



# COUNTY OF LOS ANGELES SHERIFF CIVILIAN OVERSIGHT COMMISSION

*Improving Public Transparency and Accountability*

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April 22, 2024

To: Supervisor Lindsey P. Horvath, Chair  
Supervisor Hilda L. Solis  
Supervisor Holly J. Mitchell  
Supervisor Janice Hahn  
Supervisor Kathryn Barger

From: Sean Kennedy, Chair, Sheriff Civilian Oversight Commission

Subject: **INDUSTRY INDIANS: INVESTIGATION AND OUTCOME OF DEPUTY GANGS IN THE LOS ANGELES SHERIFF'S DEPARTMENT AND STATUS UPDATE ON THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT'S DEPTY GANG POLICY (ITEM NO. 6, AGENDA OF JANUARY 23, 2024)**

On January 23, 2024, the Board of Supervisors, in a motion regarding "Industry Indians: Investigation and Outcome of Deputy Gangs in the Los Angeles County Sheriff's Department (LASD) and Status Update on the Los Angeles County Sheriff's Department's Deputy Gang Policy," requested that the Sheriff of LASD and his Constitutional Policy Advisor provide a written "report back" within fourteen days to the Sheriff Civilian Oversight Commission's Deputy Gang Ad Hoc Committee (COC Ad Hoc Committee) answering these questions:

- 1) Their investigation into the Industry Indians and Industry Station
  - a) How long the Industry Indians [have] been in existence?
  - b) Other incidents of misconduct that were linked to the Industry Indians deputy gang or to the Industry Station
  - c) Impact on community members and communities within the service area of the Industry Station
  - d) How many investigations were conducted as a result of any misconduct, criminal behavior, and activities?
  - e) Any ongoing investigations
  - f) Quality of the investigations conducted
  - g) What, if any, early warning signs were ignored of deputy gang behavior at the LASD Industry Station
- 2) Outcome of the Investigation
- 3) Ongoing steps and actions taken to address deputy gangs in the Sheriff's Department
- 4) Status of the Sheriff's Department's gang policy
- 5) Community engagement plan, in conjunction with the Civilian Oversight Commission (COC), to restore faith, trust, and confidence in the impacted communities due to the Industry Indians and Industry Station misconduct.

The motion further directed the Office of Inspector General (OIG) and the Sheriff Civilian Oversight Commission's Deputy Gang Ad Hoc Committee to independently review and analyze the Sheriff Department's report back and provide an analysis and

recommendations to the Board, in writing, within 14 days after receipt of the Sheriff Department's report back. On March 28, 2024, the OIG submitted his report back to the Board. The COC Ad Hoc Committee's analysis of the LASD response dated March 4, 2024 is provided as follows.

On March 4, 2024, the COC received the report back from LASD Undersheriff April Tardy. Undersheriff Tardy did not answer each question in order but grouped the questions into three categories: 1) questions the LASD agreed to answer; 2) questions the LASD claims they have already answered; and 3) questions the LASD claims they are prohibited by law from answering.

### **Category One: Questions the LASD Agreed to Answer**

Undersheriff Tardy agreed to answer questions 1.a, 1.c, 1.d, and 1.g. Regarding 1.a, she replied that the LASD first became aware of the Industry Indians in 2023. (Tardy letter to COC at p. 3.) Former Undersheriff Timothy Murakami provided sworn testimony at the COC's eleventh special hearing on March 7, 2024 that he knew of the Industry Indians over his many years at Industry Station.<sup>1</sup> That the second-in-command of the Sheriff Department knew of the Industry Indian subgroup put LASD on notice to the existence of the subgroup. Further, while Undersheriff Tardy does not admit that LASD knew about the existence of the Industry Indians, it is nonetheless reasonable to infer that a subgroup in operation for ten years and that was known to LASD upper leadership was also known to others LASD managers, including current and former Captains assigned to the City of Industry Station.

Undersheriff Tardy failed to truly answer questions 1.c, 1.d, and 1.g. Instead, she provides general information about uses of force and investigations at the Industry Station, shedding no light on the extent to which the Industry Indians deputy gang impacted use of force claims and investigations at Industry Station, whether there are additional investigations of this specific alleged deputy gang, or generally impacted communities served by the Industry Station.

### **Category Two: Questions the LASD Claims They Have Already Answered**

Undersheriff Tardy responded to questions 3, 4 and 5, by referring to her February 28, 2024 report to the COC that previously addressed every recommendation in the COC's Special Counsel's report on deputy gangs. The in-depth answers in Undersheriff Tardy's February 28, 2024 report demonstrate that Sheriff Luna and his leadership team have made genuine efforts to dissuade deputies from joining deputy gangs and to change the pervasive gang culture in the LASD. We commend Sheriff Luna for educating deputies about the problems caused by joining deputy gangs, especially the fear and lack of trust these gangs have created in communities.

Regarding question 4, the February 28, 2024 report reflects Sheriff Luna's failure to

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<sup>1</sup> Los Angeles Sheriff Civilian Oversight Commission (2024, March 7), "*Special Hearing*". <https://echo360.org/media/7cfbaafe-7070-4da7-b43b-40eb6f82f194/public>. When asked by Special Counsel Pacheco whether, "[i]n [his] many years in the City of Industry and at that station, did [he] ever hear of a subgroup by the name of Industry Indians," former Undersheriff Murakami responded, "Yes, sir." (1:29:04)

adopt policies prohibiting participation in law enforcement gangs (as required by section 13670 of the Penal Code) and exclusionary deputy cliques in LASD, as recommended by the COC. While Sheriff Luna evidently believes he must continue to participate in the meet and confer process with the labor unions representing deputies, the reality is that the statutory requirement that the LASD adopt a policy prohibiting law enforcement gangs went into effect on January 1, 2022 and the COC's recommendation that there be a policy prohibiting joining or participating in deputy cliques such as the Banditos, Executioners, Grim Reapers and Indians was made in 2021. In its February 2023 Report regarding Deputy Gangs and Deputy Cliques in the Los Angeles County Sheriff's Department, the COC strongly reiterated the need for LASD to adopt a policy on deputy gangs and cliques. The Ad Hoc Committee concludes that Undersheriff Tardy's answer to question 4 is insufficient. She provides no insight into why it would take over a year to meet and confer or why it is acceptable for a law enforcement agency to decline to comply with a provision of the Penal Code designed to protect community members from deputy gangs.

### **Category Three: Questions the LASD Claims They are Prohibited by Law from Answering**

Undersheriff Tardy declined to answer questions 1.b, 1.e, 1.f, and 2 based on her belief that the answers would include confidential information that she says the COC is prohibited from receiving under state law.<sup>2</sup> She cites section 3.79.035 of the Los Angeles County Code for the same proposition and invites the COC to notify her if we disagree with her legal analysis.

The Ad Hoc Committee disagrees with Undersheriff Tardy's analysis regarding the Committee's access to confidential information. The Board specified that the requested report-back was to "the deputy gang ad hoc," not to the full COC. Traditionally, LASD has shared confidential information with COC's ad hoc committees. While we agree with Undersheriff Tardy's statement that the COC "is a Brown Act body ([LACC] § 3.79.035)," the Brown Act's requirements do not apply to COC's Ad Hoc Committees, or any collection of members, comprised of "less than a quorum of the legislative body." See Gov't. Code § 54952(b); see also, *Taxpayers for Livable Communities v. City of Malibu*, 126 Cal.App.4th 1123-1128-29 (two members of five-member city council meeting to "go over" the city's land use and planning without binding the city council were not subject to the Brown Act).

The California Attorney General's handbook on the Brown Act also advises that Ad Hoc Committees are not subject to the Brown Act. Office of the Attorney General, Bill

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<sup>2</sup> It's not clear why all the requested information about the Industry Indians would be confidential under state law. Press accounts report that a group of Industry Station deputies picked a fight with teenagers, punched at least one, yelled homophobic slurs, and then lied about their conduct to the Montclair police during a criminal investigation. Keri Blakinger & Alene Tchemedyian, *A Bowling Alley, a Boozy Fight and Allegations of a New Deputy Gang in Los Angeles*, L.A. Times (Jan. 11, 2024) (reporting that a Montclair officer informed deputies who were denying participating in a fight that she was watching a video that demonstrated their statements were false). The Right to Know Act, Cal. Penal Code §832.7, removes confidentiality for police personnel records where an agency found that a deputy engaged in dishonesty in the investigation, reporting, or prosecution of a crime or police misconduct. *Id.* at §832.7(b)(1)(C).

Lockyer, Attorney General, *The Brown Act: Open Meetings for Legislative Bodies* at p. 6 (2003); available at <https://oag.ca.gov/system/files/media/the-brown-act.pdf> (a committee of less than a quorum tasked with producing a report on a specific issue is an “exempt advisory committee” and a “limited term ad hoc committee” not subject to the Brown Act).

Undersheriff Tardy also states, “The Department is willing to enter into a Confidentiality Agreement with the COC, provided that any such agreement meets the above referenced legal obligations and notification to all bargaining units is completed.” (Tardy letter at p. 7.) As set forth above, caselaw and the attorney general’s handbook confirm that the LASD may share confidential information with the ad hoc committee on deputy gangs without violating the Brown Act, regardless of any confidentiality agreement. Nevertheless, in November 2023, I notified the Office of County Counsel and the LASD that the members of the COC Deputy Gangs Ad Hoc Committee had agreed to sign the draft confidentiality agreement sent to us by the Office of County Counsel so the Committee could access confidential documents regarding deputy gangs, cliques and exclusionary subgroups. The LASD recently acknowledged our willingness to sign confidentiality agreements, but for the first time advised that the Department could not enter into any confidentiality agreement or memorandum of understanding<sup>3</sup> prior to going through the meet-and-confer process with the deputy unions. This new position will derail the confidentiality agreement altogether or, at the very least, potentially delay implementation for years. The COC cannot make meaningful recommendations regarding LASD policies and procedures under these circumstances.

### **The COC Cannot Conduct Meaningful Civilian Oversight Without Access to LASD Investigative Documents**

The insufficient report-back highlights a broader, longstanding problem that the COC confronts whenever we seek information from the LASD. The leadership reflexively refuses to provide requested documents, citing police confidentiality laws and the threats of lawsuits from ALADS. The cited laws often ignore other more recent provisions passed to increase the transparency of police personnel files documenting misconduct, such as SB 1421 and SB 16. This stance deprives COC ad hoc committees of any opportunity to review the most relevant documents regarding difficult policy and oversight issues that are essential to advise the entire COC at public meetings and help provide the transparency into LASD demanded by the public. We cannot conduct meaningful civilian oversight of the LASD without giving our ad hoc committees timely, comprehensive access to investigative materials.

According to the National Association of Civilian Oversight of Law Enforcement (NACOLE), there are thirteen general principles that are considered key components of successful civilian oversight. The third principle states, “Unfettered access to the subject law enforcement agency’s records is vitally important to civilian oversight. The ability to review all records relevant to an investigation or other matters within the scope of a civilian oversight agency’s authority in a timely manner is essential to providing effective,

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<sup>3</sup> The COC also proposed an umbrella Memorandum of Understanding (MoU) that would facilitate the Sheriff’s Department sharing information it deems to be confidential with ad hoc committees of the COC. To date, County Counsel appears to be advising the Sheriff not to enter into the MoU. We have been provided with no legal reason for County Counsel’s position.

informed, and fact-driven oversight.”

The current system in Los Angeles County falls far short of this most basic principle of civilian oversight of law enforcement. Sheriff Luna has declared in various public settings that he wants to share documents with the COC but he must follow the County Counsel’s legal advice not to do so. Transparency into LASD has been repeatedly demanded by the public through both state statutes, such as SB 1421, and county measures, notably Measure R . We strongly recommend that the Board direct its County Counsel to re-evaluate its advice regarding the proposed MoU and otherwise promote the COC’s access to information essential to providing effective oversight and accountability of LASD. There are cities and counties within California that have civilian oversight of law enforcement bodies that have been granted access to confidential information. Some of these bodies are also allowed to go into closed session to deliberate any confidential matters such as personnel records. The public and the law are clear that COC ad hoc committees should access documents necessary to develop meaningful oversight of the Department and to develop informed policy recommendations regarding needed reforms. Without access to documents, the COC cannot fulfill its core mandate to conduct oversight of the LASD.

Thank you for your consideration of the Commission’s recommendation. We look forward to receiving the Board’s response. If you have any questions, please do not hesitate to contact me.

Cc: Robert G. Luna, Sheriff of Los Angeles County Sheriff’s Department  
April Tardy, Undersheriff of Los Angeles County Sheriff’s Department  
Fesia Davenport, Chief Executive Officer  
Jeff Levinson, Interim Executive Officer  
Dawyn R. Harrison, County Counsel  
Eileen Decker, Division Director, LASD Office of Constitutional Policing  
Max Huntsman, Los Angeles County Inspector General