AGN NO.

MOTION BY SUPERVISORS HILDA L. SOLIS AND HOLLY MITCHELL

September 28, 2021

Measures to Eradicate Deputy Gangs and Create Stronger Civilian Oversight and Checks and Balances over the Sheriff and Sheriff's Department

In Los Angeles County, deputy gangs or secret societies are an ongoing problem that has resulted in untold harm to the community, significant liability to the County, and the further erosion of law enforcement legitimacy. These gangs have persisted, unchecked, for decades and reflect a particularly repugnant iteration of certain entrenched attitudes and open hostility towards the community that these deputies serve—specifically communities of color--that are antithetical to the public safety function and authority that deputies have been entrusted with. These attitudes and the lack of effective oversight and accountability mechanisms have allowed deputy misconduct to run unchecked.

As we observed in our June 22, 2021 motion[1] regarding pending state legislation, Assembly Bill (AB) 958, to address the issue of law enforcement gangs:

[1] http://file.lacounty.gov/SDSInter/bos/supdocs/159437.pdf

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MITCHELL	_____
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BARGER	_____
HAHN	_____
SOLIS	_____

“[D]eputy secret societies have existed within the Los Angeles County Sheriff’s Department ("Sheriff's Department") since at least 1970 and were addressed in a report by Special Counsel James G. Kolts in 1992. In 2012, the report of the Citizens Commission on Jail Violence (CCJV) noted, “for years management has known about and condoned deputy cliques and their destructive subcultures that have undermined the Core Values articulate [sic] by the Sheriff. These factors have contributed to force problems in the jails as well as numerous off-duty force incidents involving deputies.” Nonetheless, the groups have endured and, in some ways, have grown bolder.

. . .

Yet, despite numerous instances of misconduct, civil litigation bringing to light the extent of these groups, and actions and statements, the Sheriff’s Department has claimed the “groups” no longer exist. Indeed, a code of silence historically has kept details of their nature and conduct secret for fifty years (for example, see Analysis of the Criminal Investigation of Alleged Assault by Banditos, Office of Inspector General, October, 2020, documenting the failure to enforce LASD policy requiring cooperation by law enforcement in criminal investigations allowing two dozen deputies to decline to give statements about the gang). This code of silence surrounding these groups has been used to protect the groups’ interest and unlawful conduct.”

On March 12, 2019, this Board directed the Inspector General, the Sheriff Civilian Oversight Commission ("COC"), County Counsel, and all relevant stakeholders to complete a comprehensive study of these groups ("the Study"). On June 5, 2019, County Counsel contracted with the RAND Corporation ("RAND") to conduct the Study. RAND completed and submitted the Study on September 10, 2021.

In addition to providing further evidence of the continued existence of deputy gangs, the Study also provided additional insight into their impact within and outside of the Sheriff's Department and the significant institutional hurdles that prevent the Sheriff's Department from taking meaningful action to address them. Among the Study's findings is that—despite the long history of violence and division caused by deputy gangs--the majority of deputies still believe they are a positive force in the department, and only 37 percent support prohibiting them.[2] The Study reflects that deputies recognize that deputy gang membership glorified and rewarded unnecessary violence, including things like getting involved in physical fights with individuals in custody rather than deescalating.[3] The reported conduct of deputy gang members included "intimidating or harassing fellow deputies, not following protocols with respect to writing reports, planting evidence, bending the rules or cutting corners to justify aggressive policing, cutting corners on reporting, not providing sufficient backup when calls are made, and excessive or unnecessary use of force."[4] But nonetheless, the majority of deputies view this impact as motivational and not harmful[5]. Although the Study cited long-standing failure to discipline for various forms of misconduct against

[2] http://file.lacounty.gov/SDSInter/bos/supdocs/161722.pdf (pg. 165)
[3] Ibid. (pg. 101)
[4] Ibid. (pg. 115)
[5] Ibid. (pg. 136)

the public as one of the institutional failings that permitted deputy gangs to take hold, it also found that attempts to impose discipline were also undermined by established gangs, such that "supervisor[s] who tr[y] to clamp down on potential foul play among deputies faced animosity and pushback."[6]

The Study found that "challenges associated with subgroups sit within a broader organizational context that involves general challenges with supervision, training, discipline, and other department characteristics, such as fragmentation and the traditions that surround subgroups. This is particularly challenging in an organization as large and complex as LASD."[7] The Study further recognized the need to address "more general misconduct" extending beyond activities that can be directly attributed to deputy gangs.[8] The need for larger structural change that addresses the underlying issues that have created the conditions for gangs to flourish unchecked for decades takes on an even greater urgency if, as the Study theorized, policies that attempt to prohibit deputy gangs result in heightened secrecy around them, making individuals and conduct associated with deputy gangs even more difficult to identify than currently.[9] While the RAND study identified specific issues and the need for structural change, it did not set forth an implementation plan in achieving the necessary outcomes to protect community from deputy misconduct.

The COC strongly advocated for the Sheriff's Department to implement a policy that purports to restrict membership in these groups. The Sheriff's Department's adopted policy still does not explicitly prohibit the existence of these groups, does not

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[6] Ibid. (pg. 114)
[7] http://file.lacounty.gov/SDSInter/bos/supdocs/161722.pdf (pg. 168)
[8] Ibid. (pg. 169)
[9] Ibid.

require the Sheriff's Department to identify groups that violate its terms, and does not require cooperation with outside investigators such as the Inspector General or the California Attorney General. AB 958, a bill that recently passed the Legislature and that awaits signing, includes these necessary provisions.

Now with this Study, along with others about deputy gangs, it is incumbent that the County take this opportunity to assess and evaluate all the recommendations and develop next steps to make structural changes to ensure residents are protected from deputy misconduct and that there are effective and strong mechanisms in place to hold those that do engage in harms against the community, accountable.

WE, THEREFORE, MOVE that the Board of Supervisors:

1. Direct the Sheriff Civilian Oversight Commission to review the RAND Study and any other prior reports and/or recommendations related to deputy gangs that it deems relevant and report back to the Board within 90 days, in consultation with the Office of Inspector General, County Counsel, the District Attorney's Office, Office of the Public Defender, Office of the Alternate Public Defender, and the LA Sheriff's Department, and after soliciting public input, with a tangible implementation plan for the Board to address the issue of deputy gangs and associated problems. The report back should consider, among other things, the Board's existing motions, and policies that the Board may issue under relevant State and local laws and ordinances.

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