



October 21, 2020

Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814-2919

Sent via email

Attorney General Becerra,

The undersigned community organizations respectfully request that you initiate a pattern or practice investigation into the Los Angeles County Sheriff's Department ("LASD"). For decades, LASD has been rife with corruption, abuse of power, impunity—leading, notably, to the federal conviction of former Sheriff Lee Baca and the restructuring of oversight mechanisms, including the creation of the Office of Inspector General ("OIG") and the Sheriff's Civilian Oversight Commission ("COC"). In the last two years under Sheriff Alex Villanueva, however, LASD has undergone a sweeping undoing of these reforms, undermining basic accountability and civilian oversight at every turn and systematically violating state transparency laws.¹

From the moment Villanueva was elected, he sought to reinstate Carl Mandoyan and other sheriff's deputies fired for serious misconduct.² His actions have sent a clear message to

¹ See, e.g., *Editorial: Villanueva is the best advertisement for muscular sheriff oversight*, L.A. TIMES (Sept. 17, 2020 3:00 AM), available at <https://www.latimes.com/opinion/story/2020-09-17/editorial-villanueva-is-the-best-advertisement-for-muscular-sheriff-oversight>; *Editorial: L.A. County thought it was getting a progressive sheriff. Instead, like Trump, Alex Villanueva is painting political adversaries as criminals*, L.A. TIMES (Aug. 16, 2019 11:57 AM), available at <https://www.latimes.com/opinion/story/2019-08-16/amateur-moves-la-county-sheriff-alex-villanueva>; Jason McGahan, *Meet Sheriff Alex Villanueva, the Donald Trump of L.A. Law Enforcement*, L.A. MAGAZINE (July 19, 2019), available at <https://www.lamag.com/citythinkblog/sheriff-alex-villanueva-interview/>.

² Even before being sworn in, and demonstrating an utter lack of concern for sexual assault survivors whom the Sheriff's Department is sworn to protect, Villanueva rehired Caren Carl Mandoyan, a deputy who volunteered on his campaign and had been fired for physically assaulting and strangling his ex-girlfriend, breaking down her bathroom door, attempting to break into her home on two separate occasions, sending her threatening text messages indicating he was surveilling her, and then lying about his actions. See OFFICE OF INSPECTOR GEN. CNTY. OF L.A., L.A., INITIAL IMPLEMENTATION BY THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT OF THE TRUTH AND RECONCILIATION PROCESS (JULY 2019), available at <https://oig.lacounty.gov/Portals/OIG/Reports/TruthandReconciliation.pdf?ver=2019-07-09-085916-457>. At great cost to taxpayers, the Board of Supervisors had to bring a lawsuit, and on August 19, 2019, the court overturned Mandoyan's rehiring. See Matt Stiles & Maya Lau, *Judge overturns Sheriff Villanueva's rehiring of a fired L.A. County deputy*, L.A. TIMES (Aug. 19, 2019 6 PM), available at <https://www.latimes.com/california/story/2019-08-19/la-me-sheriff-villanueva-supervisors-court>.

Villanueva has also instituted "very troubling" hiring practices, including scaling back the scope of background checks and relaxing polygraph exams. See Matt Stiles & Alene Tcheckmedyan, *L.A. County*

deputies that they will not face accountability for misconduct, resulting in terrible costs in deputy violence that the reforms were supposed to address. Since the horrific murder of George Floyd on May 25, LASD has killed 11 community members, including Fred Williams III this past Friday, October 16.³

Villanueva's extraordinary failure of leadership is exemplified by his stonewalling independent investigations in LASD's recent killings of 18-year-old Andres Guardado and Dijon Kizzee.⁴ After LASD Compton station deputy Michael Vega executed Andres Guardado, LASD proceeded to cover up the evidence, including by destroying security cameras and putting a "security hold" on the autopsy.⁵ The Guardado family's independent autopsy concluded that deputy Vega—who is alleged to have been a prospective Compton "Executioners" sheriff's deputy gang member and who had a history of misconduct—shot Andres Guardado five times in the back and killed him; the L.A. County Medical Examiner-Coroner confirmed this finding when he released autopsy results in an unprecedented break with LASD's "security hold."⁶ Villanueva condemned the Coroner and has brazenly refused to cooperate with an independent investigation by the OIG.⁷ To add insult to injury, Villanueva's chief of staff posted on his Facebook page that Andres Guardado "CHOSE his fate."⁸

Villanueva's mishandling of the murders of Andres Guardado and Dijon Kizzee reflects an extraordinary pattern of abuse, secrecy, and thwarted accountability that has marred his tenure. He has allowed the systematic harassment of grieving families of community members whom deputies have killed—in retaliation against their seeking the truth about their deaths and justice.⁹ In violation of LASD's own policies, he has killed active investigations into serious

supervisors move to freeze Sheriff's Department funding, L.A. TIMES (Sept. 26, 2019 5:23 PM), available at <https://www.latimes.com/california/story/2019-09-26/l-a-county-supervisors-sheriff-budget-freeze>.

³ See, e.g., Lexis-Olivier Ray, <https://twitter.com/shoton35mm/status/1308801445458669572?s=21>; *Mourners, Activists Hold Vigil in Honor of LASD Shooting Victim Fred William*, CBSLA

⁴ See, e.g., Alene Tchekmedyan, *Sheriff asks attorney general to monitor shooting while stonewalling inspector general*, L.A. TIMES (June 25, 2020 6:00 AM), available at <https://www.latimes.com/california/story/2020-06-25/sheriff-villanueva-attorney-general-shootings>; Frank Stoltze, *Sheriff's Top Watchdog Says Department Blocked Him From Kizzee Autopsy*, LAIST (Sept. 4, 2020 1:00 PM), <https://laist.com/2020/09/04/dijon-kizzee-sheriff-los-angeles-county-inspector-general.php#:~:text=L.A.%20County%20Inspector%20General%20Max,in%20South%20L.A.%20on%20Monday>.

⁵ See, e.g., Aida Chavez, *After Killing of 18-year-old Andres Guardado, LA Protesters Struggle Against the Limits of Police Reform*, THE INTERCEPT (June 25, 2020 3:03 PM), <https://theintercept.com/2020/06/25/andres-guardado-los-angeles-police/>.

⁶ See, e.g., Alene Tchekmedyan, *Coroner: Andres Guardado was shot five times in the back. Sheriff condemns disclosure*, L.A. TIMES (July 10, 2020 9:25 AM), available at <https://www.latimes.com/california/story/2020-07-10/andres-guardado-coroner-autopsy>; Alene Tchekmedyan, *Compton Executioners deputy gang lied about guns and hosted inking parties, deputy says*, L.A. TIMES (Aug. 20, 2020 5:50 PM), available at <https://www.latimes.com/california/story/2020-08-20/lasd-gangs-who-are-the-compton-executioners>; Alene Tchekmedyan, *Sheriff's deputy who fatally shot Andres Guardado faced earlier allegations*, L.A. TIMES (June 25, 2020 9:19 PM), available at <https://www.latimes.com/california/story/2020-06-25/deputy-andres-guardado-shooting-identified>.

⁷ See *supra* note 6.

⁸ Jovana Lara & Lisa Bartley, *LASD captain under fire for comments that 18-year-old shot 5 times in the back by deputy 'CHOSE his fate'*, ABC7 (July 22, 2020 9:27 AM), <https://abc7.com/andres-guardado-investigation-la-county-sheriffs-deputy-captain-john-burcher/6317554/>.

⁹ See, e.g., enclosed letter; Alene Tchekmedyan, *'It's like torture': Families report deputy harassment to sheriff watchdog*, L.A. TIMES (Nov. 19, 2019 6:53 PM), available at <https://www.latimes.com/california/story/2019-11->

misconduct involving criminal allegations such as child abuse, domestic violence, and rape of a woman in custody.¹⁰ He has initiated new investigations into serious misconduct at half the rate of the three previous administrations.¹¹ He has even tolerated sheriff's deputy gangs, like the "Executioners" and "Banditos" in East L.A., that perpetrate violence against the community.¹²

Villanueva has sought to shroud LASD in secrecy. He has blocked previously-afforded access to the OIG and, in a truly *Trumpian* step, initiated a criminal investigation of the Inspector General for attempting to carry out his oversight duties.¹³ In response to the California Supreme Court decision allowing him to turn over to the District Attorney a "Brady list" of 300 problem deputies, he tweeted saying he will comply with the decision by not compiling such a list.¹⁴ He has completely failed to disclose records of deputy misconduct to which families and the public are entitled under state transparency laws, including SB 1421, prompting the ACLU of Southern California and the L.A. Times to bring suit against him.¹⁵ He has repeatedly defied the COC's subpoenas—as well as the will of the people of Los Angeles County who overwhelmingly voted for Measure R.¹⁶ One of the subpoenas he has refused to comply with involves the investigation

19/sheriff-deputy-harassment-investigation; Sam Levin, Los Angeles sheriff's department faces a reckoning after another police shooting, THE GUARDIAN (July 1, 2020 3:00 AM), available at <https://www.theguardian.com/us-news/2020/jul/01/los-angeles-sheriffs-department-reckoning-police-shootings>.

¹⁰ See Maya Lau, *Sheriff's Department killing more misconduct investigations under Villanueva, report finds*, L.A. TIMES (Apr. 12, 2019 10:25 AM), available at <https://www.latimes.com/local/lanow/la-me-sheriff-internal-investigations-inactivate-20190411-story.html>; Letter from Rodrigo A. Castro-Silva, Interim Inspector General, to Board of Supervisors re Report-back on LASD Internal Administrative Investigations and Dispositions of Disciplinary Actions (Apr. 11, 2019), available at https://oig.lacounty.gov/Portals/OIG/Reports/4-11-19ReportBack_1.pdf?ver=2019-04-12-141500-803.

¹¹ See Letter from Max Huntsman, Inspector General, to Board of Supervisors re Report-back on LASD Internal Administrative Investigations and Dispositions of Disciplinary Actions for March, April and May (July 22, 2019).

¹² See Maya Lau & Joel Rubin, *FBI investigating tattooed deputy gangs in Los Angeles County Sheriff's Department*, L.A. TIMES (July 11, 2019 6:39 AM), available at <https://www.latimes.com/local/lanow/la-me-fbi-investigating-sheriff-20190711-story.html>; see also Andrew Gumbel, *Police Violence, clique, and secret tattoos: fears rise over LA sheriff 'gangs'*, THE GUARDIAN (Aug. 6, 2018 1:00 AM), <https://www.theguardian.com/us-news/2018/aug/05/police-violence-clubes-and-secret-tattoos-fears-rise-over-la-sheriff-gangs>.

¹³ Maya Lau, *L.A. County sheriff's top watchdog is under investigation — by the L.A. County sheriff*, L.A. TIMES (Aug. 14, 2019 12:34 PM), available at <https://www.latimes.com/california/story/2019-08-14/la-county-sheriffs-department-launches-investigation-against-its-chief-watchdog>.

¹⁴ See Maura Dolan, *California Supreme Court backs greater access to police misconduct cases*, L.A. TIMES (Aug. 26, 2019 6:41 PM), available at <https://www.latimes.com/california/story/2019-08-26/brady-list-prosecutors-los-angeles-sheriff-california-supreme-court-police-misconduct>.

¹⁵ See, e.g., Alene Tchekmedyan, *For families of those killed by deputies, a long wait for answers*, L.A. TIMES (Dec. 2, 2019 6:00 AM), available at <https://www.latimes.com/california/story/2019-12-02/families-sue-sheriffs-department-shooting-records>; Alene Tchekmedyan, *Times sues L.A. County sheriff over withholding records on deputy misconduct*, L.A. TIMES (June 30, 2020 8:22 PM), available at <https://www.latimes.com/california/story/2020-06-30/la-times-lawsuit-deputy-misconduct-records>; Leila Miller, *Sheriff's Department defied court orders to name deputies with histories of misconduct. It was a costly decision*, L.A. TIMES (Oct. 17, 2020 11:58 AM), available at <https://www.latimes.com/california/story/2020-10-17/court-orders-sheriff-refuses-to-name-deputies-misconduct>.

¹⁶ See *Editorial: Effective sheriff oversight still a work in progress*, L.A. TIMES (June 29, 2020, 3:00 AM), available at <https://www.latimes.com/opinion/story/2020-06-29/villanueva-subpoena-tested-in-court> (discussing that a judge will decide whether to order Villanueva to abide by the Civilian Oversight Commission's subpoena to appear before the commission to answer questions regarding LASD's management of COVID-19 in the county jails); Cindy Chang, *As sheriff defies subpoena on jails, watchdog plans another for Kobe Bryant crash records*, L.A. TIMES (May 21, 2020 6:55 PM), available at <https://www.latimes.com/california/story/2020-05-21/sheriff-watchdog-panel-meets-on-jail-conditions-koby-bryant-photos-without-defiant-sheriff>; Alene Tchekmedyan, *On heels of Sheriff's*

into his cover up of deputies' taking and showing off gruesome photos of the helicopter crash that killed Kobe and Gianna Bryant, leading Vanessa Bryant to sue him.¹⁷

During the protests following the killings of Andres Guardado and Dijon Kizzee, sheriff's deputies have consistently brutalized and repressed the First Amendment rights of protestors, for example recently "kettling" a National Lawyers Guild press conference, grabbing a Legal Observer, and severely beating protestors.¹⁸ On September 12, LASD abused and arrested NPR reporter Josie Huang; Villanueva then made false claims that were directly contradicted by video evidence.¹⁹ The National Lawyers Guild has sued LASD over its unlawful use of force in these protests and recently filed an application for a temporary restraining order.²⁰

In sum, Sheriff Villanueva and LASD have been systematically abusing their power and violating Angelenos' constitutional and statutory rights. Last week, the COC unanimously passed a "vote of no confidence" resolution urging Villanueva's resignation.²¹ Therefore, we request that, as the California Attorney General with "direct supervision" over the sheriff, *see* Cal. Const. art. V, § 13, you intervene and initiate a pattern or practice investigation into LASD.

Sincerely,

ACLU Foundation of
Southern California

Black Lives Matter – Los
Angeles

National Lawyers Guild –
Los Angeles

Department scandal, L.A. County voters overwhelmingly back stronger oversight, L.A. TIMES (Mar. 5, 2020 5:00 AM), available at <https://www.latimes.com/california/story/2020-03-05/voters-support-measure-r-oversight-sheriffs-department>.

¹⁷ Alene Tchekmedyan, *A deputy allegedly showed off gruesome Kobe Bryant crash photos at bar. A cover-up scandal ensued*, L.A. TIMES (Mar. 3, 2020 5:46 AM), available at <https://www.latimes.com/california/story/2020-03-03/kobe-bryant-crash-photos-sheriffs-department-tried-to-keep-quiet>; Richard Winton, *Vanessa Bryant sues L.A. County sheriff, alleging 'cover-up' of Kobe Bryant crash photos*, L.A. TIMES (Sept. 22, 2020 3:05 PM), available at <https://www.latimes.com/california/story/2020-09-22/vanessa-bryant-sues-los-angeles-county-sheriff-over-kobe-bryant-crash-photos>.

¹⁸ *See, e.g.*, Leila Miller & Alene Tchekmedyan, *Deputies in riot gear surround peaceful news conference related to Kizzee shooting*, L.A. TIMES (Sept. 11, 2020 9:30 PM), available at <https://www.latimes.com/california/story/2020-09-11/deputies-in-riot-gear-peaceful-press-conference-related-to-kizzee-shooting>; Alex Wigglesworth & Alene Tchekmedyan, *Video shows sheriff's deputy striking man with shield during West Hollywood protest*, L.A. TIMES (Sept. 26, 2020 1:15 PM), available at <https://www.latimes.com/california/story/2020-09-26/video-sheriffs-deputy-striking-person-shield-west-hollywood-protest-arrests>.

¹⁹ *See, e.g.*, Aaron Menelson, *Debunking Sheriff Villanueva's False or Misleading Claims About The Arrest of KPCC/LAist's Josie Huang*, LAIST (Sept. 16, 2020), https://laist.com/2020/09/16/debunking_sheriff_villanueva_false_misleading_claims_arrest_kpcc_laist_josie_huang.php.

²⁰ *See, e.g.*, Leila Miller, *Petition for restraining order alleges unlawful use of force by Sheriff's Department at protests*, L.A. TIMES (Sept. 21, 2020 9:34 PM), available at <https://www.latimes.com/california/story/2020-09-21/application-for-restraining-order-alleges-unlawful-use-of-force-by-sheriffs-department-at-protests>.

²¹ Sheriff's Civilian Oversight Commission, *Resolution Expressing No Confidence in Sheriff Alex Villanueva's Leadership of the Los Angeles County Sheriff's Department and Condemning His Failure to Cooperate with Civilian Oversight*, http://file.lacounty.gov/SDSInter/bos/commissionpublications/report/1079910_Final-ResolutionreNoConfidenceintheSheriff10.15.2020.pdf; *see also Sheriff's oversight commission calls on Villanueva to resign over his management of the agency*, L.A. TIMES (Oct. 15, 2020 9:50 PM), available at <https://www.latimes.com/california/story/2020-10-15/los-angeles-sheriff-villanueva-resign-oversight-commission>.