



Written Public Comment

Provided for the June 15, 2023, Commission Meeting
of the Los Angeles County Sheriff Civilian Oversight Commission.

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CHECK THE SHERIFF

June 14, 2023

TO: Los Angeles County Civilian Oversight Commission
Professor Sean Kennedy, Chair, Civilian Oversight Commission
Danielle Butler Vappie, Esq, Interim Executive Director, Civilian Oversight Commission
Max Huntsman, Inspector General

Via Email

RE: Investigation of Andres Guardado's Death, Policies Regarding LASD's Harassment of Surviving Families, Implementation of Transparency Ordinance, and Platforming of Violent Deputies

Recent meetings of this Commission have deepened our concerns around the Los Angeles County Sheriff's Department's (LASD) continued efforts to thwart civilian oversight and accountability. First, at this Commission's May regular meeting, we were outraged to hear how LASD handled its investigation into Andres Guardado's killing and alarmed to learn that LASD's at-best shoddy investigation if not cover-up dictated District Attorney George Gascon's (DA) decision not to prosecute sheriff's deputies Miguel Vega or Chris Hernandez. We urge this Commission to conduct an independent investigation into Andres Guardado's killing and LASD's alarming investigative practices in this case. We have requested the DA attend the upcoming COC meeting, fully investigate the deputy gang allegations in the killing of Andres Guardado, and investigate all accusations of LASD criminal conduct, as requested by the Board of Supervisors (Board) through its motion on July 27, 2021.¹

Second, we were disturbed that a sheriff's deputy involved in the shooting death of a community member was allowed to testify and ask for the public's support at this Commission's April regular meeting. This Commission should take proactive steps to ensure LASD personnel who have harmed community members are prohibited from testifying before this Commission.

Third, given LASD's continued resistance to oversight and transparency, we urge this Commission to push for the full and immediate implementation of the transparency ordinance adopted by the Board more than a year ago.²

¹ Motion by Supervisors Hilda L. Solis and Holly J. Mitchell, *Taking Action: Further Protections for Surviving Families From Law Enforcement Harassment and Retaliation* (July 27, 2021), available at [http://file.lacounty.gov/SDSI nter/bos/supdocs/160300.pdf](http://file.lacounty.gov/SDSI%20nter/bos/supdocs/160300.pdf) [hereinafter "July 27, 2021 Board Motion"].

² L.A. County Ordinance No. 2022-0011 (Mar. 15, 2022), <https://file.lacounty.gov/SDSInter/bos/supdocs/167350.pdf>.

Finally, LASD's continued failure to develop policies to stop and prevent the harassment of surviving families by LASD personnel, despite recommendations by this Commission and the Board, is unacceptable. We ask that this Commission urge LASD to immediately adopt policies prohibiting their employees from harassing families who have been directly impacted by LASD's violence and address this issue during the COC regular meeting in July.

1. This Commission Should Conduct an Independent Investigation into LASD's Killing of Andres Guardado

June 18, 2023 will mark three years since LASD deputy Miguel Vega killed 18-year-old Andres Guardado. After three years of this Commission, the Board, and members of the public asking for answers about Andres Guardado's killing, we still do not know why deputies Vega and Chris Hernandez pursued him, why Vega shot him five times in the back, whether these deputies were members or prospects of the so-called "Executioners" deputy gang, or whether evidence was compromised during LASD's homicide investigation.

Instead, the public has been asked to accept the findings of an investigation LASD conducted on itself. From an objective standpoint, LASD's investigation was riddled with issues. Witness reports held that LASD personnel took security footage and destroyed cameras following Andres Guardado's killing.³ Former Sheriff Alex Villanueva placed a security hold on Andres Guardado's autopsy, leading to the Coroner-Medical Examiner to break with the sheriff and the first coroner's inquest in 30 years.⁴ During the inquest, Mike Davis and Joseph Valencia, the detectives leading the homicide investigation, pleaded the Fifth Amendment, indicating they feared incriminating themselves.⁵ The retired justice presiding over the inquest, this Commission's Chair Sean Kennedy, and Inspector General Max Huntsman have all highlighted that the detectives' conduct is not only unheard of, but also legally unwarranted, raising serious concerns about the professionalism and integrity of LASD's investigation.⁶ These same detectives, who remained in charge of the investigation, never asked Vega and Hernandez if they were affiliated with a deputy gang, despite an LASD whistleblower's statement under oath that both deputies were seeking initiation into the "Executioners" deputy gang in the Compton station.⁷

Deputies Vega and Hernandez have been tied to multiple disciplinary and use of force claims.⁸ Both deputies were named in a lawsuit relating to a 2019 incident where a man, who

³ See, e.g., Nicole Levin, *LA Sheriff's Department Attacks Protesters in Compton*, KNOCK LA, (June 23, 2020), <https://knock-la.com/la-sheriffs-department-attacks-protesters-compton-732bcd93c0c8/>.

⁴ Frank Stoltze, *Inquest Into Deputy's Fatal Shooting of Andres Guardado: Both Deputies, 2 Detectives Plead the 5th*, LAIST, (Nov. 30, 2020, 1:24 PM), <https://laist.com/news/coroner-inquest-andres-guardado-deputy-shooting-deputies-detectives-5th-amendment>.

⁵ *Id.*

⁶ Letter from Sean Kennedy, COC Chair, to Sheriff Luna (May 10, 2023), available at <https://file.lacounty.gov/SDSInter/bos/supdocs/ChairLettertoLunareGuardado5.10.2023.pdf>.

⁷ Kate Cagle, *Whistleblower Testifies Deputy Who Shot Gardena Teen Was "Chasing Ink"*, SPECTRUM NEWS 1, (Aug. 30, 2020, 9:03 AM), <https://spectrumnews1.com/ca/la-west/public-safety/2020/08/30/whistleblower-testifies-deputy-who-shot-gardena-teen-was--chasing-ink-->.

⁸ Deputy Vega was previously suspended from LASD for making false statements during an investigation. He had three complaints lodged against him, one for unreasonable force and two for being discourteous. Keri Blakinger, *Ex-deputies involved in Guardado shooting indicted federally in separate abuse case*, L.A. TIMES, (Apr. 13, 2023 at

claimed the deputies planted a gun on him, was mauled by an LASD canine during the arrest.⁹ Most recently, Vega and Hernandez were federally indicted for conspiracy, witness tampering, falsifications of records, and deprivation of rights, relating to their kidnapping of 24-year-old Jesus Alegria three months before the killing of Andres Guardado.¹⁰ Andres Guardado would still be alive today had LASD effectively investigated and disciplined Vega and Hernandez for either of these two incidents, but they chose not to. We cannot trust this same department to do better now, regardless of the recent leadership change.

Indeed, in addition to LASD's conduct during this investigation, statements from Assistant Sheriff Holly Francisco and Sheriff Robert Luna at this Commission's May meeting left us with absolutely no confidence in LASD's findings. We echo Inspector General Huntsman's sentiment that expecting LASD to effectively and properly investigate itself is a fool's errand. Indeed, time and time again, LASD has proven the truth that the police can't police themselves. It is impossible to have faith in the findings of LASD's investigation given the department's history of obfuscating the truth and dodging oversight. LASD's investigation into Andres Guardado's killing is at best inadequate and at worse a cover-up of the murder of an 18-year-old by members or prospects of a deputy gang.

Nevertheless, the DA solely relied on LASD's investigation to decide whether to prosecute deputies Vega and Hernandez. The DA has the power, the resources, and the opportunity to conduct additional investigation into this case, especially the deputy gang allegations. The DA's office could have asked the question LASD refused to ask: whether Vega and Hernandez were affiliated or seeking affiliation with a deputy gang at the time of Andres Guardado's killing. Instead, despite the deputy gang allegations or the concerning decision of the two lead detectives to assert their Fifth Amendment rights during the coroner's inquest, the DA accepted LASD's investigation at face value, without any further inquiry. The DA undeniably understands the implications of these detectives' silence. Accepting LASD's fraught investigation as adequate to relieve a deputy from further inquiry or prosecution incentivizes LASD to continue to conduct subpar and corrupt investigations.

Moving forward, we still need a thorough investigation into deputies Vega and Hernandez as well as detectives Davis and Valencia. We need transparency into how these two deputies with significant disciplinary violations were allowed to remain at their jobs patrolling the community where they would go on to pursue and kill Andres Guardado. We need transparency around why the detectives, who under LASD's recently updated policy would have been removed from this investigation, were allowed to remain on the case. Until these investigations are performed, it is impossible to know the truth about Andres Guardado's killing. Therefore, we urge the Commission to conduct an independent investigation and continue to seek the truth into the events surrounding Andres Guardado's killing and LASD's investigation and disciplinary actions. The DA should also use the office's resources to conduct a proper investigation into Andres Guardado's killing, including the deputy gang allegations.

7:46 P.M.), <https://www.latimes.com/california/story/2023-04-13/sources-ex-deputies-involved-in-andres-guardado-shooting-indicted-in-unrelated-case>.

⁹ *Id.*

¹⁰ *Id.*

2. This Commission Should Prohibit Deputies with Misconduct History Against the Public from Testifying at Commission Meetings

At this Commission's April meeting, Sergeant Michael Mabee testified about the merits of tasers. Mabee has allegedly shot three people during his time with LASD. One of his victims, Ignacio Ochoa, was unarmed and riding his bike to the store when Mabee shot and killed him.¹¹

It is unacceptable for LASD to send employees who have killed or otherwise abused community members to testify as experts before this Commission. It is insensitive and traumatizing to impacted families and individuals. The purpose and credibility of this body is undermined when it platforms killer deputies. The Commission should be proactive and prohibit LASD personnel who have harmed community members from testifying at Commission meetings.

3. This Commission Should Push for LASD's Full and Immediate Adoption of the Board's Transparency Ordinance

On March 15, 2022, the Board adopted Ordinance No. 2022-0011.¹² Prior to adopting this transparency ordinance, the Board had also taken important steps to increase transparency around LASD.¹³ The transparency ordinance requires the disclosure of publicly available records systematically, proactively, and immediately in an easily searchable format, once the records are disclosable. The ordinance also shifts the responsibility for publishing records pursuant to SB 1421, as well as responding to California Public Records Act (CPRA) requests, away from LASD and towards County Counsel.

Nevertheless, more than a year after the adoption of the transparency ordinance, LASD has not created a website to facilitate public access to records legally entitled to the public and continues to refuse California Public Records Act (CPRA) requests. LASD — whether under the advice of County Counsel or outside counsel — has continued to withhold information from records that must be released through extensive and illegal redactions. Additionally, shifting responsibility from LASD to County Counsel must also come with greater certainty that the County will take the proper steps to ensure that all the information to which the public is entitled is in fact released to the public — rather than continue to illegally conceal public records and force disclosure through costly litigation.

Therefore, we urge this Commission to inquire into the status and progress of the adoption of this transparency ordinance. The Commission should help ensure prompt and full operation of the transparency ordinance. It should also request regular updates on County

¹¹ See inLeauge Press, *Justice 4 Ignacio Ochoa – Killed by LA County Sheriff 5/14/13*, YOUTUBE, (May 14 2023), https://www.youtube.com/watch?v=z_TBa4V8leU.

¹² See L.A. County Ordinance No. 2022-0011, *supra*, note 2.

¹³ See Motion by Supervisors Holly J. Mitchell and Hilda L. Solis, *Meeting the Sheriff's Department's Obligations Under SB 1421* (Feb. 15, 2022), <https://file.lacounty.gov/SDSInter/bos/supdocs/166314.pdf>; Motion by Supervisors Holly J. Mitchell and Hilda L. Solis, *Increasing Transparency Through Access to Peace Officer Records* (May 18, 2021), <https://file.lacounty.gov/SDSInter/bos/supdocs/158358.pdf#search=%22sb%201421%22>; July 27, 2021 Board Motion, *supra* note 1.

Counsel's compliance with the CPRA, including an update on pending litigation and litigation-related costs.

4. This Commission Should Facilitate LASD's Timely Adoption of Policies to Stop and Prevent the Harassment of Surviving Families

Since 2019, this Commission has acknowledged and condemned LASD's harassment of families who have lost loved ones to LASD violence. Both this Commission and the Board directed investigations which confirmed what directly impacted families have been telling this Commission at every opportunity: that members of LASD continue to harass and retaliate against families who seek truth and accountability and speak out against LASD. The harassment these families have faced is not a series of isolated events, but rather an ongoing problem indicative of the dangerous and adversarial culture LASD embraces. LASD's egregious behavior continuously traumatizes these families, interrupting their ability to properly grieve and lead healthy lives.

This Commission and the Board have urged LASD to implement a policy forbidding the harassment of surviving families. On December 17, 2020, this Commission unanimously adopted a motion moved by Commissioner Robert Bonner with the following language:

“For the Los Angeles County Sheriff's Department (LASD) to develop a policy forthwith regarding the treatment of family members and their next of kin who have lost loved ones as a result of Use of Force (UOF) by a department employee. The developed policy should encourage respect for family members who have lost loved ones and forbid harassment of them.”¹⁴

On July 27, 2021, the Board by motion requested LASD, “in collaboration with County Counsel, Office of Inspector General, and the Sheriff Civilian Oversight Commission, to develop and adopt a policy regarding memorial sites and vigils involving victims of deputy-involved shootings and killings within 90 days.”¹⁵ Yet, to this day, LASD has not adopted any policy which prohibits the harassment of surviving families. As a result, families have continued to suffer under the harassment of LASD deputies.

Thus, we urge this Commission to advocate with LASD to immediately adopt meaningful policies to stop and prevent the harassment of families, as well as the proactive measures necessary to implement these policies. Building on the recommendations from this Commission and the Board, we ask that policies also include the following non-exhaustive list of protections: preventing deputies from disrupting, destroying, surveilling, disturbing or distracting from vigils and memorials; prohibiting surveillance, intimidation, and unnecessary interactions with surviving family members, either online or in person, including but not limited to following family members, parking, or idling vehicles outside of their homes or places of work, filming family members, interacting or observing family members' personal social media accounts or

¹⁴ [L.A. Cnty. Civilian Oversight Comm'n. Motion: Develop a Policy – Treatment of Family & Next of Kin \(Dec. 17, 2020\)](https://assets-us-01.kc-usercontent.com/0234f496-d2b7-00b6-17a4-b43e949b70a2/dd3c57c9-4963-4dd2-9d17-32892cc5dfe7/Motion-RequestingHarassmentPolicy12.17.2020.pdf), <https://assets-us-01.kc-usercontent.com/0234f496-d2b7-00b6-17a4-b43e949b70a2/dd3c57c9-4963-4dd2-9d17-32892cc5dfe7/Motion-RequestingHarassmentPolicy12.17.2020.pdf>.

¹⁵ July 27, 2021 Board Motion, *supra* note 1.

any social media pages created in memorial of their loved ones; and specifically preventing interactions with minors in these families, so that children can feel safe walking to school and in the community. Deputies should be reminded that they have a duty to intervene, and that if they witness this type of harassment and do not report it, they too can be disciplined.¹⁶

This Commission should act immediately and advocate for LASD to adopt policies to protect these families who time and time again choose to bravely speak out against LASD, risking their own personal safety and mental health to make Los Angeles a safer county for their families and neighbors.

We greatly appreciate the Commission taking our recommendations as we continue to fight for real transparency, accountability, and oversight of LASD. Despite new leadership, the department's culture of secrecy and obstinance remains. We encourage the Commission to push harder against the department's ongoing attempts to subvert accountability and transparency, and to center the experiences of the communities who continue to be harmed by LASD.

Sincerely,

Check the Sheriff Coalition

¹⁶ L.A. Sheriff Dept. Pol'y Manual §3-01/030.14 Duty to Intervene (2023) *available at* <https://pars.lasd.org/Viewer/Manuals/10236/Content/18852?showHistorical=True>.

Item or topic:	Public Comment	Name
The title of this meeting.	<p>My name is Michelle Edith Rosser. I am interested in the agenda and meeting because each day now there is an opportunity to see and hear about the police department and civilian to perform and practice safe and healthy as professionally and humanely instead of seeing on media outlets, police not knowing the Law and enforcing illegal activity upon innocent people, victims, families, kids, babies, parents and workers and anyone who comes into contact with police or Law enforcement agent co. People are in pain from generational unhealthy unsafe and ongoing current behaviors and activities. The mental health is not only for the person who is not an authority figure and is most likely for the person who is the authority figure. Having people report to mental health services to deal with what is happening, like 1. drug use, 2. death from self-medicating, 3. domestic violence in and out of the home are just to name a few (3). Civilian oversight appears to be a free and no cost platform to take a look at what is happening and keeping the free at no cost platform in place. The oversight appears to create an environment where whoever is involved will get a pay cut and all need to be done is keep it going all while the people are dealing with everyday life. When I call Holly J Mitchells office about my daughter Vonyae K Blassingame currently in dcfs custody with my concerns and complaints. Those people and some of the office staff at dcfs are very much comfy with being rude then unprofessional and it is ongoing that is to say I am letting someone who is reading this know the types of issues your civilians are faced with and going through on a day to day.</p>	Michelle Edith Rosser
The lack of an addressing on a concern of a homeless individual	<p>I relate this information to y'all a thousand times and none of y'all ever did anything about paying attention or actually dealing with the situation at hand but yet here I'm going to give it to you again though.</p> <p>And out of that 1500 homeless people that have died in California in the last year at least five friends of mine in the state of California have died because of that my Jewish friend Armand died at the sushi restaurant they're on La hacienda down from Santa Monica boulevard by having his face smashed against a concrete wall I had two other friends that had their heads chopped off and were stabbed to death down there on Lapeer and Santa Monica their names were Ron georgio or Ronald Giorgio and his boyfriend lot lot was had an alias name because he was a arsonist registered in the Los Angeles Police Department as well being an arsonist so under his name lot if he research it he's gone too they killed him I have a marine buddy down in Oceanside his name was steven m otteson I believe it was shot and killed on his honeymoon down in New Orleans sometime between 2020 My friends down in San Diego Lawell Elf lette Brooks was it giving a drug overdose of fentanyl and oxycontin all because they were my friends. All because of the Los Angeles LGBT Center sending me to the Russ Hotel. Since I didn't want to give me medical Services or clinical Services or allow me to get prescribed medication to their services and I went above their heads and went to the administration office and said something they sent me over there to the rest Hotel so maybe I'd get my ass beat to</p>	Christopher Thomas Campbell

death and they wouldn't have to worry about it I'll just be another statistic but yet all my friends died because of it and I live out here in the desert and nobody does anything for me I've had three attempts out here in the desert as well nobody's done anything against them two people. The first one's name was Adam Charles Hill he assaulted me on October 19th 2020 causing 15 Staples to be put in my arm he also came in March as well I have the license plate in the vehicle he was driving and October 19th incident you have the vehicle and if I'm not correct Alfonso towing is a place that he bought the vehicle from and the same place at Crushed the vehicles. If you do it check on my name you'll find out there was a live scan done on me by Alfonso towing they had been following me and chasing me around West Hollywood Malibu Palm Springs Desert Hot Springs Cathedral City all over the state. Dean Dennis - Alphonso - Mark Wade - John Hilger - hot purple energy. Some colors from down there in West Hollywood as well as three people out of the room of 440 at the Russ Hotel have all been going around causing major problems for me out here for the last 5 years and I've been hiking out here in desert hot springs last 16 17 years.

<p>do information prevention training on nature forecasting in california do information prevention training on firearms in education</p>	<p>PUBLIC REQUEST TO ADDRESS THE BOARD OF SUPERVISORS COUNTY OF LOS ANGELES, CALIFORNIA</p>	<p>ray fossati</p>
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<p>2d, 3b, 3c & general public comment</p>	<p>2d) LASD's conditions of confinement report: I urge this Commission to hold a special hearing on LASD's role in MCJ's safe and effective closure. How have we allowed 21 community members to die inside LA County jails? How did two of these people die from hypothermia? How were there 315k pairs of long underwear available but LASD can't be bothered to distribute them? This is disgusting & completely unacceptable. The United Nations visited our County's jails because the conditions are so notoriously bad.</p> <p>You already know that the conditions at the inmate reception center are human rights and safety violations. LASD is not doing enough to limit the amount of people entering the County's jails exacerbating the problems plaguing the IRC. The County and LASD has been aware of these inhumane conditions at IRC for years.</p> <p>This commission must do everything in its power to dissolve the 3000 boys deputy gang inside MCJ & push for the closure of MCJ.</p> <p>3b) Street takeovers report: Stop inviting LASD employees to speak at commission meetings who are directly tied to violence against community members.</p> <p>Do not allow LASD to use the issue of street takeovers as justification for more funding. LASD's cannot manage street takeovers without causing harm to the community, particularly in Compton, where The Executioners control the station.</p>	<p>MJ King</p>
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3c) DA response to fatal shooting of Andres Guardado: The County settled the civil lawsuit brought by Andres's family for \$8 million to prevent them from going to trial. The detectives investigating the killing pled the Fifth but remained in charge of the investigation. What are we doing here?! While the DA acknowledged the deputy gang allegations it doesn't appear that their office independently investigated those allegations. This commission must conduct an independent investigation into the Murder of Andres Guardado and the Deputy Gang Allegations. LASD has proven time and again that they can NOT investigate themselves. Not one more community member should be lost in this way, the COC must act.

General comment:

Protect families who have been harmed by LASD violence from continuing harassment. LASD must adopt meaningful policies and proactive measures to ensure families can grieve and advocate for themselves in peace. Enough is enough. [L] [SEP]