



COUNTY OF LOS ANGELES SHERIFF CIVILIAN OVERSIGHT COMMISSION

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May 10, 2023

Sheriff Robert G. Luna
Los Angeles County Sheriff's Department
211 West Temple Street
Los Angeles, CA 90012

Dear Sheriff Luna:

I write to request that you or your designee appear at the May 18, 2023 meeting of the Civilian Oversight Commission (COC) to discuss the investigation of the fatal shooting of Andrés Guardado.

On June 18, 2020, Guardado was shot in the back five times by LASD Deputy Miguel Vega, an alleged prospect of a deputy gang called “the Executioners.” The controversial fatal shooting sparked numerous public protests throughout Los Angeles.

Vega claimed self-defense and his partner, Deputy Christopher Hernandez, corroborated his claim. As you know, both Vega and Hernandez have recently been indicted for federal civil rights violations and obstruction of justice in connection with the illegal abduction and use of force against another young man two months before the Guardado shooting.

A community member who presented as a percipient witness to the shooting stated during a video interview that Guardado didn't have a gun and that LASD deputies had destroyed surveillance video footage that would have disproved Vega's self-defense claim. Other community members denied that deputies destroyed video footage.

Mike Davis and Joseph Valencia, the two LASD Homicide detectives assigned to investigate the Guardado shooting, invoked their Fifth Amendment right not to incriminate themselves when county lawyers conducting an official coroner's inquest questioned them about their investigation. 11/30/2022 Transcript of Coroner's Inquest at pp. 73-83. The retired justice presiding over the inquest expressed concerns that their invocation was not legally warranted, but both detectives persisted. *Id.* at pp. 77 and 82. The specter of two detectives taking the Fifth about their investigation of a deputy-involved shooting raises serious questions about the professionalism and objectivity of their investigation. Despite

this, Davis and Valencia were allowed to remain in charge of the investigation.

On April 14, 2023, the Justice System Integrity Division (JSID) of the District Attorney's Office issued a redacted memo declining to prosecute Vega, asserting that the prosecution could not prove beyond a reasonable doubt that Vega did not act in self-defense. JSID Memo to Capt. Andrew Meyer, available at <https://www.documentcloud.org/documents/23777862-guardado>. While the JSID memo notes that "news reports, testimony before [the COC], and allegations in a civil lawsuit have alleged that Deputies Vega and Hernandez were seeking to gain membership in a deputy gang referred to as the 'Executioners' at the time of the shooting," it does not state what, if anything, LASD did to independently investigate these allegations. *Id.* at 28. This is a serious omission because, as the JSID memo concedes, "allegations that Vega was seeking to become a member of the Executioners are concerning and arguably provide a motive to use unreasonable force." *Id.* at 29.

The JSID memo fails to mention that the detectives who conducted the investigation of the Guardado shooting took the Fifth at the coroner's inquest. You mentioned that Davis and Valencia were just following the advice of the County Counsel. However, the record of the coroner's inquest does not reflect that either detective was represented by the Office of the County Counsel, which was actually assisting the retired justice in questioning the witnesses (including them) during the proceeding.

While LASD leadership defers specifically addressing the COC's inquiries regarding alleged deputy misconduct based on the statutory confidentiality of police personnel files, Section 832.7(b)(1)(A)(i) of the Penal Code makes it clear that information regarding deputy-involved shootings is not confidential.

Respectfully,



Sean Kennedy
COC Chair

Cc: George Gascón, District Attorney