountable.

7. Recommendations

We urge the Board to immediately adopt, or to take immediate action to compel the relevant agencies to immediately adopt, the following recommendations that are aimed at putting an end to LASD's harassment of families and holding LASD personnel who engage in this conduct accountable. These recommendations have been designed based on the demands of families impacted by LASD violence and harassment and are informed by research into LASD, as well as the Board's authority. Any funding required to implement the recommendations should be derived from LASD's existing budget.⁷² Implementation of these recommendations should not be used as a justification for expanding LASD's already large budget, as the goal of these recommendations is to create mechanisms for accountability, not expand the power and resources of LASD.

a. Creation of an Independent Office of Law Enforcement Standards

In February the OIG released a comprehensive assessment of LASD's internal investigation and disciplinary process. The report identified "multiple structural and cultural impediments" in LASD's current investigation and discipline system, including "multiple failures to initiate or adjudicate discipline and in some cases opposition based solely upon personal affinity of the command staff with the subject" and the existence of a "palpable culture of silence."⁷³ The report found that "it cannot be said that the evidence is inconsistent with (community members') belief that, even in the presence of overwhelming evidence of misconduct, department members are not appropriately disciplined."⁷⁴

⁷² See Office of the Inspector General Los Angeles County, *Los Angeles County Sheriff's Department: Review and Analysis of Misconduct Investigations and Disciplinary Process* (Feb. 2021) at 117 available at https://oig.lacounty.gov/Portals/OIG/Reports/IIPublicReport_Body2.pdf?ver=qMyIxZkcy_EwrtHn0JWrOw%3d%3d.

⁷³ *Id.* at 116, 4.

⁷⁴ *Id.* at 5.

The OIG ultimately recommends that the County create an Office of Law Enforcement Standards that would operate independently of LASD and would investigate all allegations of misconduct and impose discipline.⁷⁵ This office would take on all functions currently allocated to LASD's Professional Standards Division and Administrative and Training Division.⁷⁶ The office would be housed within the County's Department of Human Resources. The OIG recommends that the Board allocate positions and budget items for the office by ordinance.⁷⁷ This independent office would be funded through the existing LASD budget.⁷⁸

We support this recommendation with a crucial modification to ensure that the office is not subject to undue influence or coercion from LASD leadership. We depart from the OIG's recommendation that the Chief of Law Enforcement Standards should be appointed by the Sheriff.⁷⁹ Allowing the Sheriff to select the leader of this office creates a clear opportunity for influence by the Sheriff on this purportedly independent office. Instead, we propose that the Chief of the office is appointed by the COC with input from members of the public. We also recommend that in the interest of independence, strict hiring standards are set for office personnel.

b. Creation of an External Reporting Mechanism for Incidents of Harassment

As the comprehensive OIG report clearly established, LASD cannot be trusted to adequately investigate complaints filed with the department or appropriately impose discipline. Family members who are experiencing harassment from LASD deputies do not feel comfortable reporting incidents of harassment to LASD for a number of reasons. First, they report fearing further retaliation and harassment if they file a complaint. Second, they feel that reporting to LASD is pointless because deputies are rarely disciplined or otherwise held accountable for their misconduct.⁸⁰ Third, it is emotionally difficult to engage with the very department that killed their loved one in the complaint and investigation process. Therefore, complaints of harassment by deputies are rarely filed with LASD.⁸¹

For these reasons, a reporting mechanism that is external from LASD must be created, so that families can feel safe and empowered to report these instances of harassment. Reports of harassment must be promptly and thoroughly investigated. An independent Office of Law Enforcement Standards would be an appropriate agency to receive these complaints. The OIG could also house this reporting mechanism. In that case, however, the OIG must investigate such complaints independently, and not turn the investigation over to LASD as it often does for

⁷⁵ *Id.* at 116.

⁷⁶ *Id.*

⁷⁷ *Id.* at 117.

⁷⁸ *Id.*

⁷⁹ *See id.* at 116.

⁸⁰ *See id.* at 107; *see also* OIG, *supra* note 63.

⁸¹ *See id.*

complaints it receives regarding the department. In addition, the Board should ensure that complaints related to deputy misconduct that include criminal allegations are directly and immediately provided to the District Attorney's office. The Board should recommend that a special prosecutor appointed by District Attorney George Gascón investigate law enforcement use of force and family harassment and prosecute when possible.

c. Completion of an Independent Investigation into Family Harassment

The families of Paul Rea and Anthony Vargas are not the only families who have faced harassment after a family member was killed by LASD personnel. Numerous other families across the county have faced similar patterns of harassment as they mourn the loss of their loved one. The scope and depth of this disturbing LASD practice must be fully understood in order for County leadership to take the appropriate measures to end the harassment. Therefore, an in-depth independent investigation into LASD's harassment of families must be conducted. The investigation should include past instances and patterns of harassment and be used to appropriately discipline deputies for past incidents of harassment.

As discussed above, although the OIG conducted an investigation into family harassment and issued a report, this investigation was inadequate.⁸² The investigation only reviewed complaints about harassment that were filed with LASD. As previously addressed, families experiencing harassment typically do not file complaints with the department about the harassment because they do not feel comfortable doing so.

The County's independent investigation must center on the testimony of and evidence provided by the family members who have experienced the harassment. Furthermore, the investigation must consider the full context of LASD deputies' actions to determine what constitutes harassment. For example, staring at someone may not be considered harassment on its own, but when a deputy stares at a family member at a memorial site in a menacing manner, this would rise to the level of harassment given the circumstances and the history between the family and LASD.

The investigation must also examine the role that the Banditos and other deputy gangs play in the harassment of families. The investigation must examine whether the deputies who killed the family member are members or prospects of a deputy gang and whether the deputies who are carrying out the harassment are members of a gang. It should also examine if and how the gang's power is used to allow the harassment to occur without repercussions for the deputies.

For the reasons discussed above, including LASD's troubling investigation practices and families' understandable concerns about working with LASD, the department cannot conduct

⁸² See OIG, *supra* note 63.

this investigation. An independent Office of Law Enforcement Standards would likely be the most equipped and effective office to conduct this investigation. The OIG could also potentially conduct the investigation so long as it does not replicate the same shortcomings of its previous family harassment report.

d. Funding and Expansion of the Family Assistance Program

The Family Assistance Program (FAP) was established by the Board in July 2019 to support families dealing with the loss of a loved one due to LASD violence.⁸³ The goal of this program was to improve compassionate communication and provide trauma-informed support to families who lose a loved one at the hands of LASD.⁸⁴ The program promised to train Family Assistance Advocates, who would receive and respond to incidents of LASD shootings, and support family members of victims through mental health services, burial costs, and other support.⁸⁵ Nevertheless, the program failed to achieve almost any of its goals due to poor actualization, insufficient funding, and the inclusion of LASD in the framework of the program. As of July 2020, there are insufficient funds to continue the program, and no additional funding has been secured.⁸⁶

In order to actually achieve the goal of supporting families experiencing the sudden and violent loss of a loved one, the FAP needs to be funded and reimagined. FAP leadership should partner with local community organizations to build out the program, including identifying the needs of families and connecting with trusted community-based resources that can provide financial, legal, and mental health support to families. The FAP should also work in partnership with community-based organizations to identify and train Family Assistance Advocates who are based in the communities that they serve and are trusted by families impacted by police violence. LASD must be prohibited from impeding the work of the advocates and should only be included in the FAP when necessary, such as providing information to the advocates to share with the families.

e. Adoption of Policies Regarding Family Harassment by LASD

Currently, LASD does not have an internal policy relating to the harassment or treatment of families of people who have died as a result of deadly force used by LASD personnel or otherwise died in an interaction with LASD personnel. The only relevant LASD policies that may govern the harassment of families are the LASD Code of Ethics and the Manual of Policy

⁸³ See Office of the Inspector General Los Angeles County, *Fourth Quarterly Report Back on Implementation of the Family Assistance Program* (July 2020) at 2 available at <https://oig.lacounty.gov/Portals/OIG/Reports/FamilyAssistance4thQuarter2019-2020.pdf?ver=2020-07-24-164237-827>.

⁸⁴ *Id.*

⁸⁵ *Id.* at 4.

⁸⁶ See generally *id.*

and Procedures 3-01/000.10 Professional Conduct. The relevant portion of the Code of Ethics states that deputies must “enforce the law courteously and appropriately without fear or favor, malice or ill will.” The policy on professional conduct states that deputies cannot engage in conduct that would cause the department “undue embarrassment or damage.”

Given the frequency of incidents of harassment of families, we support the OIG’s recommendation that “LASD adopt a policy in order to ensure sensitivity toward those grieving at a memorial site and to build community trust following a fatal use of force.”⁸⁷ We further urge LASD to adopt a policy specifically prohibiting any harassing or intimidating conduct towards families of people who have died in interactions with LASD and requiring sensitivity and respect in the event of interacting with these families. The policy should require that LASD leadership proactively prevent such harassment. The language of the policy should not restrict such requirements to families whose loved ones died as a result of a shooting because unfortunately many individuals have died during interactions with LASD personnel in circumstances that were not shootings or were not categorized as deadly force.

In the absence of LASD’s adoption of internal policies, the Board should step in and adopt these policies for LASD. Government Code section 25303 establishes that boards of supervisors have both the duty and the authority to “supervise” the sheriffs and “see that they faithfully perform their duties.” The California Supreme Court has concluded that under section 25303, the board of supervisors has a statutory duty to supervise the conduct of all county officers, including the sheriff, and this authority includes the operations of the sheriff’s departments and the conduct of their employees.⁸⁸ This Board already retains policy-making authority for County departments, including LASD, pursuant to Los Angeles County Ordinance 2.06.130, which specifies the powers of heads of departments “[u]nder the direction and supervision of the board of supervisors, and subject to its direction,” to “formulate departmental policy, direct its implementation and evaluate work accomplished.” As such, the Board could set final policies at LASD in a host of areas that affect the conduct of deputies. Because the Board holds this power, it may also delegate its authority to the COC to set LASD policies or to empower that commission to set the final LASD policies.⁸⁹

⁸⁷ OIG, *supra* note 58 at 14.

⁸⁸ *Dibb v. Cnty. of San Diego*, 8 Cal.4th 1200, 1208-09 (Cal. 1994).

⁸⁹ See Cal. Gov. Code § 23005 (“A county may exercise its powers only through the board of supervisors *or through agents and officers* acting under authority of the board or authority conferred by law.”) (emphasis added). Relatedly, the California Supreme Court has decided that the board of supervisors may entrust an oversight body, such as the COC, to investigate, on its own motion, deaths of individuals at the hands of sheriff’s deputies. *Dibb*, 8 Cal.4th at 1205; see also *Calcoa v. Cnty. of San Diego*, 72 Cal.App.4th 1209 (1999) (holding that San Diego’s civilian oversight body could legally issue reports finding deputies’ actions out of policy, even without providing deputies an opportunity to contest those findings). Court has observed, “the [board of supervisors] might be concerned about public distrust of investigations conducted by either the sheriff or district attorney and hopeful that investigations by a group not aligned with law enforcement would restore public confidence.” *Dibb*, 8 Cal. 4th at 1209.

f. Adoption of Department Policies Regarding Transferring of Deputies Involved in Incidents of Deadly Force by LASD

Currently, an LASD deputy who is involved in a shooting or other deadly force incident will not be transferred to a different station until LASD finds that the deputy has violated department policy, which rarely occurs. The day to day harassment that family members of Paul Rea and Anthony Vargas face is traumatizing on its own, but it is particularly triggering when the deputies engaged in the harassment are the deputies responsible for the shooting deaths—namely, Saavedra, Perez, and Rojas. Even simply seeing these deputies in their neighborhood on a regular basis is extremely distressing emotionally and has caused family members to suffer panic and anxiety attacks.

In the interest of allowing families who have lost loved ones to grieve and attempt to move forward in their lives, and to prevent future harassment, we encourage LASD to adopt a policy of automatically transferring deputies who are involved in deadly force incidents to different stations. This policy would facilitate better relations between communities and their local LASD station, as families may be less hesitant to engage with LASD personnel knowing that they are not likely to encounter the deputies that took their loved one's life. This policy may also help break up deputy gang membership.

g. Compliance with State Transparency Laws

After decades of secrecy, under Senate Bill 1421 (2018), records involving serious uses of force and serious misconduct by deputies are no longer confidential and must be provided to the public in response to a California Public Record Act (PRA) request. While this new mandate should ensure that victims of deputy violence and misconduct, and their families, have access to all relevant department records, LASD is consistently in violation of the Public Records Act by unlawfully redacting relevant records to omit the names of the offending deputies or basic information such as their histories of prior shootings, delaying production of records for months or years, and even refusing entirely to produce records without any lawful basis. This is another way in which LASD's continuing violations of the law harm these families, because they are unable to learn what steps the department took to investigate the killing of their loved ones or how the department made decisions regarding discipline in these cases.

The Board should ensure that the County complies with state transparency laws. The Board should circumvent LASD's refusal to abide by basic public records law by enacting a County ordinance that requires automatic, expedited publication of use of force and misconduct records designated as public, and moving the responsibility for publication and responding to outstanding PRA requests outside of LASD. The Board also should push for policies that ensure the immediate and lawful release of names of deputies who shoot and kill community members

as well as the autopsy reports to their families—all of which are already indisputably public records to which they are entitled. In addition, the Board should expand access to civilian complaints by creating a repository of civilian complaints outside of LASD, so that they are not treated as personnel records and may be disclosed. Last but not least, the Board should prohibit protective orders and non-disclosure agreements in settlement agreements with employee plaintiffs or suits filed by members of the public regarding law enforcement misconduct, including misconduct by deputies who are members of deputy gangs.