



RESOLUTION OF THE SHERIFF CIVILIAN OVERSIGHT COMMISSION

[Proposed] RESOLUTION EXPRESSING GRAVE CONCERNS REGARDING SHERIFF ALEX VILLANUEVA'S LEADERSHIP OF THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT AND HIS FAILURE TO COOPERATE WITH CIVILIAN OVERSIGHT

The Sheriff Civilian Oversight Commission of the County of Los Angeles (Commission), California hereby resolves as follows:

WHEREAS, on January 12, 2016, after several high-profile scandals¹, findings of use of unreasonable force in the Los Angeles County jails², and allegations of criminal wrongdoing³ within the Los Angeles County Sheriff's Department ("Sheriff's Department"), the Los Angeles County Board of Supervisors ("the Board") created the Sheriff Civilian Oversight Commission ("the Commission") to study, evaluate and recommend improvements and reforms of the Sheriff's Department and promote public transparency and assure accountability. The cornerstones of the Commission are its independence and community engagement, engagement which is encouraged and valued.

WHEREAS, the creation of the Commission was supported by the leadership of the Sheriff's Department. Indeed, during the first three years of the Commission's existence, senior leadership of the Sheriff's Department regularly attended Commission meetings, convened joint committees to address topics of concern, co-hosted community townhalls, and responded to requests for information. Although there were certainly disagreements, the collaboration with the Sheriff's Department enabled the Commission to produce reports and recommendations on important topics such as body-worn cameras, mental health evaluation teams, Prison Rape Elimination Act compliance, Brady list disclosures and the Family Assistance Program.

WHEREAS, Alex Villanueva was elected as the 33rd Sheriff of the County of Los Angeles, promising to "reform, rebuild and restore" the Sheriff's Department, increase accountability and transparency, and to boost morale among the nearly 18,000 deputies and staff who strive to honorably serve the residents of Los Angeles County.⁴

WHEREAS, since taking office Sheriff Alex Villanueva ("Sheriff Villanueva") has enacted important reforms such as the ban on Immigration and Customs Enforcement transfers and the development of policy prohibiting deputy cliques or gangs.⁵ These policy achievements, however, have been overshadowed by Sheriff Villanueva's failure to adequately lead the Sheriff's Department, his efforts to block meaningful reform and his refusal to participate in the oversight efforts of the Commission and others.

¹ The Citizens' Commission on Jail Violence, "Report" (September 2012)

² The Citizens' Commission on Jail Violence "Report" found: "a persistent pattern of unreasonable force in the Los Angeles County jails that dates back many years, P. 1

³ Hamilton, Matt, "Former Los Angeles County Sheriff Lee Baca is now a prison inmate in Texas." *The Los Angeles Times* 5 Feb. 2020: Online

⁴ Macias, Jr., Martin, "New LA Sheriff Ran on Reform, but Will He Deliver" *Courthouse News Services* 5 Dec. 2018: Online

⁵ Los Angeles County Sheriff's Department, *Employee Groups which Violate Rights of Other Employees or Members of the Public* MMP 3-01/050.83



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WHEREAS, Sheriff Villanueva’s personnel decisions and management of the deputy discipline process have not only undermined the credibility of the Sheriff’s Department, they have threatened progress on reforms designed to enhance accountability for deputy misconduct. Sheriff Villanueva removed the Sheriff’s Department’s constitutional policing advisors,⁶ while at the same time attempting to rehire deputies who were fired for cause, such as fabricating evidence and domestic violence.⁷ Sheriff Villanueva alleged, without proof, that the disciplinary process was “unfair” and deactivated the disciplinary proceedings against deputies accused of using excessive force and committing child abuse.⁸

WHEREAS, violent deputy cliques or gangs continue to operate within the department, particularly in the Compton and East Los Angeles stations.⁹ Members of these cliques/gangs subvert the chain of command, promote violence against residents and colleagues, celebrate Nazi symbols and have cost the County millions of dollars to settle claims related to misconduct by alleged gang members.¹⁰ Troublingly, a recent report by the Loyola Center for Juvenile Law and Policy found that the number of deputy-involved shootings has increased particularly in the Sheriff’s Department’s substations where deputy cliques/gangs exist.¹¹ Despite Sheriff Villanueva’s claims that members of these cliques/gangs have been disciplined or reassigned pursuant to Sheriff’s Department policy, Inspector General Max Huntsman has said that he is “‘aware of no implementation whatsoever’ of the policy and that his office can’t effectively investigate the secret societies ‘because of the obstruction of the Sheriff’s Department.’”¹²

WHEREAS, the Sheriff’s Department has blocked efforts to ensure independent oversight of deputy-involved shooting investigations. For example, Inspector General Max Huntsman recently reported that the Sheriff’s Department ignored his request to be included in the autopsy of Dijon Kizzee, who was killed by deputies on August 31, 2020.¹³ Sheriff Villanueva’s inability to ensure transparent, thorough and independent investigations of deputy-involved shootings erodes public trust in the process and the validity of the conclusions reached as a result of such investigations.

⁶ Lau, Maya, “Numerous top L.A. County sheriff’s officials will be fired or relieved of duty once Alex Villanueva is sworn in; new staff named.” *The Los Angeles Times* 28 Nov. 2018: Online

⁷ Note that a court blocked this effort.

⁸ Office of Inspector General, “Report Back on LASD Internal Administrative Investigations and Dispositions of Disciplinary Action.” (April 2019)

⁹ Office of Inspector General, “Analysis of the Criminal Investigation of Alleged Assault by Bandidos.” (Oct. 2020)

¹⁰ Tchekmedyan, Alene, “Compton Executioners deputy gang lied about guns and hosting inking parties, deputy says.” *The Los Angeles Times* 20 Aug. 2020: Online

¹¹ The Center for Juvenile Law and Policy LMU/Loyola Law School-Los Angeles, “Fifty Years of ‘Deputy Gangs’ in the Los Angeles County Sheriff’s Department: Identifying Root Causes and Effects to Advocate for Meaningful Reform [Draft]” (Oct. 2020)

¹² Office of Inspector General, “Analysis of the Criminal Investigation of Alleged Assault by Bandidos.” (Oct. 2020)

¹³ Tchekmedyan, Alene, “Deputies who shot Dijon Kizzee were trainee and supervisor, sources say.” *The Los Angeles Times* 3 Sep. 2020: Online



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WHEREAS, the Sheriff's Department has violated the First Amendment rights of residents engaging in protest activity as well as journalists covering protests. During the unprecedented protests against police violence this summer, at a time when it was incumbent upon law enforcement to exercise restraint, deputies were recorded abusing residents and harassing journalists covering the protests. In one instance, KPPC reporter Josie Huang was arrested after identifying herself as a member of the press. In defending the arrest, Sheriff Villanueva cited inaccurate and misleading information that was contradicted by contemporaneous video footage.¹⁴

WHEREAS, eight deputies were accused of leaking photos of the helicopter crash site that claimed the lives of Kobe Bryant and others.¹⁵ Although Sheriff Villanueva pledge to conduct a thorough, transparent and collaborative investigation into the publication of the photos, he instead bypassed the regular internal investigative process of the Sheriff's Department, ordered the destruction of the photos¹⁶ and blocked the OIG's efforts to examine his handling of the matter.¹⁷ Sheriff Villanueva has repeatedly failed to comply with a subpoena compelling the production of evidence related to the Bryant investigation and the County is currently facing a lawsuit seeking damages for the Sheriff's Department's failure to ensure that the photos were used for investigative purposes only.¹⁸

WHEREAS, Sheriff Villanueva and his subordinates have attempted to intimidate and belittle individuals and entities tasked with providing oversight of the Sheriff's Department. Sheriff Villanueva used a racist and sexist slur to describe a member of the Board,¹⁹ has accused members of the Commission of conflicts of interest and initiated a criminal investigation of Inspector General Max Huntsman.²⁰

WHEREAS, the Commission has attempted to engage Sheriff Villanueva to address the aforementioned problems within the Sheriff's Department. The Commission repeatedly requested information on matters related to the Sheriff's Department, invited Sheriff Villanueva to attend Commission meetings and offered to co-host townhalls to facilitate transparency and to build community trust. To date, few of these attempts at engagement have been successful. Sheriff Villanueva and the Undersheriff no longer regularly attend

¹⁴ Martin, Brittany, "Inspector General says the Sheriff's Department may have made false claims about a reporter's arrest." *Los Angeles Magazine* 17 Sept. 2020: Online

¹⁵ NBC Los Angeles (City News Services) "After Kobe Crash, Sheriff's Dept. Asks For Investigation of Policy on Accident Photos." 7 March 2020, Updated 8 March 2020

¹⁶ Tchekmedyan, Alene and Pringle, Paul, "Sheriff admits he ordered destruction of graphic Kobe Bryant crash photos." *The Los Angeles Times* 2 March 2020: Online

¹⁷ Tchekmedyan, Alene, "Sheriff watchdog seeking subpoena for documents in alleged Kobe Bryant crash photos cover-up." *The Los Angeles Times* 15 May 2020: Online

¹⁸ de Leon, Concepción, "Kobe Bryant's widow sues L.A. County Sheriff over crash site photos." *The New York Times* 24 Sept. 2020: Online ("The lawsuit says that Ms. Bryant was 'shocked and devastated' when she learned that photographs had been taken and that she 'lives in fear that she or her children will one day confront horrific images of their loved ones online.'")

¹⁹ Tchekmedyan, Alene and Cosgrove, Jaclyn, "Sheriff's sexist slur and accusations of 'blood money' ramp up feud with L.A. County supervisors." *The Los Angeles Times* 27 July 2020: Online

²⁰ Lau, Maya, "L.A. County sheriff's top watchdog is under investigation – by the L.A. County sheriff." *The Los Angeles Times* 14 Aug. 2019: Online



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Commission meetings as was the practice under the prior administration. In a last resort effort to obtain vital information about the management of COVID in the jails, the Commission issued a subpoena for Sheriff Villanueva's attendance. Rather than attending, Sheriff Villanueva summarily ignored the Commission's subpoena and then challenged it in court.

THEREFORE BE IT RESOLVED, Los Angeles County residents deserve a Sheriff's Department that is cooperative, respectful, transparent, accountable, trustworthy, and amenable to change. As the leader of the Sheriff's Department, Sheriff Villanueva has an obligation to lead by example. Instead, the Commission finds that Sheriff Villanueva enables a culture within the Sheriff's Department of deputy impunity, disregards the constitutional rights of Los Angeles County residents, disdains other elected officials and disrespects the will of voters who support robust civilian oversight. The Commission finds that the ongoing issues within the Sheriff's Department point to a serious lack of judgment and leadership by Sheriff Villanueva.

BE IT FURTHER RESOLVED, the Commission believes it is in the best interest of the Sheriff's Department, the County and the residents of the communities we serve to have a productive relationship with Sheriff Villanueva. The Commission remains committed to implementing constructive reforms in collaboration with Sheriff Villanueva and wishes to see Sheriff Villanueva succeed in rebuilding the Sheriff's Department. In sum, the Commission stands ready to engage with Sheriff Villanueva in an effort to maintain a respectful dialog and provide constructive and timely oversight of the Sheriff's Department.

BE IT FURTHER RESOLVED, should Sheriff Villanueva continue to facilitate dysfunction in the Sheriff's Department and fail to participate in the meaningful oversight efforts of his agency, the Commission will use all of the tools provided by the Board and by the voters of Los Angeles County to ensure transparency, enact reform and to hold Sheriff Villanueva accountable.

COUNTY OF LOS ANGELES

I, Brian K. Williams, Executive Director of the Los Angeles County Sheriff Civilian Oversight Commission, do hereby certify that the above is true and correct copy of a Resolution duly adopted by the Los Angeles County Sheriff Civilian Oversight Commission at its meeting held on _____ and as same appears of record in the Official Minutes of said Commission.

GIVEN UNDER MY HAND AND OFFICIAL SEAL of the Los Angeles County Sheriff Civilian Oversight Commission this _____ day of _____ 2020.

Brian K. Williams, Executive Director