



COUNTY OF LOS ANGELES OFFICE OF INSPECTOR GENERAL

312 SOUTH HILL STREET, THIRD FLOOR
LOS ANGELES, CALIFORNIA 90013
(213) 974-6100
<http://og.lacounty.gov>

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June 15, 2021

Sheriff Alex Villanueva
Los Angeles County Sheriff's Department
Hall of Justice, 8th Floor
211 W. Temple Street
Los Angeles, CA 90012

Re: Office of Inspector General Requests

Dear Sheriff Villanueva:

We write regarding the Sheriff's Department's repeated failure to cooperate with the Inspector General's requests for documents and information over the last two years. By obstructing Office of Inspector General access, the Sheriff's Department has significantly and intentionally impeded the Inspector General from conducting oversight. Very simply, this cannot and must not continue.

Refusal to Comply with Document and Information Requests

Beginning in December of 2018, the Office of Inspector General has sent numerous requests to the Sheriff's Department, to which we have either received no response or have not received the requested items. Following is a list of at least *thirty* examples:

- In a letter addressed to you dated December 4, 2018, the Office of Inspector General requested the text of all proposed changes, additions, or deletions made to the Sheriff's Department's policies, practices, and procedures. The Office of Inspector General also requested to be advised of the announced Truth and Reconciliation process so that the Office of Inspector General could monitor and report on the process. While some policy changes were shared with us, numerous policy changes have been explored, drafted, and purportedly implemented without notice to the Office of Inspector General. We also have not received the requested documentation relating to Truth and Reconciliation meetings.

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- In a letter addressed to you dated February 13, 2019, the Office of Inspector General requested the names and employee numbers of the six staff members whose prior administrative investigation cases were under review by the Sheriff's Truth and Reconciliation task force based upon your claim that these employees were treated unfairly, necessitating a review of their discipline. The names have not been provided to us.
- In a letter to the Department dated March 5, 2019, the Office of Inspector General requested answers to 42 written questions regarding the Caren Mandoyan discipline re-evaluation case. Answers to these questions have not been provided.
- Between May 22, 2019, and November 1, 2019, the Office of Inspector General requested via email to review unredacted personnel and background files to evaluate the Department's hiring process. The Sheriff's Department permitted my staff to review two records, both of which had information redacted.
- In an email addressed to you and your executive staff dated June 10, 2019, the Office of Inspector General requested all correspondence by and between Sheriff's Department executives and managers that contain direction or instruction regarding providing Departmental information to the Office of Inspector General. We have not received any of the requested correspondence.
- On June 17, 2019, I made an in-person request to you to reactivate the Performance Records and Monitoring System (PRMS) terminals at the Office of Inspector General. Additionally, in many of the requests for information detailed here, the Office of Inspector General has continued to request the restoration of PRMS access to the Office of Inspector General terminals. During a public Civilian Oversight Commission meeting on October 15, 2020, Commissioner Ocen questioned why the Sheriff's Department cut off OIG access to the database and whether the Sheriff's Department would reinstate OIG access; Lieutenant Lopez told Ms. Ocen that he would convey that request to you. A request to reactivate the Office of Inspector General PRMS terminals was most recently made by letter to Chief Vera dated May 14, 2021. The terminals have not been reactivated. This issue is discussed in detail later in this letter.
- In an email to a Sheriff's Department executive dated August 28, 2019, the Office of Inspector General requested access to documents and files of trainees in the Sheriff's Department's patrol field training program. The Office of Inspector General also requested the background file and training files for Deputy Angel

Reinosa, who falsely claimed he was shot while in the parking lot of Lancaster station. We have not received any responsive documents.

- In an email dated November 27, 2019, the Office of Inspector General requested from the Sheriff's Department Constitutional Policing Advisor (CPA) a list of all administrative investigation cases that she was monitoring. In a follow-up email dated December 9, 2019, the Office of Inspector General again requested from the CPA a list of administrative investigation cases she was monitoring and for information on her duties and activities in that role. While on June 15, 2020, we received an email with an attachment referencing the policy sections applicable to the CPA, we have not received a list of cases.
- In an email dated February 27, 2020, the Office of Inspector General requested information from the Sheriff's Department regarding the conduct of Sheriff Department members at the crash site of the fatal helicopter crash involving Kobe Bryant and other persons on board. Initially, Office of Inspector General personnel were allowed to view some redacted materials relating to the Internal Affairs Bureau (IAB) investigation. A second request for specific documents and materials related to this incident was made in a letter dated September 22, 2020. On December 23, 2020, the Office of Inspector General requested the completed IAB investigation arising out of this helicopter crash. The Inspector General was eventually provided with materials from the IAB investigation only when they were provided in discovery during a civil lawsuit brought by Vanessa Bryant. While the Office of Inspector General was informed of the discipline imposed on the deputies, we have not received any information as to whether any of the command staff were disciplined. The following additional requests were made and not satisfied: requests for (1) documents and information relating to any instruction or direction that IAB conduct an investigation of anyone at the rank of lieutenant or higher; (2) a complete list of the phone numbers for any cell phone on which photographs of the crash site were stored, displayed or deleted; (3) emails and text messages exchanged between LASD personnel command staff regarding the deletion of the photographs; (4) emails and text messages exchanged between LASD personnel and Los Angeles County Fire Department personnel; (5) the name, rank, and employee number of the Sheriff's Department's management personnel who ordered or requested the deletion of any crash scene photograph; (6) a list of all possible violations of the California Penal Code and/or the California Evidence Code identified during the investigation; (7) all instructions, commands, orders, or requests given or relayed to any member of IAB or to any member of the Professional Standards Bureau requesting an investigation relating to the destruction of photographs and/or on

how the investigation was to be conducted; (8) all notes taken by the IAB investigators during the course of the IAB investigation relating to the photographs taken at the crash site; and (9) audio and video recordings relating to the investigation.

- In an email dated June 6, 2020, the Office of Inspector General requested from the Sheriff's Department copies of all citizen complaints stemming from the protests that arose after the killing of George Floyd. The request included any videos or documents the Sheriff's Department had in its possession accompanying those complaints, whether recorded by citizens or the Sheriff's Department. We were not provided with the requested documents.
- In an email dated August 31, 2020, the Office of Inspector General requested information and documents regarding the July 31, 2020 private party held at the Sassafras Saloon. The Sheriff denied the involvement of any Sheriff's Department personnel and publicly claimed the allegation that the party was booked by Sheriff's Department personnel had been disproven. No information or documents have been provided.
- In a letter dated September 2, 2020, the Office of Inspector General requested specific documents and information regarding a claim filed by Austreberto Gonzalez alleging the existence of a Compton station secret deputy gang known as "The Executioners." In a letter from Chief Burson dated September 11, 2020, we were told that this request would be forwarded to the appropriate divisions and that most of the responses could be found through a search of PRMS. We were later informed in an email from Commander Scott Johnson that departmental personnel would not conduct a search for the responsive documents but rather any such search would have to be done by OIG staff at the terminals in Commerce. By email dated December 2, 2020, we were provided with a list of non-hit DIS shootings involving Compton Station personnel that occurred after January 2015; this is the only document we received in response to this request.
- In a letter dated September 22, 2020, the Office of Inspector General requested specific documents and information regarding the June 18, 2020 deputy-involved shooting of Andres Guardado, who died as a result. No documents or information were provided.
- In a letter dated September 22, 2020, the Office of Inspector General requested specific documents and information regarding the June 17, 2020 deputy-involved

shooting of Terron Jammal Boone, who died as a result. We have not received any documents or information in response to this request.

- In an email dated November 17, 2020, the Office of Inspector General sought information regarding a press conference by the National Lawyers Guild on September 11, 2020. Specifically, we requested information supporting a statement provided by Lieutenant John Satterfield to the Los Angeles Times that a Sheriff's Department response team secured the parking lot at the request of the business; we asked for the name of the business requesting that the parking lot be secured, the name of the manager who allegedly provided the information to the Sheriff's Department, and when that information was provided. We have not received any documentation or answers to these questions.
- In an email dated November 19, 2020, the Office of Inspector General requested information and documents regarding the arrest of KPCC reporter Josie Huang in addition to a list of all incidents in the past five years where a member of the press was arrested for a violation of Penal Code section 148 or any other Penal Code section violations. While we were provided with LASD policies and directives regarding the topic of photographing, audiotaping, and videotaping by the public or the press, none of the other requested items were provided. Nor were related documents provided regarding any investigation of a complaint arising out of the arrest, or the use of force report regarding the arrest, which were requested on September 12, 2020.
- In a letter dated November 20, 2020, the Office of Inspector General requested from the Sheriff's Department specific documents and information regarding the Harbor-UCLA Medical Center deputy-involved shooting of patient Nicholas Burgos on October 6, 2020. We have not received any documents or information from the Sheriff's Department in response to this request.
- In a letter dated November 23, 2020, the Office of Inspector General requested from the Sheriff's Department specific documents and information regarding the deputy-involved shooting of Fred Williams on October 16, 2020. We have not received any documents or information in response to this request.
- In a letter dated November 23, 2020, the Office of Inspector General requested from the Sheriff's Department specific documents and information regarding the arrest of Emanuel Padilla, who was arrested on November 18, 2020, after protesting at your home, by the Sheriff's Department on two felony charges for allegedly attempting to derail a passenger train on November 15, 2020. We have not received any documents or information in response to this request.

- On January 5, 2021, the Office of Inspector General made a request by email for information relating to the tasing of a man who had requested the assistance of deputies following an accident on December 1, 2020, in the Lennox area. The request for information included any Watch Commander Service Comment Reports, any video of the incident in the possession of the Sheriff's Department, any documentation regarding the incident, and any IAB investigative documents and information. To date, no response to this request has been received.
- On January 5, 2021, the Office of Inspector General made a request by email for information relating to allegations by Lieutenant Carlos Parga against Undersheriff Timothy Murakami, including all administrative investigation files, documents from the County Equity Oversight Panel, and Sheriff's Department internal communications. In a letter dated January 13, 2021, the Sheriff's Department refused to provide the requested materials, stating that the refusal was due to "pending litigation, as well as other legal concerns." To date, these materials have not been provided.
- In an email addressed to you dated January 22, 2021, I requested to meet with you regarding your policy on deputy secret societies and COVID-19 policies and practices at the Sheriff's Department. You declined to meet with me.
- In an email dated January 27, 2021, the Office of Inspector General requested all documents and information regarding the circumstances surrounding the loss of Deputy Liza Vera's service weapon including, but not limited to: all materials comprising a Unit Level investigation, an IAB investigation and/or an ICIB investigation regarding the conduct of Deputy Liza Vera and Chief Eli Vera; all Sheriff's Department internal communications regarding the loss of Deputy Liza Vera's service weapon; any PLEs or records of any discipline imposed on Deputy Liza Vera or Chief Eli Vera arising from the loss of Liza Vera's service weapon; any reports or other communications from the San Bernardino Sheriff's Department regarding the loss or theft of Liza Vera's service weapon. The requested items have not been received.
- In an email dated January 28, 2021, the Office of Inspector General requested information on the process for evaluating and assigning captains to the various stations, whether there is a rotation system for captains assigned to patrol stations, and whether there were any openings for captain at any of the stations.

On March 10, 2021, we received information that this request was on your desk for your approval. We have not received any of the requested information.

- In an email dated February 17, 2021, as a follow up to a summary of the investigation of a November 26, 2020 protest at TTCF over the arrest of Emanuel Padilla, we requested copies of the reports referenced in the summary; copies of all videos relating to the inquiry; a copy of a police report filed by a sergeant reporting a “doxing” incident at his home; a copy of the original email sent by Steve Gross on November 27, 2020 (referenced in the summary provided to us); a copy of the Doxing Awareness video shown to employees in June of 2020; records of all employees who have been subjected to doxing; and copies of any complaints made regarding deputies covering their identifying information. While other information regarding the investigation has been provided, none of this requested information has been.
- In an email dated March 3, 2021, the Office of Inspector General requested documents and information pertaining to any investigation of Justice Deputy (JD) Esther Lim; pertaining to any background check of JD Esther Lim; regarding any review of JD Esther Lim’s personal social media accounts and/or online presence; the reason for any investigation or background check of JD Esther Lim; the reason for any review of JD Esther Lim’s personal social media accounts or online presence; and any documents explaining the reason for the review, investigation or background check. In an email from Commander Scott Johnson dated March 5, 2021, he stated that the information relating to JD Esther Lim would be provided in the next few days. To date, we have not received any of the requested items or information.
- In an email dated March 4, 2021, the Office of Inspector General requested a copy of the search warrant served on Peace Over Violence on February 18, 2021, including the sealed affidavit; any incident reports or supplemental reports that contain witness statements or evidence used as the basis for the affidavit in support of the search warrant; any documents and information that contain witness statements or evidence used as the basis for the affidavit in support of the search warrant; any communications that contain witness statements or evidence used as the basis for the affidavit in support of the search warrant; and any communications that discuss the search warrant or service of the search warrant. We have not received a response to this request.

- In an email dated March 19, 2021, the Office of Inspector General requested documents and information pertaining to the installation of a helipad next to your home, including internal Sheriff's Department communications and external communications with any employee of SoCalGas, Sempra Energy, and/or Century Paving; all purchase bids, estimates, or contracts pertaining to the possible installation of a helipad; photographs of the helipad site before and after any work was done at the site; and the unredacted memorandum from Captain Eddie Hernandez to Chief Chris Marks. Chief Marks responded by stating that he does not possess any of the requested documents. We have not received any other response from the Sheriff's Department.
- The City of Compton has accused your department of fraud in relation to the billing of patrol services provided in Compton, including the use of "ghost cars." On March 8, 2021, OIG Inspectors Soltero and Chan contacted Compton Station Captain Clark regarding the allegations of fraud in the accounting of contract minutes for the city of Compton. Captain Clark directed that all such inquiries be made to the Contract Law Enforcement Bureau (CLEB). On March 10, 2021, the inspectors met with Captain Escobedo of the CLEB and were told that all documentation relating to the billing of contract minutes could be obtained from Compton Station. A second request was made to Captain Clark for access to the documents relating to the logging of patrol minutes, either by providing the documents or allowing a review of them. Captain Clark denied the request and stated that AAB was provided documents and information regarding the fraud allegation, directing OIG to make an inquiry to AAB. In an email to AAB Captain Rodney Moore on March 25, 2021, the OIG requested copies of all documents provided to the AAB relating to the fraud allegation and inquired if AAB was conducting an inquiry or audit relating to the allegations. Captain Moore affirmed that the AAB is conducting such an audit/inquiry, that AAB has documents from Compton Station and CLEB, but that no documents will be provided to the Office of Inspector General prior to the completion of the audit/inquiry. To date, we have not received any documents responsive to the requests regarding these fraud allegations.

The foregoing establishes that the Sheriff's Department has repeatedly violated Los Angeles County Code section 6.44.190(l), which provides:

The Departments and their employees and all other County departments shall cooperate with the OIG and promptly provide any information or records

requested by the OIG, including confidential peace officer personnel records, juvenile records, medical and mental health records, and protected health information necessary for the OIG to carry out its duties. The OIG may direct the manner in which information is provided.

California state law provides that the board of supervisors of a county supervise all officers of the county (Government Code section 25303¹), explicitly including the county's sheriff. Newly passed Government Code section 25303.7 explicitly authorizes the creation of inspectors general and civilian oversight commissions, provides for them to possess subpoena power, and provides that investigations conducted by them "shall not be considered to obstruct the investigative functions of the sheriff." (Government Code section 25303.7(d).)

The California Supreme Court in *Association for Los Angeles Deputy Sheriffs v. Superior Court* (2019) 8 Cal. 5th 28, 33, strongly suggested that law enforcement agencies must comply with requests made by governmental entities seeking to fulfill a constitutional obligation. In footnote five of the decision the court stated: "If anything, the recent amendment to section 832.7(a) tends to indicate that the condition of confidentiality is meant to shield information from the public's eyes—not from the eyes of government officials who may need that information to satisfy a constitutional obligation." (Emphasis added.)

Despite clear legal authority requiring oversight, the Sheriff's Department has failed to provide documents and information in response to the requests delineated in this letter. In three recent legal actions against the Sheriff's Department by Los Angeles County, the courts have ruled in the county's favor.

First, a court ruled in September of last year that the Sheriff's Department's attempted rehiring of Caren Mandoyan, who lied to investigators and who used his membership in a deputy gang to intimidate his victim, a fellow deputy, was unlawful. The court

¹ Government Code section 25303 states in part, "[t]he board of supervisors shall supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county, and particularly insofar as the functions and duties of such county officers and officers of all districts and subdivisions of the county relate to the assessing, collecting, safekeeping, management, or disbursement of public funds. It shall see that they faithfully perform their duties, direct prosecutions for delinquencies, and when necessary, require them to renew their official bond, make reports and present their books and accounts for inspection."

"This section shall not be construed to affect the independent and constitutionally and statutorily designated investigative and prosecutorial functions of the sheriff and district attorney of a county. The board of supervisors shall not obstruct the investigative function of the sheriff of the county nor shall it obstruct the investigative and prosecutorial function of the district attorney of a county."

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observed, “Under Government Code section 25303, the board of supervisors has oversight authority over all county officers.” (*County v. Villanueva*, Super Ct. Los Angeles County, September 28, 2020, No. 19STCP04760, at page 4.) The court rejected the Sheriff’s claim of independence, stating, “[t]he Sheriff and/or the Department do not ‘function[] independently’ over the issues in this litigation – initial qualification and eligibility for County employment, the County’s hiring procedures, and the conduct of the County’s civil litigation.” (*Ibid* at page 7).

Second, a court vacated an order obtained by the Sheriff’s Department on October 29, 2020, directing the County Medical Examiner/Coroner (Coroner) not to release an autopsy report related to a shooting by a deputy. The order would have required the Coroner to violate the provisions of Penal Code section 832.7, which require the release of such a report unless the Coroner provides in writing “the specific basis for the agency’s determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure.” No law permits the issuance of such an order especially in an investigation kept secret from lawful oversight thereby making the public interest in disclosure overwhelming. Still, in an act which the judge vacating the order described as a “shock to the conscience,” the Sheriff’s Department obtained the order in secret and without consultation with County Counsel or the Coroner. Although the order has been vacated, the Sheriff’s Department continues to withhold from the Office of Inspector General the affidavit that a detective claimed was submitted in support of the order. The court clerk stated that no affidavit was filed with the court.

Third, on November 20, 2020, a court ruled that your refusal to appear before the Civilian Oversight Commission in response to a subpoena for your appearance required a contempt hearing. The judge cited and relied upon Government Code section 25303 in ruling that “[you] disobeyed the Subpoena even though: (1) the Commission had authority to issue the Subpoena; and (2) the Subpoena required [your] personal attendance.” (*County v. Villanueva (II)*, Super Ct. Los Angeles County, November 20, 2020, No. 20STCP02073.). On that basis, the court issued the order to show cause re: contempt as to your failure to comply with the subpoena.

It is evident from these three rulings that the Sheriff’s Department must comply with investigative requests from the Inspector General because my power to oversee the Sheriff’s Department comes directly from the Board of Supervisors at the direction of state law. While many of the matters inquired into by my office are sensitive in nature and not subject to public disclosure, a subordinate county official, even an elected one, has no right to refuse to cooperate in such investigations as they have been approved

by the state legislature as a means of implementing the “fundamental principle of good government in the United States of America that checks and balances are important in order to provide effectiveness and transparency.”²

Removal of PRMS Terminals from OIG’s Offices

Under the previous Sheriff and during the first six months of the current administration, the terminals at the Office of Inspector General provided *direct* access to county records regarding employment and discipline at the Sheriff’s Department contained in PRMS. On June 10, 2019, the Sheriff’s Department shut off those terminals. This action was taken after the Sheriff’s Department received a draft copy of the Inspector General’s report on the rehiring of Caren Mandoyan, apparently in retaliation for the conclusions reached in the report.

On June 17, 2019, I requested the reactivation of the terminals, but the Sheriff’s Department has refused.

Instead, the Sheriff’s Department has required members of the Office of Inspector General to travel to Commerce to access PRMS terminals, and even then, only under the “supervision” of a Sheriff’s Department employee. The employee watches the entire time while an Office of Inspector General employee sits at a PRMS terminal. Indeed, at times, Sheriff’s Department employees have flatly prohibited Office of Inspector General staff from accessing information from PRMS.

By letter dated June 7, 2021, Undersheriff Murakami states that access to Sheriff’s Department information through computer terminals at the Office of Inspector General raises “inherent data security concerns.” The letter does not detail the nature of those security concerns. Having the terminals activated at the Office of Inspector General office does not increase the security risk given that the terminals directly access the Sheriff’s Data Network (SDN). Accessing the data through the SDN from dedicated terminals at the Office of Inspector General is functionally the same as accessing the SDN from any other authorized LASD terminal located anywhere in the county. Additionally, security access roles and credentials for all Office of Inspector General personnel are managed by the Sheriff’s Department.

² Analysis of Senate Bill No. 1185 by Senate Public Safety Committee, Office of Senate Floor Analyses (2019–2020 Regular Session), Third Reading, July 28, 2020 at page 6.

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The Sheriff's Department's policies and practices obstruct the Office of Inspector General's effective access to PRMS, in violation of Government Code section 25303 and Los Angeles County Code section 6.441.90(l). We expect that the Sheriff's Department will promptly restore the Office of Inspector General's direct access to PRMS.

Access to Body-Worn Camera Video Through Evidence.com

The Office of Inspector General has requested access to body-worn camera videos through access to the Sheriff's Department's evidence.com cloud storage account. As discussed in the Office of Inspector General's reports on body-worn cameras, access to video is necessary to fulfill the Office of Inspector General's oversight function. A recommendation that the Office of Inspector General be granted access is contained in the body-worn camera reports prepared by my office. Access to such video has also been discussed with Chief Chris Marks and Lieutenant Geoffrey Chadwick. In our letter dated May 14, 2021, we formally requested access to all body-worn camera video by a grant of viewing and auditing access on evidence.com. Undersheriff Murakami's June 7, 2021 letter in response to our request discusses security concerns about "the method of data transfer that [the OIG] has demanded." Because all access to evidence.com is over the internet, there is no increased security risk in granting the Office of Inspector General access to the evidence.com storage cloud. It is our understanding that to comply with discovery obligations in criminal cases, District Attorney, Public Defender, and Alternate Public Defender personnel have access to video through evidence.com and that private defense attorneys have the access necessary for discovery purposes as well. Given this, it is unclear how security would be compromised by granting access to the Office of Inspector General as the Sheriff's Department is required to do under statute and ordinance.

The Sheriff's Department has steadfastly refused to respond to many of our prior correspondences. I would like to meet with you to discuss the thirty categories of outstanding requests discussed above as well as the reactivation of secure terminals at the Office of Inspector General which are not functionally or legally distinguishable from

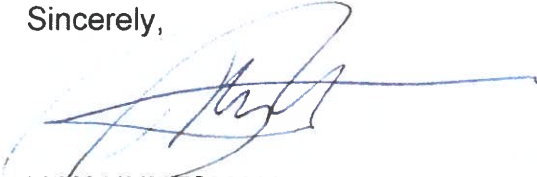
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those installed in any sheriff's station or offices in the City of Commerce. Please advise me as to your availability to meet.

Sincerely,



MAX HUNTSMAN
INSPECTOR GENERAL

MH:dw

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