Loyola Law School
Loyola Marymount University
Center for Juvenile Law & Policy

50 YEARS OF DEPUTY GANGS IN THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

Identifying Root Causes and Effects to Advocate for Meaningful Reform

A Report by the Center for Juvenile Law & Policy
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We hope that their work, done under difficult circumstances and with myriad obstacles to transparency, will pave the way towards meaningful reforms at the Los Angeles County Sheriff's Department.

With gratitude,

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I. Introduction

The Center for Juvenile Law and Policy (CJLP) is a free legal clinic at Loyola Law School that trains law students to holistically represent at-risk youth in delinquency proceedings. Many of the teens whom we represent are gang-involved and have been charged with gang enhancements. They sometimes tell us that the sheriff's deputies who arrested them are gang members themselves. There may be some truth to these claims. The Los Angeles County Sheriff's Department (LASD) has a long history of deputies forming secret subgroups at stations in minority communities. Some of these subgroups have tattoos, hand signals, and rituals that are similar to a criminal street gang. The concern is that these subgroups foster a culture that resists police reforms, such as community policing and constitutional policing, by encouraging and even celebrating aggressive tactics and excessive use of force against minority communities.

This report analyzes how LASD "deputy gangs" have negatively impacted policing in Los Angeles and infected the fairness of legal proceedings in Los Angeles Superior Court. Section II discusses the debate over how to refer to the LASD internal subgroups, ultimately concluding that no one term applies to all of the different subgroups. Section III catalogues all suspected deputy subgroups, highlighting where they are based, what their tattoos look like, and whatever else is known about their gang-like behaviors. Section IV discusses to what extent successive sheriffs have addressed the issue and whether those efforts have combated or actually facilitated the proliferation of deputy gangs. Section V analyzes how deputy gangs have impacted policing in our community; it includes a comprehensive study of all shootings by LASD deputies during the immediate past five years. Section VI discusses how public agencies have compromised the integrity and fairness of our justice system by failing to disclose deputies' participation in internal LASD gangs and cliques. Section VII explores using the recommendations of President Obama's task force on twenty-first century policing as a blueprint for how to address deputy gangs in the nation's largest sheriff's department.

II. Debates over Nomenclature: Are the LASD Subgroups "Deputy Gangs"?

There is no agreement among stakeholders about how to refer to the LASD internal subgroups. Many deputies—particularly suspected members of a subgroup—refer to them as "drinking groups," "intramural sports teams," or

"social clubs."[1] Many community members, however, insist that the subgroups be called "gangs" because the deputies who belong to them engage in gang-like behaviors.[2] LASD leadership vehemently objects to this nomenclature, arguing that the subgroups fail to qualify as a "criminal street gang" under the STEP Act because their "primary purpose" is to promote comradery, not criminal activities.[3] It is important to note that despite this objection, LASD members at every level have themselves referred to the subgroups as "gangs" and "gang members."[4] There is evidence that some LASD members intimidate perceived enemies and critics in a manner that most would consider gang-like; for example, the County recently agreed to provide retiring chief executive officer Sachi Hamai with "full-time private security … to address concerns for her personal safety" after she was threatened and harassed by deputies for cutting the LASD budget.[5]

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[1] Seth Mydans, *Los Angeles's Sheriff Also Under Fire*, N.Y. Times (Sept. 17, 1991) ("Critics say these are white supremacist gangs with their own tattoos, hand signals and even graffiti, but the department spokesmen call the organizations harmless sporting or social clubs.").

[2] U.S. Commission on Civil Rights, *Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination—Vol. V: The Los Angeles Report* (May 1999) at 129 ("Mr. Lynn [witness before the Commission] also rejects the contention that groups such as the Vikings and the Cavemen are merely social associations; instead he testified that they are deputy gangs with members who unlawfully harass, beat and shoot minorities.").

[3] CALCRIM No. 1401 defines a "criminal street gang" as "any ongoing organization, association, or group of three or more persons, whether formal or informal: 1) that has a common name or common identifying sign or symbol; 2) that has, as one or more of its primary activities, the commission of [any crime listed in Penal Code § 1866.22(e)(1)-(25) and (31)-(33)]; and 3) whose members, whether acting alone or together, engage in or have engaged in a pattern of criminal activity." It further states: "In order to qualify as a primary activity, the crime must be one of the group's chief or principal activities rather than an occasional act committed by one or more persons who happen to be members of the group."

[4] Celeste Fremon, *Sheriff's Candidates Trade Barbs over Deputy Cliques … & the LA Times Endorses McDonnell*, WitnessLA (Apr. 30, 2014) ("As to whether the cliques deserved to be referred to as deputy 'gangs," [retired LASD commander] Olmsted said, 'When you have deputies that throw gang signs, call themselves 'OGs,' have matching tattoos, beat up other deputies … what would *you* call them?'"); *Report of the Citizen' Commission on Jail Violence* (Sept. 2012) at 69 (noting that Undersheriff Paul Tanaka berated a supervisor for referring to some custody deputies as "gang members"); Letter from an anonymous East Los Angeles deputy to Internal Affairs (June 2018), on file at CJLP at Loyola Law School-Los Angeles (repeatedly referring to the Banditos as a "gang" and asserting, "Similar to street gangs there's a structure of organization and protocols to follow that only those who meet the criteria for membership are aware of.").

[5] Jacyln Cosgrove & Alene Tchekmedyian, *L.A. County CEO to Receive $1.5 Million and Security in Settlement over Alleged Harassment*, L.A. Times (Aug. 26, 2020).

Reporters and oversight officials have attempted to sidestep the debate by crafting their own terms, such as "deputy cliques" and "secret societies."[6] Critics of this approach object that using such euphemisms obscures the true nature and extent of the threat posed by armed deputies who act like gang members.[7]

There is no need to adopt a one-size-fits-all approach. When a particular subgroup's members engage in gang-like behaviors, it is appropriate to refer to that subgroup as a deputy gang. This is true regardless of whether the subgroup falls within the technical definition of a "criminal street gang" set forth in the STEP Act. The common understanding of "gangs" is much broader than a legalistic definition established by a criminal statute.[8] Where evidence of specific gang-like behaviors is lacking, however, it is appropriate to use more neutral terms, such as "clique" or "subgroup."

III. Suspected LASD Deputy Gangs, Cliques or Subgroups

The press has been reporting about various LASD cliques or gangs for decades. The press accounts focus on different subgroups depending upon the latest lawsuit or scandal as well as the time of the reporting. There is no single comprehensive compilation of all known subgroups, their common tattoos and other identifiers, and their specific gang-like activities.

This section attempts to catalogue all the subgroups and give as full an accounting as possible of their tattoos and gang-like activities. The CJLP has identified at least eighteen subgroups within the LASD. Some are historical with no evidence of ongoing activities; others are clearly active right now. Likely even more deputy gangs and cliques exist that have not yet been discovered due to the culture of denial and secrecy within the LASD.

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[6] For example, L.A. Times reporter Maya Lau advised during a panel discussion at Loyola Law School that she "[tries] to be fair and cautious" by using more neutral terms, such as "groups" or "deputy secret societies," to refer to the "so-called gangs." Guilty by Association II Conference, Session Three: Looking at Gangs through a Different Prism: Deputy Gangs (Feb. 1, 2019), available at https://lmu.app.box.com/s/vt9j4duga1cpysyaawy430j8nscyo86x.

[7] The Los Angeles County Sheriff Civilian Oversight Commission hosts monthly hearings where members of the public are invited to speak about sheriff policy issues and their interactions with deputies. At nearly every session, multiple speakers voice their objection to using terms other than "gang" to describe the LASD subgroups.

[8] The *Oxford English Dictionary* defines a "gang" as "an organized group of criminals" or, in the alternative, as "a group of young people who spend a lot of time together and often cause trouble or fight against other groups."

While problematic subgroups are certainly not unique to the LASD, the CJLP could not find any other law enforcement organization in the United States with so many subgroups engaging in gang-like behaviors over such a long period.[9] The sheer number of deputy gangs and cliques distinguishes the LASD as an outlier and reveals a longstanding, broad institutional problem in need of serious reforms.

The subgroups identified to date are as follows:

Banditos

The "Banditos" appears to be the most recent deputy gang operating out of the East Los Angeles Station. Banditos members have a common tattoo on the leg that is sequentially numbered. The tattoo depicts a skeleton with a bushy mustache (*brocha*) wearing a sombrero and bandolier and holding a pistol.[10] Banditos members adopt myriad gang-like behaviors, such as using monikers and wearing gang attire while off duty.[11] They regularly use gang slang, such as referring to longtime members as "OGs" and passing on information that they "heard on the yard."[12] Banditos leaders refer to themselves as "shot callers," a term borrowed from the leaders of prison gangs.[13] The Banditos allegedly target young Latino

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[9] There is limited reporting by criminologists about "race-affiliated 'police cliques' or 'cartels'" within the New Orleans Police Department during the late 1980s and mid 1990s, but these internal subgroups (Taylor's Children, the Antoinettes, and the McNuggets) did not persist for decades and proliferate, as the various subgroups within the LASD have done. See Stephen Phillippi and Peter Scharf, *The New Orleans Police Department Was Troubled Long before Hurricane Katrina*, The Conversation (Aug. 27, 2015), available at https://theconversation.com/the-new-orleans-police-department-was-troubled-long-before-hurricane-katrina-46381.

[10] Maya Law & Joel Rubin, *FBI Investigating Tattooed Deputy Gangs in Los Angeles County Sheriff's Department*, L.A. Times (July 11, 2019).

[11] Office of Inspect General County of Los Angeles, *Analysis of the Criminal Investigation of the Alleged Assault by the Banditos* (Oct. 2020) at p. 5 ("Some of the information told to the ICIB investigators suggests that the Banditos act in ways that are comparable to a criminal street gang and some witnesses described the veterans as 'OGs,' which is the term for older gang members who have paid their dues and earned the respect of younger members.").

[12] *Id.*

[13] Alene Tchekmedyian, *Sheriff Villanueva to Fire or Suspend 26 People in Off-Duty Banditos Fight*, LA Times (Aug. 13, 2020) ("The administrative investigation, which involved interviews with more than 70 people, found that some employees at the East L.A. station were acting as so-called 'shot callers,' controlling scheduling and events at the station, [Cmdr. April Tardy] said, using a term often used to describe top leaders in prison.").

deputies to join as prospects, who eventually become full members.[14] The prospects serve as enforcers and carry out the commands of the shot callers. If the deputies resist recruitment, the gang tries to "roll out" the deputies, getting them to quit the East Los Angeles station.[15]

Traditional criminal gangs "tax" drug dealers who sell narcotics on their turf.[16] It is alleged that Banditos "tax" trainees at the East Los Angeles station by demanding that the trainees buy members expensive meals, alcohol, and personal gifts.[17] As applied to female trainees, "taxing" at times includes the expectation that they will assent to have sex with Banditos members; women who resist are retaliated against for "not going with the program."[18]

Some Banditos, like street gang members, physically assault and batter others whom they want to assert control over or whom they perceive as a threat to their turf. Several deputies have been beaten by Banditos behind the East Los Angeles station, across the street at the "Cap" nightclub, and at off-training parties.[19] For example, a coordinated Banditos gang attack occurred at the September 28, 2018 "off-training" party at Kennedy Hall.[20] As confirmed by several witnesses present at Kennedy Hall, four veteran deputies[21] affiliated with the Banditos attacked and beat up several unaffiliated deputies, at least one of

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[14] Frank Stoltze, *East LA Sheriff's Deputies File Suit Claiming Harassment, Violence by "Banditos" Clique*, LAist (Sept. 18, 2019).

[15] Alene Tchekmedyian, "*Gang-Like" Deputy Clique Exerts "Undue Influence" at East L.A. Station, Report Says,*" LA Times (Oct. 5, 2020) ("Some younger deputies allege that the group has used its influence, and sometimes force and violence, to push deputies out of the station for 'failing to live up to the Banditos' work ethic,' the report says.").

[16] David Skarbek, *Governance and Prison Gangs*, 105 American Political Science Rev. 702, 706-08 (2011) (discussing Mexican Mafia practice of "taxing" drug dealers who sell narcotics in neighborhoods controlled by the gang).

[17] Student interview of an anonymous career deputy who trained in the East Los Angeles station and later returned to an assignment there.

[18] *Id.*

[19] *Hernandez, et al. v. County of Los Angeles, et al.,* 19STCV33158, Deposition of Alan Soohoo (Aug. 18, 2020) at 43-44.

[20] Celeste Fremon, *What is the LA County Sheriff's Department Doing About Its Big, Bad Deputy Gang Problem?,* Witness L.A. (Oct. 30, 2018).

[21] The four deputies, who have been named as defendants in a federal civil rights lawsuit, are as follows: Raphael "Rene" Munoz, aka "Big Listo," Gregory Rodriguez, aka "G-Rod," David Silverio, aka "Silver," and Michael Hernandez, aka "Bam-Bam."

whom the Banditos did not support working at the East Los Angeles station.[22] Two of the victims were seriously injured and had to be transported to a hospital for medical care. After the victims at Kennedy Hall reported the incident, they were further retaliated against by the Banditos, and dead rats were placed in front of victims' homes.[23] Similarly, a dead rat was placed outside the car of a female deputy who had previously spoken out about the Banditos and filed a lawsuit against the County.[24]

Several lawsuits against the County allege that Banditos members exercise de facto control over the East Los Angeles station and that LASD management has tolerated and even tacitly approved of their misconduct.[25] East Los Angeles Captain Richard Mejia acknowledged that complaints had been brought to him in early 2018 regarding Rafael Rene Munoz, a Banditos "shot caller"; Mejia initiated an inquiry and recommended a full investigation, but the station leadership did not follow up in the months leading up to the Kennedy Hall attacks.[26]

LASD deputies have accused Banditos members of intentionally withholding back-up assistance from their partners on dangerous calls, risking deputy and community resident safety.[27] At a town hall in East Los Angeles, frustrated community members displayed protest signs, including a large sign that read "Banditos: a gang with badges;" several speakers accused Banditos of

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[22] Office of Inspect General County of Los Angeles, *Analysis of the Criminal Investigation of the Alleged Assault by the Banditos* (Oct. 2020) at 3.

[23] Alene Tchekmedyian, *Sheriff Villanueva to Fire or Suspend 26 People Involved in Off Duty Banditos Fight* (Aug. 13, 2020) (reporting that the victim deputies, through counsel, claimed they "found 'rat" scribbled on their cars and lockers" and that two even "found a dead rat outside their homes").

[24] Aaron Mendelson & Mary Plummer, *The L.A. Sheriff's Dept. Makes Up 17 Percent of the County Workforce—But Nearly Half of Sexual Misconduct Legal Costs*, LAist (Oct. 18, 2016).

[25] *Guadalupe Lopez v. County of Los Angeles*, Superior Court no. BC540387; *Rosa Gonzalez v. County of Los Angeles*, Superior Court no. BC591056; *Art Hernandez, et al. v. County of Los Angeles, et al.*, U.S. District Court no. 19STCV33158; *Lisa Vargas v. County of Los Angeles, et al.*, U.S. District Court no. CV-19-3279-PSG.

[26] Transcript of May 6, 2019 IAB interview of Richard Mejia at 12, 18, 24, on file at CJLP at Loyola Law School—Los Angeles.

[27] Alene Tchekmedyian, *Sheriff's Deputies Sue L.A. County, Accusing Banditos Colleagues of Beatings, Withholding Backup*, LA Times (Sept. 19, 2019); see also excerpts of August 19, 2020 deposition of Joel M. Garnica at 31-32, on file at CJLP at Loyola Law School—Los Angeles (stating that in May of 2018 he feared for his safety responding to an assault-with-a-firearm call because he did not receive backup as requested).

planting evidence on suspects, conducting questionable arrests, and other improper tactics.[28] The FBI reportedly opened an investigation and has interviewed LASD members about the Banditos and other LASD deputy gangs.[29]

In the wake of the Kennedy Hall incident, the Los Angeles County Inspector General looked into many of these allegations and concluded that "[s]ubstantial evidence exists to support the conclusion that the Banditos are gang-like and their influence has resulted in favoritism, sexism, racism, and violence."[30] Citing the alleged "reign of unlawful policing, violence and intimidation" by the Banditos, the chairperson of House Subcommittee on Civil Rights and Civil Liberties requested that the U.S. DOJ Civil Rights Division investigate the Banditos and other deputy gangs within the LASD.[31]

Banditos & Fort Apache Logos-East L.A. Stn.

Buffalo Soldiers

The "Buffalo Soldiers" was a deputy subgroup within the LASD that was comprised of only African Americans. Historically, the term "buffalo soldier" referred to an African American soldier in the U.S. Army, serving in one of a

[28] Frank Stoltze, *The Banditos and Other LA Sheriff's Deputy Groups Are Now Being Investigated by the FBI*, LAist (July 11, 2019).
[29] *Id.*
[30] Office of Inspect General County of Los Angeles, *Analysis of the Criminal Investigation of the Alleged Assault by the Banditos* (Oct. 2020) at p. 29.
[31] Sept. 23, 2020 Letter from Rep. Jaime Raskin to Assistant Attorney General Eric Driebard, available at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-09-03.%20JR%20JG%20to%20Dreiband%20re%20LASD%20Gangs.pdf.

number of segregated units under white officers, in the period after the Civil War up to the final racial integration of the military, at the end of the Korean War.[32]

While Buffalo Soldiers are occasionally mentioned in articles, there is a dearth of reporting or other information about this secret subgroup. One LASD source stated that the Buffalo Soldiers arose in response to prejudice at the Century station after Sheriff Baca transferred nine African American deputies there in 1999 to diversify the station and improve relations with the community. After some deputies who were resistant to change pejoratively referred to the new deputies as buffalo soldiers, the new deputies adopted the name for themselves.[33]

While some commentators on social media (who claim they are or were members of the LASD) have equated the Buffalo Soldiers with other nefarious subgroups, there is no objective evidence of gang-like behaviors to justify referring to them as a deputy gang or clique.

Cavemen

The "Cavemen" was a deputy clique within LASD based in the East Los Angeles station in Boyle Heights.[34] Cavemen members have a common tattoo that depicts a cartoon caveman similar to the logo on the mug in the photograph following this section.[35] For many years, there was a Cavemen mural on a wall in the conference room of the East Los Angeles station that was covered over after the Banditos grew in popularity and influence.[36] Sheriff Alex Villanueva has publicly acknowledged the existence of the Cavemen while he worked at the East Los Angeles station; He stressed that he was never a member."[37]

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[32] *See* Kate Escher, *Three things to Know about the Buffalo Soldiers*, SmithsonianMag.com (July 28, 2017).

[33] Aug. 12, 2020 CJLP interview of a retired LASD deputy who requested anonymity and provided an oral history of the Buffalo Soldiers at the Century station.

[34] Frank Stoltze, *East LA Sheriff's Deputies File Suit Claiming Harassment, Violence by "Banditos" Clique*, LAist (Sept. 18, 2019) (discussing the long history of cliques at LASD and noting that "[t]he Cavemen preceded the Banditos at the East L.A. station").

[35]Transcript of May 6, 2019 IAB interview of Richard Mejia at 3, on file at CJLP at Loyola Law School—Los Angeles (confirming that some deputies at East L.A. Station have a Caveman tattoo, while others have a Banditos tattoo).

[36] Student interview of anonymous career deputy, *supra*, at n. 17.

[37] Villanueva stated, "I worked at East L.A. station during the time they were called the Cavemen. I was never invited to be one. However, I worked with them, next to them, and I was never treated differently than any of them … They were entirely benign." Audio of March 26, 2019 public hearing of the Los Angeles County Sheriff Civilian Oversight Commission,

Cowboys

The "Cowboys" appears to be a deputy clique that operates out of multiple locations, including Century and Palmdale stations. Cowboys members have a common tattoo on the leg that is sequentially numbered. The tattoo depicts a skull in a cowboy hat. In 2018 Oleg Polissky, a deputy in the Palmdale station, testified that he received a Cowboys tattoo while accompanied by several deputies and was then celebrated at a gathering of at least twenty deputies, some of whom had the same tattoo.[38] Polissky claimed the Cowboys tattoo signified "that no person has less rights than any other person" and that "you treat the public equally and without bias."[39]

Executioners

The "Executioners" appears to be a deputy gang operating out of the Compton station.[40] Executioners members have a common tattoo on the leg that is sequentially numbered. As pictured below, the Executioners tattoo depicts a skull wearing a Nazi helmet with "CPT" on front and rifle encircled by flames.[41]

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available at http://file.lacounty.gov/SDSInter/bos/commissionpublications/agenda/1053091_March26_2019MeetingAudio.pdf#search=%22*%22.

[38] Maya Lau, *Inked With a Skull in a Cowboy Hat, L.A. County Sheriff's Deputy Describes Exclusive Society of Lawmen at California Station*, L.A. Times (Aug. 4 2018)

[39] *Id.*

[40] Alene Tchekmedyian & Maya Lau, *L.A. County Deputy Alleges "Executioner" Gang Dominates the Compton Sheriff Station*, LA Times (July 30, 2020).

[41] *Id.*

On August 25, 2016, Samuel Aldama, a sheriff's deputy from the Compton station with an Executioners tattoo, and his partner fatally shot Donta Taylor, an African American man walking on the sidewalk dressed in red.[42] Both deputies claimed they saw a gun in Taylor's waistband, but no gun was found. Taylor's survivors filed a civil rights suit, alleging unconstitutional excessive use of force. Aldama admitted in a May 16, 2018 deposition that he harbored "ill will" against African Americans, but he quickly retracted his statement, claiming that he hadn't understood the question. Aldama testified that he received his tattoo two months before the shooting and that up to 20 other deputies had the same tattoo. After a judge ordered that the names of other deputies with a matching Executioners tattoo be disclosed to the plaintiff, the County settled the suit for $7 million. The plaintiff's counsel stated publicly that he believed the County settled for such a large amount in order to avoid releasing the names of more Executioners members.[43]

Austreberto Gonzalez, a deputy at the Compton station, confirmed in a recent deposition that the Executioners are a "violent gang" that dominates the station and that has assaulted other deputies.[44] They do not admit African Americans or women.[45] According to Gonzalez, the Executioners hosted celebrations at bars (referred to as "998 parties" or "998 debriefs") after a deputy shot somebody, and that afterwards the deputy involved in the shooting would get "inked" with an Executioners tattoo.[46] Deputies who want to become Executioners are referred to as "prospects." These prospects start "chasing ink" by becoming very aggressive on the streets in order to show the Executioners that they are "worthy" of wearing their tattoo.[47] Sometimes prospects and "inked" members falsely claim in reports that they saw somebody running with a gun as a justification for arresting or using force against a suspect. These false reports are referred to as "ghost gun reports."[48]

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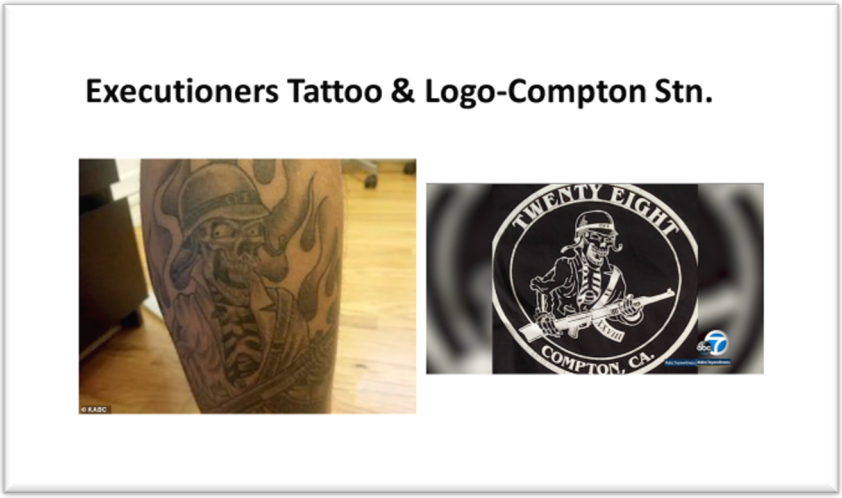
[42] Maya Lau, *Cop Group With Matching Skull Tattoos Costs Taxpayers $7 Million in Fatal Shooting*, L.A. Times (June 18, 2019).
[43] *Id.*
[44] *Lockett v. County of Los Angeles, et al.*, 2:18CV-5838-DSF-jpr, Deposition of Austreberto Gonzalez at 20-22.
[45] *Id.* at 71.
[46] *Id.* at 39-40.
[47] *Id.*
[48] *Id.* at 67-68.

On June 18, 2020, two deputies from the Compton station, Miguel Vega and Christian Hernandez, approached Andres Guardado, an 18-year-old security guard who was speaking to somebody in a car that was stopped in front of a driveway.[49] Guardado fled from the deputies for unknown reasons. Vega, who observed Guardado holding a handgun, shot Guardado in the back multiple times, killing him.[50] Gonzalez testified at a deposition that Vega and Hernandez were prospects seeking to join the Executioners at the time of the shooting.[51]



Grim Reapers

The "Grim Reapers" or "Reapers" appears to be a deputy gang that originally operated out of the Lennox station, which closed in 2010, and continues to operate out of the South Los Angeles station. Grim Reapers members have a common tattoo on the leg that is sequentially numbered. The tattoo depicts a black-hooded skeleton holding a scythe, reminiscent of the medieval symbol of death.

There are multiple deputy shootings that involve Grim Reapers. David Chevez, a South Los Angeles station deputy who has a Grim Reapers tattoo and

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[49] Los Angeles Sheriff's Department, *Los Angeles County Sheriff's Department Commander Chris Marks Provided Update on the Andres Guardado Investigation* (Aug. 12, 2020), available at https://lasd.org/latest-develops-guardado-invest/.

[50] Matthew Ormseth, *Family of Andres Guardado Sues Sheriff's Department, Deputies Involved in Fatal Shootings*, LA Times (Sept. 1, 2020) ("The Los Angeles County medical examiner-coroner released an autopsy report over the sheriff's objections, showing the teenager had been shot five times in the back.").

[51] Alene Tchekmedyian, *Compton Executioners Deputy Gang Lied about Guns and Hosted Inking Parties, Deputy Says*, LA Times (Aug. 20, 2020).

has been involved in at least two fatal shootings, conceded during a deposition that the reaper is known as a "symbol for death," but he maintained that his tattoo symbolizes station pride, not his participation in a deputy shooting.[52] In the same lawsuit wherein he was deposed, Deputy Juan Meza, who has been involved in a shooting, and Deputy Lawrence Swanson, who has been involved in three shootings, were also identified as donning reaper tattoos.

The Grim Reapers came under heightened public scrutiny after Sheriff Villanueva reinstated Caren Carl Mandoyan, a former deputy with a Grim Reapers tattoo. The previous administration fired Mandoyan in 2016 because he had committed acts of domestic violence against a female deputy, stalked her, tried to break into her apartment, and then lied about his conduct.[53] The victim testified that Mandoyan used his status as a deputy gang member to try to dissuade her from reporting the offense, stating that, as a Reaper, he had influential friends who could ruin careers in the department.[54] Mandoyan has also been involved in two non-fatal deputy shootings, in 2013 and 2015, respectively.[55] The female victim testified that Mandoyan received his Reapers tattoo in 2013.

After the Office of Inspector General (OIG) started investigating Sheriff Villanueva's rehiring of Mandoyan--including his ties to the Grim Reapers--the LASD restricted the OIG's electronic access to all internal personnel records,

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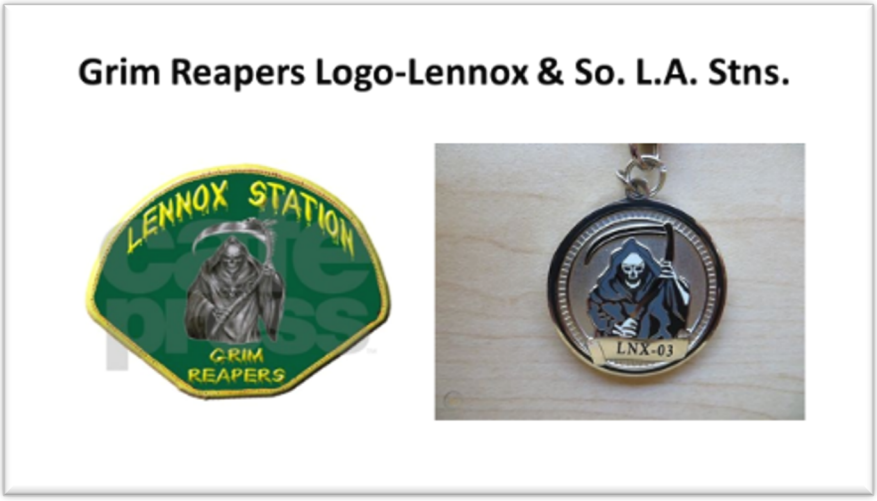
[52] *N.G. and L.G. v. Count of Los Angeles*, CV-8312-SVW, Deposition of David Chevez (Mar. 5, 2014) at 75.

[53] Office of Inspector General County of Los Angeles, *Initial Implementation by Los Angeles County Sheriff's Department of the Truth and Reconciliation Process* (July 2019) at pp 4-8.

[54] *Id.* at 5 ("Mandoyan told [the victim] that he was a 'Reaper' and had influence with people highly placed in the Department. … The victim understood the 'Reaper' comment to mean that Mandoyan had friends who were Reapers who held 'higher positions' within the Department, and who could 'make anything happen.'"); *see also* Maya Lau and Matt Stiles, *Deputy Reinstated by Sheriff Villanueva Admitted to Having a Tattoo Linked to Secret Society*, L.A. Times (Mar. 28, 2019).

[55] On June 21, 2013, Mandoyan and his partner, Sean Kusiak, shot Mark Beasley during a foot pursuit after a traffic stop. The district attorney found that both deputies acted in self-defense after Beasley pulled a gun on them. *See* IAB Report #SH2336689, available at https://lasdsb1421.powerappsportals.us/disfiles/?id=0fed23b6-7cd2-ea11-a812-001dd8309798. On March 20, 2015, Mandoyan shot twice at Arthur Thomas during a foot pursuit after a traffic stop, but missed him. Thomas admitted having a firearm that he was trying to "toss." *See* IAB Report #SH2376276, available at https://lasdsb1421.powerappsportals.us/disfiles/?id=7c683e8c-7cd2-ea11-a812-001dd8309798.

thereby impeding this investigation and future investigations of alleged deputy misconduct.



Jump Out Boys

The "Jump Out Boys" was a deputy gang that operated out of the Operation Safe Streets Bureau's specialized gang suppression unit, Gang Enforcement Team (GET). Jump Out Boys members have a tattoo on the right ankle that is sequentially numbered. That tattoo depicts a red-eyed skull wearing a bandana with the letters "O.S.S." and holding a revolver next to an ace of spades and an 8 of spades cards, the so-called "dead man's hand" in poker.

In 2012, LASD management obtained a pamphlet that described the creed, mission, initiation rites, and the meaning of the common tattoo for the Jump Out Boys. One section of the pamphlet states, "We are not afraid to get our hands dirty without any disgrace, dishonor, or hesitation."[56] It went on to state that members understand "when the line needs to be crossed, and crossed back" and that "sometimes [members] need to do things they don't want to in order to get where they want to be."[57] The pamphlet directs that a "black book" containing all member information and dates of shootings be kept "off site."[58]

The Internal Affairs Bureau (IAB) conducted an investigation of the Jump Out Boys and identified seven deputies as members: Jason Lanska, Julio Martinez,

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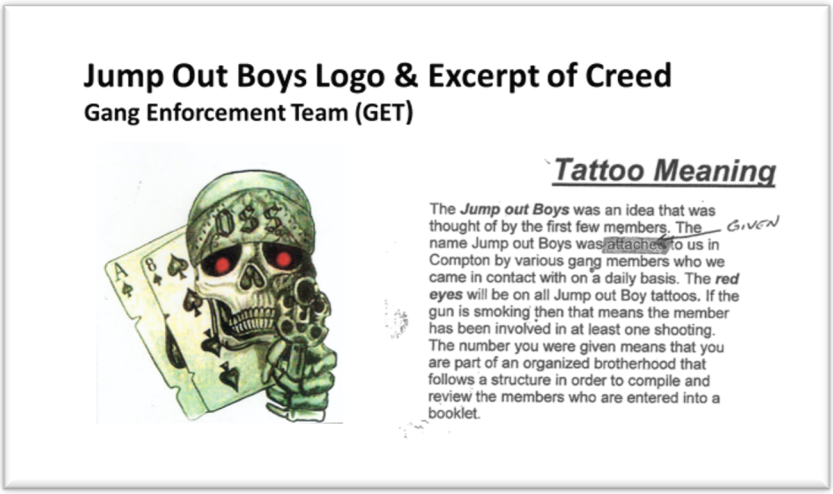
[56] Copy of Jump Out Boys Creed produced by the LASD to the Los Angeles County Sheriff Civilian Oversight Commission, on file at CJLP, Loyola Law School-Los Angeles.
[57] *Id.*
[58] *Id.*

Anthony Paez, Douglas Parkhurst, Ronnie Perez, Curtis Sykes, and Steve Vargas. All seven were fired.[59] Most were reinstated through civil service protection proceedings and are currently employed by LASD.



Little Red Devils

The "Little Red Devils" or "Red Devils" was a deputy clique based in the East Los Angeles station as far back as 1970, making it one of the earliest known deputy gangs. Little Red Devils members have a common tattoo on the left calf that is sequentially numbered. The tattoo depicts a little red devil. In 1973, LASD management learned of the Little Red Devils during an investigation of alleged misconduct by two deputies affiliated with the clique.[60] Captain R.D. Campbell investigated and compiled a list of all known tattooed Little Red Devils, which totaled forty-seven members.[61] It is unknown if any discipline or consequences were imposed.

The rise of the Little Red Devils appears to coincide with the East L.A. station adopting the controversial "Fort Apache" seal as its de facto station logo.[62]

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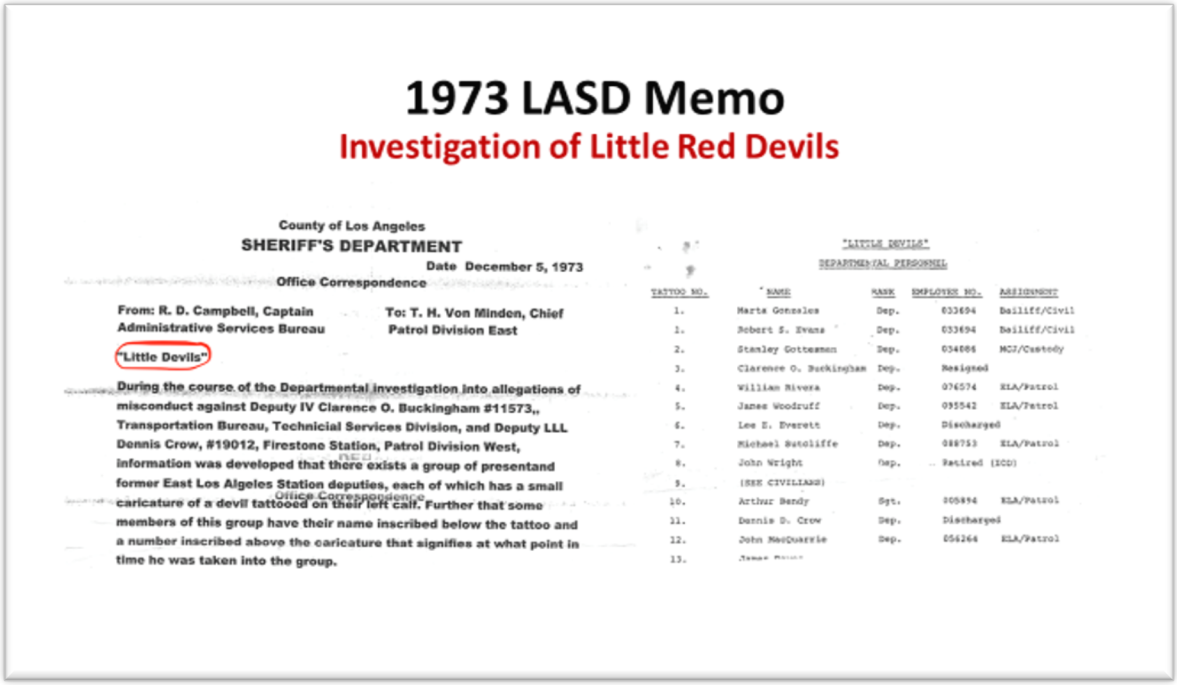
[59] Mike Roe, *L.A. County Sheriff's Department to Fire 7 Deputies from "Jump Out Boys" Clique*, L.A. Times (Feb. 6, 2013).
[60] Dec. 3, 1973 LASD Memo from Capt. R.D. Campbell to Chief T.H. Von Minden, on file at the Center for Juvenile Law and Policy, Loyola Law School-Los Angeles.
[61] *Id.*
[62] The Fort Apache logo depicts a police riot-helmet on top of a boot within a circle surrounded by mottos. The inner motto reads "*siempre una patada en los pantalones*,"which translates to "always a kick in the pants." The other motto reads "Fort Apache East Los Angeles … Low Profile." The "Fort Apache" reference harkens back to the 1948 John Ford Western film of the same name, in which a remote U.S. cavalry outpost is surrounded by enemies whom the white

The logo is widely viewed as a celebration of police violence against war protestors during the 1970 Chicano Moratorium. [63]



Pirates

The "Pirates" was a deputy clique based in the Firestone station, which closed in 1993.[64] Pirates members have a common tattoo on the leg, but it is unknown if that tattoo is sequentially numbered. The tattoo depicts a traditional

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officers regard as dangerous "savages." The reference to "low profile" appears to be a mocking criticism of Sheriff Pitchess's instructions at the time for East Los Angeles deputies to reduce their use of force against the protestors, thereby maintaining a "low profile."

[63] Louis Sahagun, *A Day of Rage in East L.A.,* L.A. Times (Aug. 23, 2020) (reporting that the East Los Angeles station adopted the Fort Apache logo "around the same time" that Laguna Park was renamed Ruben Salazar Park, "whose death was compared by many Latinos to the assassination of the Kennedy brothers and of Martin Luther King Jr.," and noting that "critics say the emblem casts the station as a Wild West outpost of deputies who crack down on local Latinos").

[64] Retired LASD Deputy Stephen Beeler wrote a 2002 novel entitled *The Firestone Syndrome*, which depicts the struggles of a deputy at the Firestone station as he unsuccessfully tries to expose a violent deputy gang engaged in vigilante justice against residents and other deputies. Stephen P. Beeler, *The Firestone Syndrome* (Advocate House 2002). While *The Firestone Station* is a work of fiction, Beeler states in his "note to the reader" that he was inspired by his twenty-one years working as a law enforcement officer for the LASD.

skull-and-crossbones. Originally, the skull-and-crossbones, which is an ancient symbol of death, appeared on so-called "Jolly Roger" flags flown to identify a ship's crew as pirates.[65] As piracy declined, the skull-and-bones symbol was adopted by various military units and secret societies as a warning of the ferocity of the group displaying it.[66]

Ron Hernandez, the current president of the Association of Los Angeles Deputy Sheriffs (ALADS), appears to have a Pirates tattoo near his ankle. In 2019, Hernandez publicly admitted that he had a tattoo "associated with the now-shuttered Firestone station," but he claimed "it signified a fellowship of hard workers, not a rogue clique."[67] Other deputies from the Firestone station have represented that the Pirates were an "intramural sports team."[68]

Posse

The "Posse" appears to have been a deputy gang that operated inside the mental health ward of the Los Angeles Twin Towers Correctional Facility. It is unknown whether Posse members had a common tattoo. The Posse resisted reforms aimed at treating inmates with severe mental illness more like patients, which had been adopted by LASD management to avert a likely enforcement action by the U.S. Department of Justice. Members of the Posse allegedly used "coded communications" so they could come together quickly in the jail.[69]

On August 1, 1998, Danny Smith, an African American inmate with mental illness, was beaten to death by deputies in the Twin Towers. While LASD officials originally stated that Smith had freed himself out of handcuffs, they later conceded that he died in handcuffs. Nine days later, on August 10, 1998, eight members of the Posse beat another mentally ill inmate so severely that he was left with flashlight marks on his back and boot prints on his side. Sheriff Block fired these eight employees and publicly acknowledged the existence of the Posse, stating, "There are some people in the system who think we are coddling inmates,

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[65] "Skull and crossbones" defined, collinsdictionary.com/us/dictionary/skull-and-crossbones.
[66] *See* Skull and crossbones (military), Wikipedia, available at https://en.wikipedia.org/wiki/Skull_and_crossbones_(military).
[67] Maya Lau, *Deputy Gangs Have Survived Decades of Lawsuits and Probes. Can the FBI Stop Them?* L.A. Times (July 14, 2019).
[68] Penelope McMillan and Louis Sahagun, *Lynwood Deputies' Reported Gang-style Activity Investigated*, L.A. Times (Dec. 4, 1990).
[69] Tina Daunt & Anne Marie O'Connor, *Sheriff Probing Reports of Rogue Jail Deputies Group*, L.A. Times (Sept. 4, 1998).

and by God, they're going to set up their own brand of punishment."[70] Other Posse members, however, remained working in the jail.[71] The United States Commission on Civil Rights, in an influential 1999 report on policing in Los Angeles, took notice of the Posse and voiced concerns that they were targeting inmates with mental illness for violence.[72]

Rattlesnakes

The "Rattlesnakes" appears to be a deputy gang operating out of the Palmdale and Lancaster stations in the Antelope Valley. Rattlesnakes members share a common tattoo of a skull and a snake, but it is unknown if the tattoo is sequentially numbered. The U.S. Department of Justice in 2013 issued a report finding that deputies "engaged in a pattern or practice of discriminatory and otherwise unlawful searches and seizures, including the use of unreasonable force, in violation of the Fourth Amendment, the Fourteenth Amendment, and Title VI."[73] The DOJ also found deputies assigned to these stations engaged in a pattern or practice of discrimination against African Americans living in federally subsidized housing in violation of the Fair Housing Act.[74] The DOJ report notes: "Some Antelope Valley deputies wear tattoos or share paraphernalia with an intimidating skull and snake symbol as a mark of their affiliation with the Antelope Valley stations. Though there are varying interpretations of what these tattoos symbolize, they provide an undeniable visual representation of a gulf between deputies and the community and are an unfortunate reminder of LASD's history of symbols associated with problematic deputy behavior."[75]

Regulators

The "Regulators" appears to be a deputy gang based in the Century Station in Lynwood. "Regulators" is a slang term for "individuals who take care of

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[70] *Id.*
[71] Josh Meyer, *Block Says 8 Sheriff's Employees Were in Jail Vigilante Group*, L.A. Times (Sept. 5, 1998) (noting that "at least six other deputies" in addition to the eight fired ones were members of the Posse).
[72] U.S. Commission on Civil Rights, *Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination: Volume V: the Los Angeles Report* (May 1999) at 128-129.
[73] June 28, 2013 Letter from Asst. U.S. Atty Gen. Thomas E. Perez to Sheriff Lee Baca at 1, on file at CJLP, Loyola Law School.
[74] *Id.*
[75] *Id.* at 44.

problematic people through violence."[76] Regulators members have a common tattoo on the leg that is sequentially numbered. An early source describes the Regulators tattoo as "a skull-faced man holding a shotgun, fire screaming from its barrels."[77] A later report compiled by the District Attorney's office describes a similar "station tattoo" as a skeleton in a "cowboy type hat" and a "trench coat" holding a double-barreled shotgun with smoke emitting from the barrels.[78] The skeleton figure appears atop flames and holds a "memorial stone" engraved with "CEN" and "XXI," which refer to the Century station.[79] The Roman numeral XXI was assigned to Century Station, which was established in 1994 after the merger of the Lynwood and Firestone stations.

The Regulators dominated the Century station from 1999 until at least 2014, holding their meetings there and maintaining what has been described as a "shrine" or "monument" to the gang on the premises.[80] Both LASD leaders and line deputies repeatedly complained that the Regulators had undue influence over station managerial decisions, such as overtime assignments and promotions.[81] Regulators members refused to talk to IAB investigators and they collected "donations" or "taxes" to support deputies placed on unpaid leave for misconduct.

There is substantial evidence that LASD management knew about the Regulators, but did nothing. In 2003, anonymous deputies reported various acts of misconduct by Regulators members and compared them to the Mexican Mafia, an infamous prison gang. In 2004, Sheriff Baca was advised by Undersheriff Stonich about the "unhealthy climate" at the Century station, which included Regulators members refusing to be interviewed during investigations of alleged misconduct

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[76] See *Urban Dictionary* definition of "Regulators," available at http://urbandictionary.com/define.php?term=REGULATORS. Along the same lines, Michael Gennaco, the chief attorney for a prior oversight body for the LASD, noted, "The name itself, the Regulators, is a cause for concern. In jail culture, regulators are inmates who control other inmates' behavior." Stuart Pfeifer, *Deputy's Lawsuit Alleges Racism at Sheriff Station*, LA Times (Sept. 5, 2007).
[77] Stuart Pfeifer, *Deputy's Lawsuit Alleges Racism at Sheriff Station*, L.A. Times (Sep. 9, 2007).
[78] Los Angeles County District Attorney Charge Evaluation Worksheet, DA case no. 38248822, at 3-4 (June 8, 2018).
[79] *Id.*
[80] Robert Olmsted referred to this "monument" as having been in the back of the Century Station "for almost five years" until it was ordered taken down in 2014 by Sheriff John Scott. Video of Professional Peace Officers Association (PPOA) Los Angeles County Sheriff Candidates Debate (Apr. 28, 2014) at 45:34, available at https://www.youtube.com/watch?v=KH7Mf3R2Svk.
[81] *Report of the Citizen' Commission on Jail Violence* (Sept. 2012) at 101.

and allegations of "in-house extortion."[82] In 2007, Commander Willie Miller raised similar concerns, noting that the Regulators' philosophy is to "run the station as a subculture faction … and not respect rank."[83]

Charles McDaniel, a lieutenant in the custody division, admitted in a 2013 deposition that he had a Regulators tattoo, but he claimed the tattoo signified "friendship," not membership in a deputy clique.[84] McDaniel denied knowing about any deputy gang or clique in the custody division that celebrated breaking inmates' bones. However, in 2009 McDaniel supervised deputies who were accused of repeatedly beating up and shocking inmate Tyler Willis with a stun gun, leaving him with a fractured leg and extensive injuries. A jury found McDaniel negligent for failing to supervise the custody deputies who assaulted Willis and awarded Willis $290,000.

Spartans

The "Spartans" appears to be a deputy clique operating out of the Century Station. In ancient Greece, Sparta was a militaristic city-state with a warrior cult that emphasized secrecy, prioritizing the needs of the state over individual rights, and the glorification of soldiers who fought to the death in battle.[85] While the appropriation of Spartan culture is certainly not limited to far-right movements, many white nationalists and gun-rights groups revere Sparta and invoke it as the inspiration for their symbols and far-right ideologies.[86]

There is very little public information about the Spartans. During former Sheriff McDonnell's tenure, LASD leadership initiated an investigation of the Spartans after a mass email went out signed "SFFS," which was believed to be an

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[82] *Id.* at 67.
[83] *Id.*
[84] Maya Lau, *L.A. County Sheriff's Department Pays a Price as Clandestine Deputy Cliques Persist*, L.A. Times (Oct. 27, 2018).
[85] A.H.M. Holmes, *Sparta* 1-34 (1993 Barnes & Noble Books).
[86] *Ancient Greece a Symbol to Rally Neo-Nazis*, Pharos (April 24, 2020) (noting that right-wing, anti-immigration groups have appropriated the Spartan shield and military formations as symbols to "traffic in the most familiar classical trope for white supremacist groups: Classical Sparta as a model for racial purity and military supremacy"); Chase Woodruff, *The Meaning Behind* Molon Labe*, a Favored Gun Rights Slogan of Oregon Sheriff John Hanlin*, The Trace (Oct.2, 2015) (noting that the Oath Keepers and other gun-rights groups have appropriated the Greek phrase *molon labe* ("come take them")—King Leonides' defiant answer to the King of Persia's demand that the Spartans lay down their arms at Thermopylae—"as a challenge to perceived attempts by the government to confiscate firearms").

abbreviation for the salutation "Spartans Forever, Forever Spartans." In 2019, the press reported that the FBI had opened an investigation of several LASD deputy gangs, including the Spartans.[87]

Tasmanian Devils

The "Tasmanian Devils" appears to be a deputy clique operating out of the Temple City Station. Tasmanian Devils members have a common tattoo of the Warner Brothers cartoon Tasmanian devil. There is little public information about this secretive subgroup. While press accounts and other sheriff's deputies on social media sometimes mention the Tasmanian Devils as one of the LASD cliques, they never elaborate. The Tasmanian Devils are mentioned in a published opinion in a capital case in which a prosecution witness identified only as "deputy Westin" testified that the Vikings, another sheriff gang, was "merely a group of tightly knit deputies" with a mascot, comparing them to other station groups with a mascot, such as the "Tasmanian Devils in Temple City Station."[88] In contrast to this benign characterization, Sheriff Baca characterized the Tasmanian Devils as a "derogatory group" in a 2010 discrimination lawsuit filed by LASD deputy Mark Moffett. Baca testified that the Tasmanian Devils "formed without the authorization of the department" whose "members refer to themselves through their tattoos and through other forms of language."[89]

Three-Thousand (3000) Boys

The "Three-Thousand Boys" was a deputy gang based on the 3000 cell block of Men's Central Jail in downtown Los Angeles. There is conflicting evidence whether 3000 Boys members have a common tattoo,[90] but there is a widely circulated internet photo of the back of a bald man's head with a tattoo

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[87] Maya Lau, *FBI Investigating Tattooed Deputy Gangs in Los Angeles County Sheriff's Department*, LA Times (July 11, 2019).
[88] *People v. Fuiava*, 53 Cal. 4th 622, 646 n. 5 (2012).
[89] *See* Complaint in *Moffett v. County of Los Angeles, et al.,* Superior Court no. BC445403 at ¶ 20, on file at CJLP at Loyola Law School.
[90] Compare *Report of the Citizens Commission on Jail Violence* (Sept. 2012) at 102 ("The cliques from the 2000 and 3000 blocks at MCJ became known as the '2000 Boys' and the '3000 Boys,' respectively; some purportedly had tattoos with Roman numerals in their calf areas to identify their membership in the clique.") with *Tenth Office of Independent Review Annual Report* (Sept. 2012) at 59 (noting that while the media referred to the deputies involved in the Quiet Cannon assaults as "the 3000 boys" and "suggested [they] shared a common tattoo," there was no evidence that they called themselves by this name and that while several of them had tattoos, "an examination of those tattoos found no common tattoo").

depicting vertical bars above the words "3000 Boys."[91] They only associated with each other, left their posts en masse at the end of their shift, resisted supervision, and engaged in acts of insubordination, including using excessive force against inmates on their floor.[92] A judge who asked to see the 3000 block control booth discovered walls and equipment filled with graffiti and derogatory comments, including a bumper sticker on the key box that read, "Please don't feed the animals."[93]

Some members of the 3000 Boys have engaged in aggressive misconduct outside the jail as well. In 2003 a 3000 Boys member arrested for DUI was verbally abusive and threatened a West Covina police officer not to "mess with him" because he was a 3000-floor deputy.[94] On December 10, 2010, six 3000 Boys members assaulted two other custody deputies after a party for jail employees at the Quiet Cannon restaurant.[95] The victims, Chris Vasquez and Elizario Perez, were assaulted because they had criticized the 3000 Boys for deliberately delaying bringing inmates from their floor to visit elderly family members in the reception center. Vasquez and Perez filed a civil-rights suit alleging that the LASD was "inadequate" in disciplining and controlling deputies, "particularly with respect to illegal acts and acts of excessive force."[96] The deputies who committed the assault were photographed at the party making gang-like hand signals indicating the number 3.

[91] *See* KTLA photo of alleged 3000 Boys tattoo, available at http://freedominourtime.blogspot.com/2011/05/worlds-largest-street-gang.html
[92] *Report of the Citizens Commission on Jail Violence* (Sept. 2012) at 102.
[93] Terelle Jerricks, *Candidate for LA Sheriff Bob Olmstead Speaks on Changing the Department from Within and Without*, Random Lengths News (May 29, 2014), available at www.randomlengthnews.com/archives/2104/05/09/the-whistleblower/7113.
[94] *CCJV Report*, *supra*, at n. 81.
[95] Terrelle Jericks, *supra*, at n. 93.
[96] *Id.*

Two-Thousand (2000) Boys

The "2000 Boys" was a deputy gang based on the 2000 cell block of Men's Central Jail in downtown Los Angeles. Members of the 2000 Boys have a common tattoo on the calf depicting the Roman numeral "II." They engaged in the same type of misconduct and gang-like activities as the 3000 Boys. They earned their tattoo by beating inmates in their custody and then filing false reports to cover up the abuse. For example, one custody deputy on the 2000 block fractured the orbital bone of a non-combative inmate to "earn" his II tattoo, signifying his acceptance into the 2000 Boys.[97]

Once source has reported that "the Executioners were founded by a former 2000 Boy named Andy Toone, who has since moved elsewhere in the Department."[98] Andrew Toone was involved in at least one fatal shooting.[99]

Vikings

The "Vikings" is perhaps LASD's most infamous deputy gang. It was based in the now-shuttered Lynwood Station during the 1980s and 1990s. Vikings members had a common tattoo on the ankle. The tattoo depicted a Viking head, sometimes with the number "998," which is the radio code for "officer-involved shooting." Vikings members engaged in numerous gang-like behaviors, such as throwing gang signals, speaking gang jargon, and spray-painting "LVS25" over other street gang *placas* in Lynwood.[100] There is evidence that the Vikings embraced a white supremacist world-view. Numerous declarants in two suits, *Thomas v. Los Angeles County* and *ALADS v. Los Angeles County*, referred to alleged racist activities and comments by Vikings members. There was also a map of Lynwood in the shape of the African continent on display in the station, and members distributed literature containing a "virulently racist joke against African Americans."[101]

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[97] *Report of the Citizens' Commission on Jail Violence* (Sept. 2012) at 102.
[98] Celeste Fremon, *The Executioners: Does a Violent Deputy Gang Rule LA County's Compton Station?*, WitnessLA (July 27, 2020).
[99] Andrew Toone fatally shot Cedric Ramirez on August 1, 2014. *See* LA District Attorney, Justice System Integrity Division*, Report on Officer Involved Shooting of Frank Mendoza Sr. and Cedric Ramirez*, JSID #14-0500 (Jan. 15, 2016) (finding that Toone acted in self-defense).
[100] *The Los Angeles County Sheriff's Department: Report by Special Counsel James G. Kolts & Staff* (July 1992) at 325.
[101] *Id.* at 327.

In 1990, over seventy-five minority residents of Lynwood, represented by the NAACP Legal Defense Fund, filed a class action civil-rights suit, alleging that the LASD tolerated the Vikings' racially motivated violence against community members. The suit alleged that Vikings members shot, killed, beat, racially profiled, and illegally searched African Americans and Latinos in order to intimidate and terrorize the entire minority community near Lynwood station. In granting a preliminary injunction, U.S. District Judge Terry Hatter characterized the Vikings as "a neo-Nazi, white supremacist gang" that operated under leaders who "tacitly authorize deputies' unconstitutional behavior."[102] A divided panel of the Ninth Circuit reversed and remanded because Judge Hatter had granted the preliminary injunction without holding an evidentiary hearing on disputed facts. After the reversal and remand, the County settled with the minority plaintiffs for $9 million.

The most prominent Viking is Paul Tanaka, who served as undersheriff from 2011to 2013, when he resigned due to publicity regarding an FBI investigation of him for obstruction of justice. He was subsequently convicted of obstruction of justice and sentenced to serve five years in federal prison.[103]

Wayside Whities

The "Wayside Whities" appears to have been a deputy gang based in Peter J. Pitchess Honor Rancho (previously called "Wayside Honor Rancho"), a detention

[102] *Thomas v. County of Los Angeles*, 978 F.2d 504, 511 (9th Cir. 1992).
[103] *See* United States District Court for Central California Docket in *United States v. Paul Tanaka*, 16-cr-50233, Dkt. no. 181.

facility north of Los Angeles. It is unknown whether Wayside Whities members had a common tattoo, but some did employ "W" hand signals to signify their membership.

In 1990, Clydell Crawford, an African American former inmate, sued Los Angeles County[104] for civil-rights violations, alleging that he was beaten in custody by Wayside Whities members, who deliberately broke his leg.[105] Clydell and three other African American former inmates alleged that they were assaulted because of their race. The complaint alleged that the Wayside Whities were "a Ku Klux Klan-type organization espousing white supremacy and having as one of its objectives the subjugation, intimidation and terrorization" of African American inmates.[106] Clydell's lawyer publicly stated that the Wayside Whities' activities were likely "related to other white supremacist deputy groups at other county jail facilities," but he did not elaborate.[107]

The IAB investigated and concluded that the group did not exist, and that "Wayside Whities" was a pejorative name that African American inmates called some white custody deputies. The County, nevertheless, settled Crawford's suit for $40,000.

IV. Successive Sheriffs Resist Acknowledging and Addressing Deputy Gangs

Deputy gangs and cliques have persisted over the course of at least six different sheriff administrations. Each elected sheriff has denied or downplayed the existence of the subgroups until deputies' gang-like behavior caused a scandal. In response to public pressure, each sheriff has also pledged to clamp down on deputy gangs and cliques, but then failed to follow through with meaningful

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[104] The suit named Sheriff Sherman Block and LASD deputies Frank La Flame, Ernesto De Armas, and John Bones as individual defendants. In 2013, Bones fatally shot Eugene Mallory, an 80-year-man, in his bed during the execution of a no-knock warrant in Littlerock, California; the post-shooting investigation revealed that an informant had falsely claimed that Mallory, a retired engineer, was involved in manufacturing methamphetamine. The Los Angeles District Attorney found that Bones acted in self-defense and declined to prosecute him.

[105] Michael Connelly, *Suit Accuses Deputies of Other Racial Attack: Prisons: an Injured Inmate Says Jailer Beat Him at the Peter J. Pitchess Honor Rancho, Which He Says Is Run by a White Supremacist Group*, L.A. Times (May 25, 1990).

[106] Michael Connelly, *Sheriff denies guards formed gang to beat up black inmates: Castaic: a six-month inquiry finds that 'Wayside Whities' was just a mocking name for white guards. But a former prisoner who says they broke his leg has sued,"* L.A. Times (Dec. 11, 1990).

[107] Connelly, s*upra*, at n. 105.

investigation and reforms. The result is an entrenched culture of tolerating and even tacitly supporting deputy gangs and cliques within the LASD.

Peter Pitchess was the Los Angeles County sheriff from 1958 through 1981. During his tenure, LASD management learned about the Little Red Devils and, in 1973, they investigated the clique extensively, including compiling a list of 47 employees who had the sequentially numbered devil tattoos.[108] The contemporaneous LASD records do not reflect whether those employees suffered any discipline or consequences. But, Pitchess was known for his "tough, military approach," which included "quickly investigat[ing] charges of officer misconduct and any deputies who broke the law or his rules were promptly disciplined or dismissed."[109]

Pitchess resisted all "interference from the outside"[110] and fought hard to prevent the release of any documented misconduct in a deputy's personnel file, including refusing to comply with subpoenas for such information. In the landmark case *Pitchess v. Superior Court*, the California Supreme Court unanimously held that a criminal defendant could discover misconduct in the confidential personnel file of a deputy sheriff if such misconduct was potentially relevant to an issue at trial.[111]

Sherman Block succeeded Pitchess, serving as the Los Angeles County sheriff from 1982 until his death in 1998. In 1990, a reporter asked Block whether deputies who had tattoos, used gang slang, threw hand signals, and sprayed graffiti were any different from street gang members. Block defended his deputies' right to associate together in this manner adding, "The fact that a group of people with a particular assignment band together in a sort of brotherhood could be a very positive thing."[112] He even trivialized sheriff's deputies throwing gang signs stating, "The fact that they flash an L sign, L for Lynwood 25 (the number of the

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[108] Dec. 3, 1973 LASD Memo, *supra*, at n. 60.
[109] Myrna Oliver, *Peter Pitchess, Sheriff who modernized agency, dies*, L.A. Times (April 5, 1999).
[110] *Id.* ("[Pitchess] retained his salty belief in the independence of his department throughout his life, advising Baca at his swearing-in ceremony: 'You are the sheriff. You and your colleagues will run this department [without] interference from the outside.'").
[111] *Pitchess v. Super Ct.,*11 Cal. 3d 531 (1974).
[112] Penelope McMillan and Louis Sahagun, *Lynwood Deputies' Reported Gang-style Activity Investigated*, L.A. Times (Dec. 4, 1990).

Lynwood station), that in itself is meaningless. … Gangs get a kick out of the fact the deputies have their own sign."[113]

In 1992, Judge James Kolts published a report identifying various problems that contributed to LASD deputies' use of excessive force against community members and proposing specific reforms.[114] The Kolts report discussed the problems associated with deputy gangs, such as the Vikings, and concluded that some members "appeared at least in times past to have engaged in behavior that is brutal and intolerable and is typically associated with street gangs."[115] Kolts recommended that LASD officials "conduct an immediate, thorough Internal Affairs investigation to root out, and punish severely any lingering gang-like behavior by its deputies."[116] Block refused to investigate, stating: "The department is confident there are no racist deputy gangs or cliques within the organization and therefore disagrees that an internal investigation is appropriate."[117]

Lee Baca served as Los Angeles County sheriff from 1998 until his resignation in 2014. Baca responded to clique-related scandals with mixed messages: sometimes pledging to clamp down on deputy gangs, other times arguing that his hands were tied by the First Amendment.

In 2005, Baca implemented an official tattoo policy requiring that on-duty employees cover any visible tattoos with "a skin-toned patch, long-sleeved uniformed shirt, or other material which may be formally approved by the Department."[118] This policy did not purport to discourage or regulate clique tattoos in any substantive manner; it only directed that all visible tattoos be covered while on duty.

In 2011, Baca appointed Paul Tanaka as the undersheriff. Tanaka, an admitted member of the Vikings, received his tattoo after shooting a man under circumstances that prompted a fellow police officer present at the fatal shooting to

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[113] *Id.*
[114] *The Los Angeles County Sheriff's Department: Report by Special Counsel James G. Kolts & Staff* (July 1992).
[115] *Id.* at 323.
[116] *Id.* at 332.
[117] LASD, A Response to the Kolts Report at p. 256.
[118] Frank Stoltze, *LA Sheriff Watchdog: the First Amendment Shouldn't Shield Deputy Cliques, Tattoos from Scrutiny*, LAist (Apr. 23, 2019).

refer to it as "an execution."[119] While addressing the troops, Tanaka encouraged deputies to "push the envelope" and operate within the "gray area" of the law. Baca's promotion of Tanaka to the second in command of the department was perceived by some as normalizing deputy gang membership and emboldening deputy gang members.

After the Jump Out Boys scandal broke in 2012, Baca initially questioned whether deputy gangs were even real. He stated, "We're going to be looking at this right now, but it really could be a fantasy, something that's not true but right now we're going to find out exactly what is and what isn't and that will determine what our next step is."[120] When the investigation was concluded, he instituted termination proceedings for seven of the individuals involved. After the Citizens Commission on Jail Violence published its report that same year confirming the existence of deputy gangs inside Men's Central Jail, Baca attempted to promulgate a new policy banning all tattoos—even those that were not visible in uniform--that compromised the "professional image" of the LASD.[121] The policy explicitly prohibited deputies from getting tattoos "that suggest street justice or vigilantism, or that are associated with gang culture."[122] The 2012 policy was withdrawn and the 2005 policy was reinstated by a subsequent administration after ALADS objected that the 2012 policy violated deputies' First Amendment rights.

On January 7, 2014, Baca resigned under the cloud of an FBI investigation that ultimately led to his convictions and imprisonment for obstruction of justice and lying to federal investigators.[123]

Shortly after Baca's resignation, the Los Angeles County Board of Supervisors appointed John Scott to serve as interim Sheriff for the remainder of 2014.[124] Scott pledged to conduct a study of alleged deputy gangs, including

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[119] John Lee, *Family of Korean Man Killed by Deputies Accepts $999,999 Settlement*, L.A. Times (April 18, 1990)
[120] Robert Faturechi, *Secret Clique in L.A. County Sheriff's Gang Unit Probed*, L.A. Times (Apr. 20, 2012).
[121] Frank Stoltze, *supra*, at n.118.
[122] LASD Policy 3-0.1/050.80 Grooming and Dress Standards, available at shq.lasdnews.net/content/uoa/PSD/3-01.pdf.
[123] Seema Mehta, Abby Sewell & Jack Leonard, *Sheriff Baca's Resignation Leaves Much up in the Air for Department*, L.A. Times (Jan. 7, 2014).
[124] Celeste Fremon, *OC's John Scott Named Interim Sheriff--& So Far the News Seems Good*, WitnessLA (Jan. 29, 2014).

bullying by the Banditos, and share the results with the public.[125] Despite this promise, internal messaging condemning cliques, and the convening of a committee to work on a policy to ban cliques and inappropriate tattoos, Scott never released any information about his efforts to combat deputy gangs, nor has the LASD ever produced such a report in response to numerous public records requests.

James McDonnell served as Los Angeles County sheriff from December of 2014 through November of 2018. He was the first person from outside LASD to be elected as sheriff in over 100 years. During a 2014 sheriff candidates' debate, McDonnell stated, "Looking at gangs and cliques, did we see them; do we have them? We absolutely see and have them."[126] He specifically mentioned the 2000 Boys, the 3000 Boys, the Regulators, the Jump Out Boys, the Banditos, and the Vikings as examples. After he was elected, however, McDonnell resisted investigating deputy gangs by claiming they were a relic of the past. When asked about an Executioners tattoo in 2016, McDonnell stated that it "does not in any way reflect the LASD of today."[127] Because allegations about new "clique tattoos" and gang-related activities continued to surface throughout his tenure, McDonnell ultimately had to concede that deputy gangs remained a problem within the LASD. During his last year in office, McDonnell pledged to conduct a "comprehensive study" of the deputy gangs. However, it does not appear that any such study or investigation had been formally initiated by the time he was voted out of office.

Alex Villanueva is the current Los Angeles County sheriff. During the election campaign, Villanueva stated, "I worked with many people with these tattoos at different stations, and they were the most honorable, ethical people I have ever worked with."[128]

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[125] Maya Lau, *FBI Investigating Tattooed Deputy Gangs in Los Angeles County Sheriff's Department*, LA Times (July 11, 2019) (noting that in 2014 "then-interim Sheriff John Scott announced that he would investigate claims of bullying by the Banditos" but that "the probe … has remained confidential.").

[126] Video of Professional Peace Officers Association (PPOA) Los Angeles County Sheriff Candidates Debate (Apr. 28, 2014), available at https://www.youtube.com/watch?v=KH7Mf3R2Svk.

[127] Bradley Bermont, *LA Sheriff Says He Won't Tolerate "Renegade Cliques." Here's the Backstory on Secret Societies*, LAist (Aug. 1, 2018).

[128] Video of Professional Peace Officers Association (PPOA) Los Angeles County Sheriff Candidates Debate (July 23, 2018), available at https://www.youtube.com/watch?v=C9bTYm5_pZg; *see also* Paul Glickman, *Here Are the New*

After taking office, Villanueva, like his predecessors, initially resisted requests by stakeholders and oversight bodies to investigate whether internal subgroups were engaging in gang-like behaviors. He reframed the discussion about deputy gangs or cliques at a civilian oversight commission hearing by speaking of benign "intergenerational rivalry" within the force and relatively harmless "hazing" rituals, such as asking a rookie to buy lunch for an entire station or to work overtime without a jacket.[129] Villanueva also asserted that asking deputies about gang tattoos would violate their First Amendment right to free speech and freedom of association, as well their due process rights.[130]

After decades of doing little about deputy gangs, LASD in 2020 promulgated a policy entitled "employee groups which violate rights of other employees or members of the public."[131] The policy reads:

> Department personnel shall not participate or join in any group of Department employees which promotes conduct that violates the rights of other employees or members of the public. Participation in these illicit groups, herein referred to as "deputy cliques" or "subgroups" which often include an associated symbol and/or tattoo, harms morale and erodes public trust. These groups undermine the Department's goals and can create a negative public perception of the Department, increasing the risk of civil liability to the Department and involved personnel. Any employee engaging in misconduct of any kind, including but not limited to, the use of excessive force or mistreating or harassing others, will be subject to discipline. If the misconduct involves criminal allegations, the matter may be referred to the District Attorney's Office for possible prosecution.[132]

Claims About a Violent Clique of LA Sheriff's Deputies Acting Like a Gang, LAist (Mar. 8, 2019).

[129] Frank Stoltze, *LA Sheriff Villanueva Toughens His Policy on Deputy Cliques. Will It Solve the Problem?*, LAist (June 26, 2019).

[130] Frank Stoltze, *LA Sheriff Watchdog: The First Amendment Shouldn't Shield Deputy Cliques, Tattoos from Scrutiny*, LAist (Apr. 23, 2019) (reporting that Villanueva advised the Civilian Oversight Commission that he did not ask even high-level managers whether they had a clique tattoo because it would be "inappropriate" under the First Amendment to investigate any LASD member's affiliation with a clique or gang).

[131] Stoltze, *supra*, at n. 118.

[132] Los Angeles Sheriff's County Department Manual, § 3-01/050.83.

This policy is certainly a step in the right direction, but it will only be meaningful through actual enforcement. It will be extremely difficult to prove the subgroups promote conduct that violates the rights of other employees or members of the public, absent a written creed or admissions from the members themselves, whose code of silence is paramount. Despite the policy, LASD leadership has yet to address the systemic problem of deputy gangs, stressing that they only investigate individual acts of misconduct. Despite significant criticism, Villanueva aggressively pursued the rehiring of Mandoyan, the Grim Reapers member who was previously fired for lying about his attempts to break into a female deputy's home and using his status as a gang member to threaten her not to report him. Banditos members who severely beat other deputies outside an off-duty event in 2018 have since been rewarded with transfers to highly coveted assignments in the homicide unit.

V. The Negative Impact of Fifty Years of Unchecked Deputy Gangs on Policing in Los Angeles

A. Escalation of Uses of Force: The High Cost of Lives Lost and Multi-Million Dollar Settlements

1. The Deputy Gangs Promote a Culture of Violence

In 2016, the Police Executive Research Forum (PERF) issued thirty guiding principles on the use of force. PERF's number 1 principle states: "The sanctity of human life should be at the heart of everything an agency does."[133] The commentary that immediately follows explains that the "agency mission statements, policies, and training curricula should emphasize the sanctity of all human life—the general public, police officers, and criminal suspects—and the importance of treating all people with dignity and respect."[134]

By glorifying shootings and other uses of force against community members, LASD deputy gangs and cliques undermine the sanctity of human life and deny the dignity and respect owed to all people. For example, the Executioners host "998 parties" at bars to celebrate deputy shootings. The Vikings and other current deputy gangs reward members who shoot people by allowing them to "enhance" their common tattoo with additional symbols or "embellishments," such as adding smoke coming out of the firearm. The Jump Out

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[133] Police Executive Research Forum, *Guiding Principles in the Use of Force* (Mar. 2016).
[134] *Id.*

Boys planned to memorialize deputy shootings by entering the member's name, tattoo number, and the date of the shooting in a ceremonial "black book." Deputy gang members who worked inside the jail assaulted inmates in order to earn their ink, causing significant spikes in the use of force, especially on floors under their control.[135] These rituals create a culture of celebrating the use of lethal force in the line of duty.

Gang officer Jason Zabala exemplifies the connection between membership in a deputy gang and a pattern of escalating uses of force. Zabala has Regulators tattoo # 140.[136] Zabala also has a history of escalating uses of force. On May 18, 2013, Zabala and his partner became involved in a confrontation with Terry Laffitte after attempting to stop him for riding a bike without lights. Zabala fatally shot Laffitte in the back of the head. The county settled the Laffitte family's civil rights suit for $1.5 million.[137] In 2014, Zabala was one of several deputies who fired 34 rounds at Johnny Martinez, a man suffering from schizophrenia who was wielding a knife. The county settled that civil rights suit for $2.5 million.[138] Zabala also ran into Sonya Benton, causing her serious injury, while running a red light as he drove his patrol car to the scene of an investigation. The county settled that case for $80,000.[139] Thus the county has spent over $4 million settling cases related to a single deputy with a Regulators tattoo.

The problem is not limited to Zabala. A 2018 *Los Angeles Times* study concluded that for a ten-year period Los Angeles County paid more than $7 million in settlements related to alleged deputy gang members' misconduct, such as excessive use of force and sexual harassment.[140] According to a more recent comprehensive accounting by the Los Angeles County Counsel's Office, the cost

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[135] *Report of the Citizens' Commission on Jail Violence* (Sept. 2012) at 103 ("According to Department records, a significant spike in the number of use of force incidents in Men's Central Jail occurred within a few months after the Clark rotation plan was vetoed by Tanaka and force was particularly high in the 2000 and 3000 floors.").

[136] *See* Los Angeles District Attorney Charge Evaluation Sheet, DA case no. 3824822 (June 8, 2018) at p. 2. (refering to a "station tattoo" on Zabala with the number 140 that matches the description of the common Regulators tattoo; Zabala offered conflicting explanations of the number, which triggered a perjury investigation that did not result in charges being filed).

[137] Maya Lau, *L.A. County Sheriff's Department Pays Price as Clandestine Deputy Cliques Persist*, LA Times (Oct. 27, 2018).

[138] *Id.*

[139] Verdictsearch.com/verdict/deputy-caused-crash-by-failing-to-clear-intersection-plaintiff/.

[140] Maya Lau, *Cop Group With Matching Skull Tattoos Costs Taxpayers $7 Million in Fatal Shooting*, L.A. Times (June 18, 2019).

of deputy gang members' misconduct is much higher: $55 million total, with $21 million being paid during the past ten years.[141] The actual settlement costs are likely even much higher than this because LASD management has refused to investigate whether any deputy involved in a shooting is affiliated with a deputy gang.[142] A comprehensive independent study will likely reveal that the costs of deputy gang misconduct—in terms of lives lost and settlements paid—are staggering.

2. Five Years of Deputy Shootings Demonstrates a Correlation between Involvement in Such Shootings and Operating out of a Station with Active Deputy Gangs

We compiled a chart that tracks all LASD deputy shootings during the immediate past five years.[143] The information was obtained by cross-referencing public documents posted by Los Angeles County,[144] the Los Angeles District Attorney's Office[145] and, to a lesser extent, the LASD.[146] Viewing the aggregate of all known LASD deputy shootings for the past five years buttresses the conclusion that deputy gangs escalate uses of force.

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[141] Alene Tchekmedyian, *Deputies Accused of Being in Secret Societies Cost L.A. County Taxpayers $55 Million, Records Show*, L.A. Times (April 4, 2020) ("Los Angeles County has paid out roughly $55 million in settlements in cases in which sheriff's deputies have been alleged to belong to a secret society, records obtained by the Los Angeles Times show, illuminating the entrenched nature of a subculture that has plagued the Sheriff's Department for years.").

[142] After the *Los Angeles Times* published its study, in April of 2019, the Los Angeles County Board of Supervisors directed County Counsel to prepare a list of all cases against the county involving allegations of secret deputy cliques since 1990, as well as the amount the county paid out in each case. Supervisors Hilda Solis and Sheila Kuehl specifically mentioned the need to let the public know what we are spending on alleged deputy gang members' misconduct. Brian Frank, *LA County Leaders Say "Violent, Gang-Like" Cliques Are a Huge Liability—and They Want Names*, LAist (April 30, 2019). Despite this, County Counsel's list has never been made available to the public, for unknown reasons.

[143] "Anon" refers to the fact that the identity of the shooter or the person shot remains anonymous. B = Black, L= Latinx, API = Asian Pacific Islander, W = White.

[144] *See* Los Angeles County Open Data report entitled *Hit Shootings Incidents and Non-Hit Shooting Incidents,* available at The former is available at https://data.lacounty.gov/Criminal/Hit-Shooting-Incidents-and-Non-Hit-Shooting-Incide/d6xt-ws3m/data

[145] *See* Los Angeles County District Attorney's website report entitled *Officer-Involved Shootings*, available at https://da.lacounty.gov/reports/ois.

[146] *See* Los Angeles County Sheriff's Department Transparency site report entitled *Shooting Which Results in Injury or Fatality*, available at https://lasd.org/transparency/deputyinvolvedshootingcurrent/.

LASD DEPUTY SHOOTINGS NOV. 1, 2015 THROUGH NOV. 1, 2020

Shooting Date	Location of Shooting	Deputy Involved in the Shooting	LASD Station or Unit	Type of Deputy Shooting	Person Who Was Shot at	Victim's Race or Ethnicity
11/24/2015	Rosemead	Anon	Pico Rivera Stn.	Non-hit	Anon male	L
12/1/2015	Norwalk	Steven Velasquez, Adrian Dominguez	OSS	Hit/Fatal	John Gonzalez	L
12/12/2015	Lynwood	Jason Tapia; Richard Ochoa-Garcia	Century Stn.	Hit/Fatal	Nicholas Robertson	B
12/20/2015	Palmdale	Brett Nolin	Palmdale Stn.	Hit/Fatal	Leroy Browning	B
1/4/2016	Compton	Omar Covarrubias	Compton Stn.	Hit/Non-fatal	Derrick Wright	B
1/12/2016	Lancaster	Christopher Keeling, Jeremi Edwards	OSS	Hit/Non-fatal	Jeremy A. James	B
1/14/2016	Canyon Country	Nathan Gillespie	Santa Clarita Stn.	Hit/Fatal	Miguel Hernandez	L
2/10/2016	Compton	Anon	OSS	Hit/Non-hit	Anon	B
2/11/2016	Lancaster	Arnold Camacho; Kit Gruppie, Paul Mendez	Lancaster Stn.	Hit/Fatal	Matthew T. Quinn	W
2/14/2016	Los Angeles	Andrew Alatorre; Sandy Galdamez	East L.A. Stn.	Hit/Fatal	Eduardo E. Rodriguez	L
2/20/2016	Paramount	Levi Belville, Curtis Brown	OSS	Hit/Non-fatal	Deon Butler	B
2/24/2016	Norwalk	Luke Liu	Cerritos Stn.	Hit/Fatal	Francisco Garcia	L
3/4/2016	Inglewood	Rahn Hunter	South L.A. Stn.	Hit/Non-Fatal	Fernando Hernandez	L
3/5/2016	Los Angeles	Brad Witkosky	South L.A. Stn.	Hit/Non-Fatal	Norvell Fobi	B
3/16/2016	Los Angeles	Jay Brown, Rene Barragan	Century Stn.	Hit/Fatal	Christian Medina	L
3/30/2016	East L.A.	Ervin Francois	SEB	Hit/Fatal	Angel Montion	L
6/11/2016	Maywood	Eric Chinarian	East L.A. Stn.	Hit/Fatal	Jesus Duran	L
6/23/2016	Bellflower	Anon	Lakewood Stn.	Non-hit	Anon	L
7/28/2016	Compton	Anon	Compton Stn.	Hit/Fatal	Anon	B
8//2/2016	Castaic	Jeffrey Britto	Santa Clarita Stn.	Hit/Fatal	William Bowers	W
8/7/2016	Lennox	Ruben Quintero	SEB	Hit/Non-fatal	Robert Corral	L

Shooting Date	Location of Shooting	Deputy Involved in the Shooting	LASD Station or Unit	Type of Deputy Shooting	Person Who Was Shot at	Victim's Race or Ethnicity
8/17/2016	Panorama City	Arin Davidian	Transit Bureau-North	Hit/Non-fatal	Gerry White	B
8/25/2016	Compton	Samuel Aldama; Mizrain Orrego	Compton Stn.	Hit/Fatal	Donta Taylor	B
9/1/2016	Los Angeles	Richard Ochoa	Century Stn.	Hit/Fatal	Joshua Quintero	L
9/8/2016	Lomita	Justin Smith, Taylor Wells	Lomita Stn.	Hit/Non-fatal	Jason Dyer	W
10/4/2016	Santa Monica	Vincent Cisneros	Transit Bureau-South	Hit/Non-fatal	Thomas Napack	W
10/5/2016	Lancaster	Zachary Anderson	Lancaster Stn.	Hit/Non-fatal	Trenton Lovell	B
10/7/2016	Norwalk	Anon	Norwalk	Non-hit	Anon	L
10/31/2016	Chatsworth	Rizaldy Reantaso, Gerardo Fabian	Court Services West	Fatal	Jose Cueva	L
11/22/2016	La Mirada	Casey Cheshier, John Montenegro, Juan Rodriguez	SEB	Hit/Fatal	Mark Sly	W
12/1/2016	Paramount	Antonio Chavez	Lakewood Stn.	Non-hit	Rodolfo Martinez	L
12/12/2016	Los Angeles	Jason Leach	South L.A. Stn.	Hit/Non-fatal	Jonathan Salas	L
12/15/2016	Hacienda Heights	Ernest Magana, Joseph Magana, Brian Gemmill, Sean Cariaga, Steven Fernandez, Juan Segura	Industry Stn.	Hit/Fatal	Robert Hess	W
12/17/2016	Los Angeles	Miguel Ortiz, Danny Galvez	East L.A. Stn.	Hit/Fatal	Fidel Barrios	L
12/24/2016	Pico Rivera	Anon	Pico Rivera Stn.	Hit/Fatal	Zhonghua Li	A
12/27/2016	Compton	Anon	Compton Stn.	Hit/Non-hit	Anon	L
1/9/2017	San Bernardino	Anon	Men's Central Jail	Hit/Non-fatal	Anon	B
1/21/2017	East L.A.	Anon	East L.A. Stn.	Non-hit	Anon	L
2/13/2017	Van Nuys	Jorge Perez	Transit Bur.-N	Hit/Non-fatal	Peter Firchow	Unknown
3/7/2017	Los Angeles	Ryan Imaizumi	Marina del Rey Stn.	Hit/Fatal	Dennis T. Rogers	B
3/14/2017	Whittier	Matthew Landreth	OSS	Hit/Non-fatal	Bobby Escobar	L

Shooting Date	Location of Shooting	Deputy Involved in the Shooting	LASD Station or Unit	Type of Deputy Shooting	Person Who Was Shot at	Victim's Race or Ethnicity
3/20/2017	Temple City	Nathan Botten, Brian Vance, Scott Inthavong	Temple City Stn	Hit/Fatal	Andrew Lane	W
4/9/2017	La Puente	Anon	Industry Stn.	Non-hit	Anon	L
4/12/2017	Los Angeles	Shane Lattuca, Timothy Gannon	Century Stn.	Hit/Fatal	Zalelem Ewneta	B
5/24/2017	Compton	Edward Gonsalves, Miguel Garcia Jr.	Compton Stn.	Hit/Fatal	Luis Garcia Jr.	L
6/22/2017	Palmdale	James Dillard, Victor Ekanem	Palmdale Stn.	Hit/Fatal	Armando G.	L
6/26/2017	Pico Rivera	Anon	Pico Rivera Stn.	Non-hit	Anon	L
7/4/2017	Palmdale	Murray Jacob	Palmdale Stn.	Hit/Non-fatal	Jeremias Lopez	L
7/22/2017	Lynwood	Anon	Century Stn.	Non-hit	Anon	L
8/16/2017	Watts	Anon	Century Stn.	Hit/Fatal	Kenneth Lewis	B
9/8/2017	Valinda	Anon	Industry Stn.	Non-hit	Anon	L
9/11/2017	West Valinda	Luis Rodriguez, Benny Khounthavong	Industry Stn.	Hit/Fatal	Vincent Hernandez Jr.	L
10/31/2017	Reseda	Charles Moylan	County Services Bureau	Hit/Non-fatal	Sason Malca	W
11/2/2017	Compton	Juan Rogriguez	SEB	Hit/Fatal	Ricardo Cendejas	L
11/20/2017	Artesia	Anon	Norwalk Regional Stn	Non-hit	Anon	L
11/28/2017	Santa Clarita	Albert White, Robert Garcia, Tanner Sanchez, Benjamin Sanchez	Santa Clarita Stn.	Hit/Non-Fatal	Monolito Guerra	L
12/6/2017	Los Angeles	Anon	Century Stn.	Non-hit	Anon	L
12/10/2017	Artesia	Christopher Cadman	Lakewood Stn.	Hit/Fatal	Frank Lopez	L
12/30/2017	Los Angeles	Anon	Century Stn.	Non-hit	Anon	L
1/16/2018	Compton	Anon	Compton Stn.	Non-hit	Anon	B
2/4/2018	Los Angeles	Anon	South L.A. Stn.	Hit/Fatal	Anthony Weber (juvenile)	B
2/5/2018	Artesia	Elsa Buonariga	Lakewood Stn.	Hit/Non-fatal	Michael Lombardi	L
2/6/2018	East L.A.	Anon	East L.A. Stn.	Hit/Fatal	Cesar Bautista	L
3/6/2018	Lake Elsinore		Twin Towers	Hit/Non-fatal	Anon	L

Shooting Date	Location of Shooting	Deputy Involved in the Shooting	LASD Station or Unit	Type of Deputy Shooting	Person Who Was Shot at	Victim's Race or Ethnicity
3/18/2018	So. El Monte	Bradley Dietz	Temple City Stn	Hit/Fatal	Manuel Borrego	L
3/21/2018	Pomona	Anon	Metrolink	Non-hit	Anon	L
4/4/2018	Los Angeles	Anon	Parks & County Servs Adm	Hit/Non-fatal	Anon	L
5/8/2018	El Monte	Brandon Barr	Temple City Stn	Hit/Non-fatal	Michael Contreras	L
6/28/2018	So. El Monte	Timothy Lovitt	Temple City Stn	Hit/Non-fatal	Pedro Garcia	L
7/19/2018	Pico Rivera	Anon	Pico Rivera Stn.	Hit/Fatal	Carmelo Pizarro Jr.	L
8/10/2018	Lakewood	Robert Solorio, Nicholas Fernandez	Lakewood Stn.	Hit/Non-fatal	James Kalaaukahi	API
8/12/2018	Los Angeles	Nikolis Perez, Jonathan Rojas	East L.A. Stn.	Hit/Fatal	Anthony Vargas	L
8/17/2018	Lennox	Anon	South L.A. Stn.	Hit/Non-fatal	Anon	B
8/17/2018	Compton	Anon	Compton Stn.	Non-hit	Anon	B
9/19/2018	East L.A.	Joel Garnica, Serjio Trejo, Joe Carbajal, Luis Valle	East L.A. Stn.	Hit/Fatal	Rene Herrera, Fernando Cruz	L.L
9/24/2018	Compton	Steven Fernandez, Jesus Sandoval	Compton Stn.	Hit/Non-fatal	Halcyon Johnson	B
9/24/2018	East L.A.	Jennifer Romero	East L.A. Stn.	Hit/Fatal	Ivan Pena	L
10/7/2018	Compton	Anon	Compton Stn.	Hit/Non-fatal	Anon	L
10/27/2018	Lennox	Anon	South L.A. Stn.	Hit/Non-fatal	Anon	L
11/1/2018	Industry	Clarence McZeal	Industry Stn.	Hit/Non-fatal	Raashad Franco	B
11/25/2018	Lancaster	Parker Driscoll	Lancaster Stn.	Hit/Non-fatal	Eduardo Sanchez	L
2/17/2019	Lancaster	Anon	Lancaster Stn.	Hit/Non-fatal	Lopez, Stephen	L
3/14/2019	Walnut Park	Anon	Century Stn.	Hit/Non-fatal	Herrera, Nancy	L
3/16/2019	Palmdale	Anon	Palmdale Stn.	Hit/Fatal	Beckwith, Timothy	W
3/31/2019	Compton	Eric Moreno, Eugene Contreras	Compton Stn.	Hit/Non-fatal	Jose G., Johnny B. (Juveniles)	L,L
5/10/2019	Vernon	Anon	East L.A. Stn.	Hit/Fatal	Dylan Lindsey	W
5/12/2019	Compton	Anon	Compton Stn.	Non-hit	Anon	L

Shooting Date	Location of Shooting	Deputy Involved in the Shooting	LASD Station or Unit	Type of Deputy Shooting	Person Who Was Shot at	Victim's Race or Ethnicity
5/21/2019	Lynwood	Anon	Century Stn.	Hit/Fatal	Garcia, Pablo	L
6/6/2019	San Gabriel	Anon	SEB-SG	Hit/Fatal	Meza, Jose	L
6/6/2019	L.A. (unincorp.)	Anon	Century Stn.	Hit/Fatal	Twyman, Ryan	B
6/6/2019	Inglewood	Anon	South L.A. Stn.	Hit/Fatal	Stamps, Edtwon	B
6/14/2019	Palmdale	Anon	Palmdale Stn.	Hit/Non-fatal	Ball, Robert	W
6/18/2019	Long Beach	Anon	Carson Stn.	Hit/Non-fatal	Ramirez-Madrigal, Jorge	L,L
6/27/2019	L.A. (unincorp.)	Hector Saavedra	East L.A. Stn.	Hit/Fatal	Paul Rea	L
7/5/2019	Compton	Anon	East L.A. Stn.	Non-hit	Anon	B
7/26/2019	Malibu	Connor Hoffman, Ian Walker	Lost Hills Stn.	Hit/Non-fatal	Neal, Timothy	W
8/1/2019	L.A. (unincorp.)	Anon	South L.A. Stn.	Hit/Fatal	Simpson, Jamal	B
8/2/2019	South Gate	Anon	Lakewood	Hit/Non-fatal	Young, Joseph	unknown
9/2/2019	Commerce	Anon	East L.A. Stn.	Non-hit	Anon	L,L
9/12/2019	Santa Clarita	Anon	Santa Clarita Stn.	Hit/Fatal	Venegas, Alvaro-L	L
10/6/2019	Whittier	Anon	Pico Rivera Stn.	Hit/Fatal	Vazquez, Marco (Jr.)	L
10/20/2019	Cudahy	Anon Anon	East L.A. Stn.	Non-hit	Anon	Unknown
10/23/2019	Palmdale	Anon	Palmdale Stn.	Non-hit	Anon	W
10/24/2019	Studio City	Anon	West Hollywood Stn.	Hit/Fatal	Miles, Devon	B
10/30/2019	Lancaster	Anon	Lancaster Stn.	Hit/Fatal	Myers, Ricardo	L
11/13/2019	L.A. (unincorp.)	Anon	East L.A. Stn.	Hit/Fatal	Garcia-Espinoza, Omar	L
11/25/2019	L.A. (unincorp.)	Juan Sanchez, Joel Calderon	East L.A. Stn.	Hit/Non-fatal	Evangelista, Robert	L
12/16/2019	L.A. (unincorp.)	Anon	East L.A. Stn.	Hit/Fatal	Serrano, Jorge	L
3/1/2020	Valencia	Anon	Santa Clarita Stn.	Hit/Fatal	Ceja, Raymundo	L
3/5/2020	Sylmar	Anon	Palmdale Stn.	Hit/Non-fatal	Janto, Jesse	W,W
4/3/2020	Van Nuys	Anon	Court Services Bureau-West	Hit/Non-fatal	Albala, David	W
4/19/2020	Lancaster	Anon	Lancaster Stn.	Hit/Fatal	Lugo, Richard	W
5/26/2020	L.A.	Anon	OSS-So. L.A.	Hit/Fatal	Avitia, Robert	L
5/29/2020	Lancaster	Anon	Lancaster Stn.	Hit/Fatal	Colvin, Robert	W
5/30/2020	Lynwood	Anon	Century Stn.	Hit/Non-fatal	Martinez, Jose	L
6/7/2020	Industry	Anon	Industry Stn.	Hit/Fatal	Hurst, Jarrid	W

Shooting Date	Location of Shooting	Deputy Involved in the Shooting	LASD Station or Unit	Type of Deputy Shooting	Person Who Was Shot at	Victim's Race or Ethnicity
6/11/2020	Lancaster	Anon	Lancaster Stn.	Hit/Fatal	Thomas, Michael	B
6/12/2020	Palmdale	Anon	Palmdale Stn.	Hit/Fatal	Lugo, Tony	L,L,L
6/17/2020	Rosamond (Kern Ct.)	Anon	Lancaster Stn.	Hit/Fatal	Boone, Terron	B
6/18/2020	Gardena	Miguel Vega	Compton Stn.	Hit/Fatal	Guardado, Andres	L
6/28/2020	Gardena	Anon	Transit Services	Hit/Non-fatal	Hudson, Erik	B
7/30/2020	Lancaster	Anon	Lancaster Stn.	Hit/Non-fatal	Campbell, Kirk	B
8/7/2020	Hacienda Heights	Anon	Industry Stn.	Hit/Non-fatal	Ochoa, Rogelio	L
8/19/2020	Compton	Anon	Compton Stn.	Non-hit	Anon	B
8/22/2020	Commerce		East L.A. Stn.	Hit/Non-fatal	Moreno, Rigoberto	L
8/31/2020	L.A.	Anon	South L.A. Stn.	Hit/Fatal	Kizzee, Dijon	B
9/10/2020	Compton	Anon	OSS	Hit/Fatal	Samuel Herrera Jr.	L
9/23/2020	Whittier	Anon	Court Services-East	Hit/Non-fatal	Anon male	B
9/24/2020	Commerce	Anon	East L.A. Stn.	Hit/Non-fatal	Anon female	Unknown
10/6/2020	Paramount	Anon	Lakewood Stn.	Hit/Non-fatal	Anon male	Unknown
10/6/2020	Harbor UCLA-Torrance	Anon	South L.A. Stn.	Hit/Non-fatal	Nicholas Burgos Jr.	L
10/15/2020	Westmont	Anon	South L.A. Stn.	Hit/Fatal	Dana Young Jr.	B
10/16/2020	Willowbrook	Anon	Compton Stn.	Hit/Fatal	Federick Williams III	B

There have been 133 deputy shootings during the immediate past five years.[147] The stations and units with more than two deputy shootings are listed below, starting with the station with the highest number of shootings and ending with the station with the lowest number.

Station/Unit w multiple deputy shootings: highest to lowest	Deputy gang associated w. Station/Unit	Number of deputy shootings associated w Station/Unit
East L.A. Stn.	Banditos, Cavemen, Little Red Devils	20
Compton Stn.	Executioners	12
Century Stn.	Regulators, Spartans	12
South L.A. Stn.	Grim Reapers	11

[147] Each event is considered a single deputy shooting even though records occasionally reflect that other people may have been shot at in addition to the named suspect or victim.

Station/Unit w multiple deputy shootings: highest to lowest	Deputy gang associated w. Station/Unit	Number of deputy shootings associated w Station/Unit
Lancaster Stn.	Rattlesnakes, Cowboys	10
Palmdale Stn.	Rattlesnakes, Cowboys	8
Lakewood Stn.		7
Industry Stn.		7
Operation Safe Streets (OSS)	Jump Out Boys	7
Pico Rivera Stn.		5
Santa Clarita Stn.		5
Special Enforcement Bureau (SEB)		5
Temple City Stn.	Tasmanian Devils	4

The top six stations account for well over half of all shootings by deputies. Each of these stations has an active deputy gang, as well as a history of complaints, reporting, and lawsuits alleging deputy-gang misconduct. While further information and study is needed, canvassing what is known about the deputy shootings during the immediate past five years demonstrates at least a correlation between being involved in a deputy shooting and working out of a LASD station with an active deputy gang.

Over eighty percent of the people shot by LASD deputies during the past five years have been Black or Latinx.[148] The disparate impact of deputy shootings on people of color buttresses the conclusion that the unchecked deputy-gang culture at the LASD escalates uses of force against minority communities.

Of course, correlation is not causation. Other factors, such as the size of the station and the violent crime rates in the immediate area, likely impact the number of shootings by deputies from a particular station. More definitive conclusions could be reached if we knew whether each shooter is affiliated with a deputy gang or clique. This is not possible because the LASD, contrary to the California Supreme Court's holding in *Long Beach Police Officers Assn. v. City of Long Beach*,[149] does not disclose the names of deputies involved in shootings. In contrast, the Los Angeles Police Department has been publishing the names of officers involved in shootings on its website for years.[150] LASD leadership also

[148] Of the 133 people who were shot by deputies, at least 79 were Latinx and at least 35 were African American. As such, minorities are significantly overrepresented in deputy shootings compared with their representation in the general population of Los Angeles County.
[149] 59 Cal. 4th 59 (2014) (requiring the Long Beach police department to disclose to the *Los Angeles Times* pursuant to the California Public Records Act the names of all officers involved in police shootings for a six-year period).
[150] *See* O.I.S., available at http://www.lapdonline.org/use_of_force/content_basic_view/65012.

has refused to investigate whether deputies involved in a shooting belong to an internal gang or clique, making it even more difficult to analyze the connection between deputy gang membership and deputy shootings.[151]

B. Deputy Gangs Undermine Constitutional Policing

Constitutional policing emphasizes law enforcement members following the Bill of Rights and upholding people's civil rights.[152] Adhering to the Constitution ensures that law enforcement officers treat everybody fairly and impartially. Constitutional policing requires more than complying with court opinions to ensure the admissibility of evidence or the viability of prosecutions. Law enforcement organizations should continuously examine their policies and practices to make sure they "advance the broad constitutional goals of protecting everyone's rights and providing equal protection under the law."[153]

The history and demography of the spread of deputy gangs throughout the LASD reveal how they violate equal protection under the law. The first wave of deputy gangs originated at stations in East Los Angeles[154] and in and around Lynwood.[155] Each of these stations originally had a mostly white force policing communities with a high percentage of minorities. Later, deputy gangs arose in Compton[156] and, most recently, in the Antelope Valley stations.[157] The current rise

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[151] Sheriff Villanueva has stated that the LASD will investigate members accused of committing specific acts of gang-related misconduct, such as the Banditos assaulting other deputies at Kennedy Hall. However, he declined to investigate whether the LASD has a systemic problem with deputy gangs, stating, "[W]e're not gonna go on an investigation inquisition and go through an entire 18,000 employees of the department to see if they have a tattoo or they're a member of a group. That would be inappropriate and wildly speculative. We are trying to run an organization, not engage in a witch hunt." Alene Tchekmedyian, *Sheriff May Fire Deputies Linked to Fight: Villanueva is Expected to Suspend Others for Misconduct Tied to Banditos Clique*, L.A. Times (Aug. 13, 2020).

[152] *Constitutional Policing as a Cornerstone of Community Policing, a Report by the Police Executive Research Forum* (Apr. 2015).

[153] *Id.* at 2

[154] According to census records, East Los Angeles is 96% Latino, 0% African American, 2% white, and 1% Asian. *See* censusreporter.org/profile/16000US062082-east-los-angeles-ca/.

[155] Lynwood is 88% Latino, 8% African American, 2% white, and 1% Asian. *See* censusreporter.org/profiles/1600US644574-lynwood-ca/.

[156] LASD took over policing Compton after the Compton City Council defunded the Compton Police Department on September 16, 2000. Compton is 68% Latino, 29% African American, 1% white, and 1% Asian. Censusreporter.com/profiles/16000US0615044-compton-ca/.

[157] The most recent census records reflect that Palmdale and Lynwood are much more diverse than they were a generation ago. Palmdale is currently 58% Latino, 21% white, 13% African

of deputy gangs at the Palmdale and Lancaster stations is not happenstance. The Antelope Valley was a majority-white community that has become increasingly diverse over the past two decades. Conversely, stations in majority white, higher income areas, such as Malibu or Marina Del Rey, have never had any known deputy gangs or cliques.

The common characteristic regarding all the LASD deputy gangs, past and present, is that that they originate and thrive in low-income, high-minority communities.[158] The inevitable result is that people of color living in the deputy gang "turf" experience an inordinate amount of heavy-handed, aggressive policing, including racial profiling and excessive use of force. This creates a rift between community and the LASD, which leads to poor relations and distrust.

Deputy gang members rationalize excessive force, unconstitutional searches, perjury, and other illegal tactics as necessary components of effective policing.[159] They rely on extreme loyalty and a strict code of silence to hide each other's acts of violence and misconduct. As former Lynwood deputy Michael Osborne, who was invited to join the Vikings, stated: "You keep your mouth shut and obey the code of silence. Any illegal acts you witness by other deputies, you don't say anything. If you're asked, you say, 'I didn't see anything.'"[160]

The end result is that the deputy gangs promote internal loyalty over adherence to state law or LASD policy. These practices inevitably lead to an "us-against-them" and "good guys vs. the bad guys" view of policing.[161] Nowhere is

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American, and 5% Asian. Censusrepoter.org/profiles/16000US0655156-palmdale-ca/. Lancaster is currently 44% Latino, 29% white, 20% African American, and 4% Asian. Censusreporter.org/profiles/1600US0640130-lancaster-ca/.

[158] The Kolts Commission independently reached the same conclusion in 1992, noting that "these cliques are found particularly at stations in areas heavily populated by minorities—the so-called "ghetto stations." *Kolts Report* at 327; *see also*, Anne Marie O'Connor and Tina Daunt, *The Secret Society among Lawmen,* L.A. Times (Mar. 24, 1999)("Membership [in the deputy gangs] swelled in the 1980s at the overwhelmingly white sheriff's stations that were islands in black and Latino immigrant communities.").

[159] For example, Angel Jaimes, a self-admitted Regulator, defended his participation in that subgroup by arguing that they were "nothing more than a close-knit group of deputies … who support one another and promote aggressive, ethical policing that keeps communities safe." Stuart Pfeifer, *Deputy's Lawsuit Alleges Racism at Sheriff Station*, LA Times (Sept. 5, 2007).

[160] Anne Marie O'Connor and Tina Daunt, *The Secret Society Among Lawmen,* L.A. Times (Mar. 24, 1999).

[161] A Little Red Devils member interviewed by the Kolts Commission described his clique as a "group of individuals [who] developed an attitude of 'us against the world.'" He further

this truer than at the East Los Angeles station, which to this day displays a "Fort Apache" logo despite having being previously banned after years of complaints from community members, who find the logo demeaning and offensive.[162] The East Los Angeles station has also generated several cliques and is responsible for more deputy shootings than any other station during the past five years.

The various internal cliques and gangs consider themselves to be an elite, invitation-only group that recruits only the most talented, skilled, hard-charging and committed deputies.[163] This creates a culture in which affiliation with a deputy gang or clique stands as proof of one's value as a law enforcement officer.[164] Unfortunately, in the eyes of deputy gang members, that value arises from being ready and willing to use violence against community members and to violate their civil rights. A culture that has evolved in this manner for five decades will inherently resist all efforts to implement constitutional policing.

C. LASD Members Make False and Misleading Statements to Hide the Existence and True Nature of Deputy Gangs

LASD leaders who are questioned about the deputy gangs do whatever they can to distance themselves from them and claim their hands are tied. Sheriffs—after they can no longer plausibly deny that deputy gangs exist—consistently claim that the First Amendment prohibits them from investigating if deputies don tattoos associated with a deputy gang or clique. This is a mischaracterization of First Amendment law. Public employers can and do restrict their employees' First Amendment rights when such restriction is necessary to achieve a government

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described cliques as "groups [that] consist of more aggressive deputies, who take on an identity as 'hard chargers.'" *Kolts Report* at 328.

[162] Frank Stoltze, *A Controversial East LA Sheriff's Station Logo was Banned. Sheriff Villanueva Just Brought It Back*, LAist (Apr. 19, 2019) (reporting on East Los Angeles station deputies' support for the reinstatement of the Fort Apache station logo despite strong community opposition, as well as the prior sheriff's removal of the logo based on his determination that it was "disrespectful to the community").

[163] As Deputy Jaimes described the Regulators in the press: "It's like the all-stars of a baseball team. You get the best." *See* Stuart Pfeifer, *supra,* at n.159.

[164] Recorded interview of a retired LASD Commander who previously served as a captain of East Los Angeles station, Transcript at p. 28, on file at CJLP at Loyola Law School—Los Angeles (observing that some new deputies feel honored to be invited into a clique because it is viewed as a "prized association").

agency's mission.[165] This is particularly true of law enforcement agencies.[166] In fact, the LASD has a "tattoo image form" for employees that provides for uploading pictures of tattoos, as well as a request for a "description and meaning" of each tattoo.[167] Moreover, historical documents during Sheriff Pitchess's tenure reflect that his administration *did* investigate tattooed deputy gangs and cliques, including asking individual members if they had a Little Red Devils tattoo.[168]

Stakeholders who seek to learn more about the deputy gangs—including the CJLP—have filed public records requests for all documents reflecting LASD management's "knowledge of and efforts to address the problems caused by deputy gangs." LASD officials responsible for disclosing records subject to the California Public Records Act have stated that the department has no responsive documents. Yet, internal records reflecting that management has known about the gangs for decades continue to surface, impeaching their claim that no records exist.

During sworn testimony, sheriff's deputies who have a common gang tattoo often refer to it as a "station tattoo," suggesting that their tattoo is somehow connected with the official logo of each LASD station.[169] In fact, the gang tattoos bear no resemblance to any of the official station logos, which are usually geometric shapes with letters and numbers.[170] When questioned, these deputies strain credulity by denying that they belong to a gang or clique, and they offer illogical explanations for the tattoos, which usually depict skeletons, firearms, and symbols of death. Some have claimed that their menacing tattoo represents

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[165] *Garcetti v. Ceballos*, 547 U.S. 410, 418 (2006) ("When a citizen enters government service, the citizen by necessity must accept certain limitations on his or her freedom."); *Pickering v. Board of Education*, 391 U.S. 563, 573 (1968) (government employer may restrict an employee's free speech if that speech is likely to impact the efficiency of providing its services or otherwise undermine its mission).

[166] *Pappas v. Giuliani*, 290 F.3d 143, 146 (2d Cir. 2002) (Police department's restriction of officer's racist speech did not violate the First Amendment because "[t]he effectiveness of a city police department depends importantly on the respect and trust of the community and in the perception in the community that it enforces the law fairly, evenhandedly, and without bias.").

[167] The LASD form can be accessed at http://shq.lasdnews.net/content/uoa/PER/upload/Tattoo%20Image%20Form.pdf.

[168] Dec. 3, 1973 LASD Memo from Capt. R.D. Campbell to Chief T.H. Von Minden, on file at the Center for Juvenile Law and Policy, Loyola Law School-Los Angeles.

[169] *See, e.g., N.G. and L.G. v. Count of Los Angeles*, CV-8312-SVW, Deposition of David Chevez (Mar. 5, 2014) at 69.

[170] All LASD badges and station logos are displayed in *Los Angeles County History behind the Badge*, available at https://scvhistory.com/scvhistory/lasdhistory2011.pdf.

equality under the law.[171] Others have claimed that their tattoo represents their integrity and work ethic.[172] One deputy even testified at a capital trial that the Vikings was a social group, not a gang or clique.[173] None of the testifying deputies has been able to credibly explain why demonic figures were selected to depict such virtues.

Deputies engage in the same false narratives about deputy gangs during IAB investigations. For example, a deputy who was shown the Jump Out Boys' creed during an IAB investigation denied that references to them "doing what we have to" and "crossing the line" were evidence of misconduct. Instead, he claimed the quoted language was evidence of commitment, stating: "[T]hey're looking for some highly motivated deputies who are willing to step up and go where most deputies are not willing to do [*sic*]. They're looking for people to step up, be leaders, and take bad guys to jail on their own turf."[174]

VI. The Negative Impact of Unchecked Deputy Gangs on the Los Angeles Justice System

The harm caused by unchecked deputy gangs and cliques is not limited to unconstitutional policing on the streets; it spills over into our justice system, where willful non-disclosure and false statements infect the fairness of criminal and civil proceedings.

A. Criminal Justice: *Brady* Violations Lead to Unconstitutional and Wrongful Convictions

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[171] During his deposition, Oleg Pollisky, a deputy in the Palmdale station, claimed that his clique tattoo signified that "no one person has any less rights than any other person" and that "you treat public equally and without bias." Maya Lau, *Inked With a Skull in a Cowboy Hat, L.A. County Sheriff's Deputy Describes Exclusive Society of Lawmen at California Station*, L.A. Times (Aug. 4, 2018).

[172] During his deposition, Samuel Aldama, a deputy in the Compton Station, claimed that his clique tattoo signified "working hard." Maya Lau, *L.A. Sheriff Watchdogs Alarmed About New Claims of Secret Deputy Clique at Compton Station,* L.A. Times (July 13, 2018).

[173] *People v. Fuiava*, 53 Cal. 4th 622, 646 n. 5 (2012).

[174] LASD Bureau of Internal Affairs Report on the Jump Out Boys at p. 40, on file at the Center for Juvenile Law and Policy, Loyola Law School.

Under *Brady v. Maryland,*[175] prosecutors have a constitutional obligation to disclose material, exculpatory evidence to the defense prior to trial.[176] The State Legislature expanded California prosecutors' disclosure obligation by requiring them to disclose *any* exculpatory evidence, regardless of whether it rises to the level of "material" under *Brady*.[177] Under California law, *Brady* obligations continue even after a case is concluded.[178]

"Exculpatory evidence" includes evidence that impeaches the testimony of prosecution witnesses, including law enforcement witnesses.[179] According to a past Los Angeles District Attorney directive, inadmissible exculpatory evidence should still be disclosed since it "can lead to admissible exculpatory or impeachment evidence."[180] Because both the prosecutor and the investigating officers are members of the same prosecution team, the prosecutor has a duty to learn about all impeaching information known by the police.[181] For this reason, the California Supreme Court in *ALADS v. Superior Court* recently approved of the Sheriff giving "*Brady* alerts" to the prosecutor about misconduct in a deputy's personnel file in order to ensure that *Brady* compliance occurs.[182]

The U.S. Supreme Court held in *United States v. Abel* that the prosecution may impeach a defense witness based upon the witness's reputed membership in a secret prison gang.[183] Likewise, a defendant in a criminal trial should be able to impeach a prosecution witness based on the witness's reputed membership in a secret sheriff gang. Membership in a deputy gang is particularly impeaching

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[175] *Brady v. Maryland*, 373 U.S. 83 (1963).
[176] *Brady v. Maryland*, 373 U.S. 83 (1963).
[177] Cal Pen. Code § 1054.1(e) ("The prosecuting attorney shall disclose to the defendant … any exculpatory evidence."); *Barnett v. Superior Court*, 50 Cal. 4th 890, 901 (2010)("If petitioner can show he has a reasonable basis for believing a specific item of exculpatory evidence exists, he is entitled to receive that evidence without additionally having to show its materiality.").
[178] *People v. Gonzalez*, 51 Cal. 3d 1179, 1260-61 (1990).
[179] *Giglio v. United States*, 405 U.S. 150 (1972).
[180] Jackie Lacey, *Los Angeles District Attorney's Office, Special Directive § 17-03: Policy Regarding Disclosure of Exculpatory and Impeachment Information*, §14.02.03 (2017).
[181] *Kyles v. Whitley*, 514 U.S. 419, 437 (1995) ("[T]he individual prosecutor has a duty to learn of any favorable evidence known to others acting on the government's behalf in the case, including the police.").
[182] *Association of Los Angeles Deputy Sheriffs v. Superior Court*, 8 Cal. 5th 28, 52-53 (2019).
[183] *United States v. Abel*, 469 U.S. 45 (1984).

because there is substantial evidence that deputies are bound to cover up misconduct and lie on behalf of fellow members of the deputy gang.[184]

Reading *Brady* and *Abel* in tandem supports requiring the prosecution to disclose that a testifying deputy belongs to a deputy gang. Joining a deputy gang is a fundamentally dishonest act. While they present as ordinary law enforcement officers, gung-ho deputy gang members engage in all sorts of police misconduct, such as discriminating against people of color, filing false reports, and escalating uses of force; even those members who are less active and engaged in a deputy gang contribute to the problem by holding allegiance to a secret subgroup that violates the rights of others. As such, participation in a deputy gang is clearly relevant to assessing an individual sheriff witness's credibility, potential bias, and motive to lie.[185]

The prosecution also regularly calls law enforcement officers to testify as "gang experts" in support of charged gang enhancements in juvenile adjudications and adult trials.[186] When an "inked" deputy testifying as a gang expert opines that a minor or adult defendant is a gang member who committed a crime for the benefit

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[184] *See United States v. Tanaka*, no. 16-50233, 707 F. App'x. 448, 449 (9th Cir. Aug. 31, 2017) (holding that the trial court properly allowed the prosecution to question a sheriff's deputy about his participation in a "deputy clique" or "deputy gang" because "evidence of his involvement in the Vikings [was] relevant to assessing the veracity" of his statements about being a law abiding law enforcement officer); *Osborne v. City of Long Beach*, no. 87-6262. 1988 WL 141 (9th Cir. Dec. 20, 1988); *see also* Gabrielle J. Chon and Scott C. Wells, *The "Blue Wall of Silence" as Evidence of Bias and Motive to Lie: a New Approach to Police Perjury*, 59 U. Pitt. L. Rev. 233, 278 (1988) ("The *Osborne* court's application of *Abel* [to a police department] is sound. It dovetails with the many cases holding that defendants may introduce evidence that police officers have some motive to lie in a particular case.").

[185] *See* Vida Johnson, *KKK in the PD: White Supremacist Police and What to Do about It*, 23 Lewis & Clark L. Rev. 206, 234-35 (2019) ("Appellate courts have found membership in a hate group to be a proper line of cross examination. But given that bias and membership in a hate group are proper areas for cross-examination and in light of the fact that *Brady* applies to impeachment information, bias or hate group membership is impeachment material. This is particularly true where the police officer witness is a central witness in the case (as they often are) and the defendant is a person of color.").

[186] *See, e.g., People v. Sanchez*, 63 Cal. 4th 665, 671 (2016) (describing qualifications of and preparation for a police gang expert to testify whether the defendant committed the crime for the benefit of, at the direction of, or in association with criminal street gang members).

of his criminal street gang while withholding that he himself is a member of an illicit deputy gang, such testimony erodes the fundamental fairness of the trial.[187]

Because of LASD leadership's general failure to investigate whether employees belong to such deputy gangs, *Brady* information about deputy gang-affiliation is never turned over to the trial prosecutor. Even when LASD leadership learns of some information due to internal investigations, such as the one involving the Jump Out Boys, that information is not communicated to either the prosecutor or defense counsel. Consequently, deputies who belong to a deputy gang testify in hearings and trials without disclosure of their affiliation even though it would impeach their credibility as a witness at hearings and trial.

The case of *People v. Francisco Carrillo* reveals the human cost of the prosecution's failure to disclose that a testifying deputy belongs to an LASD deputy gang. Carrillo, a 16-year-old high school student from Maywood, was arrested and prosecuted as an adult for a gang drive-by shooting in Lynwood. Six juvenile witnesses identified Carrillo as the shooter. The first trial ended in a hung jury, but after a retrial Carrillo was convicted of homicide and sentenced to life. A pro bono legal team took on Carrillo's habeas corpus case and interviewed the eyewitnesses, who were now adults. The witnesses admitted that they had been coached by LASD deputy Craig Ditsch to identify Carrillo even though their view of the shooter had been insufficient to make an identification. The habeas team also uncovered evidence that Ditsch was an inked member of the Lynwood Vikings—a fact not disclosed to the defense before trial. The habeas court vacated Carrillo's conviction, the District Attorney elected not to retry him, and he was released from prison after serving 20 years due to wrongful conviction.[188]

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[187] For example, the prosecution called LASD Sergeant Javier Clift as a gang expert. Clift opined that the defendant committed the charged offenses for the benefit of the Sangra street gang. The jury found that the gang enhancement was true, resulting in the imposition of an additional fifteen years imprisonment. *People v. Sendejas*, B263449 (Cal. Ct. App. July 26, 2018). Clift was a named defendant in the civil-rights suit involving the Vikings before Judge Hatter. He also has a "*chango* fighters" tattoo, which is associated with Lynwood deputy cliques. In a separate civil rights suit against Clift for excessive force, another federal judge, David Kenyon, ruled that the *chango* fighters (which translates as "monkey fighters") was admissible evidence because it "implies that he fights minorities." *Deputy's Tattoo OKd as Civil Rights Suit Evidence*, L.A. Times (Feb. 5, 1992).

[188] Celeste Fremon, *L.A. County Pays $10.1 Million Because L.A. Deputy Allegedly Influenced Witnesses Causing a 16-Year-Old to Go to Prison For 20 Years*, Witness LA (July 25, 2016).

Brady violations arising from the non-disclosure of deputy gang affiliation have occurred even in cases where the defendant faced the death penalty. In capital cases involving the killing of a law enforcement officer, whether the victim was a member of a deputy gang will often be relevant to important legal issues, such as self-defense, imperfect self-defense, victim-impact rebuttal, and mitigation based on reduced culpability.[189] Despite this, the law enforcement victim's membership in a deputy gang or clique is rarely disclosed to the defense. For example, Jose Luis Orozco was convicted and sentenced to death for the fatal shooting of Jerry Ortiz, a sheriff's deputy in the anti-gang unit.[190] The trial prosecutor elicited evidence about Orozco's gang affiliation and argued that his status as a gang member who shot a law enforcement officer justified imposing the death penalty. It was later revealed that Ortiz himself was an inked member of the Regulators—something LASD did not reveal to the prosecutor or defense counsel.[191] The prosecution's failure to disclose prior to trial Ortiz's affiliation with a deputy gang risks reversal of the conviction and death sentence based on a *Brady* violation.

It is particularly important to enforce the prosecution's *Brady* obligation to disclose if law enforcement witnesses belong to a deputy gang because the defense is unlikely to independently learn that information on its own. California has the most restrictive access to police personnel files in the nation.[192] While a defendant may file a "*Pitchess* motion" to discover findings of misconduct in a deputy's personnel file, the defense must first demonstrate "good cause"—a

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[189] For example, in *People v. Fuiava*, 53 Cal. 4th 622 (2012), the trial judge permitted the defense to elicit testimony that the victim, Deputy Blair, had been a member of the Vikings in order to support Fuiava's claim that Blair was the first aggressor, prompting Fuiava to fatally shoot him in self-defense. *Id.* at 661-62.

[190] Peter Hong, *Deputy's Killer Gets Death Sentence*, LA Times (Apr. 4, 2007).

[191] Stuart Pfeifer, *Deputy's Lawsuit Alleges Racism at the Sheriff's Station*, LA Times (Sept. 5, 2007) ("Grubb [self-admitted Regulator] confirmed that deceased Deputy Jerry Ortiz, slain by gang member in 2005, was once a member of the Regulators. Grubb said he drove Ortiz to a Huntington Beach tattoo shop to get his Regulators tattoo in 2000 or 2001.").

[192] Jonathan Abel, *Brady's Blind Spot: Impeachment Evidence in Police Personnel Files and the Battle Splitting the Prosecution Team*, 67 Stanford L. Rev. 743, 762-66 (2015) (deeming California the "poster child" of "no access regimes" and arguing that "the practice of applying these personnel file restrictions to prosecutors creates the obvious potential for a conflict between *Pitchess* and *Brady*").

difficult showing given that usually nobody knows what is inside a deputy's confidential personnel file.[193]

B. Civil Justice: Structuring Settlements to Hide Deputy Gangs and Cliques from the Public

Membership in a deputy gang is relevant in civil rights cases for the same reason it is relevant in criminal cases: It impeaches a deputy's credibility and exposes possible motives for committing violence against a community member that are inconsistent with the reasonableness standard under *Graham v. Connor*.[194] In *Jaimes v. County of Los Angeles*, an employment discrimination case brought by a deputy who was member of the Regulators, the County even argued that membership in a deputy gang was evidence of "unfitness for duty." The County asserted, "The associations of a law enforcement officer are relevant to evaluating his fitness for duty. If these deputies admitted to being members of the Ku Klux Klan or the Aryan Nation, there would be no question that these associations should be taken into account in assessing plaintiff's fitness to be on the street as a law enforcement officer in Los Angeles. Since plaintiff has put at issue his fitness for duty, and has admitted membership in a secret society based at the Century Station, the existence and influence of this secret society are relevant to assessing plaintiff's fitness for duty."[195] The LASD's failure to disclose a member's affiliation with a deputy gang or clique deprives the plaintiff of relevant information that infects the fairness of civil trials.

The County's civil lawyers also negotiate settlements in civil rights cases in order to prevent the dissemination of information about deputy gangs. For example, after a judge ordered the LASD to disclose the names of all known Executioners members in a wrongful death case, County Counsel negotiated a $7 million settlement that mooted the discovery order.

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[193] Neither the prosecution nor the defense should blindly assent to statutory obstacles to uncovering *Brady* evidence. The California Supreme Court has stressed that to the extent that statutory provisions cloak police misconduct with confidentiality at the expense of compliance with *Brady*, such statutes are unconstitutional as applied. *See City of Los Angeles v. Superior Court (Brandon)*, 29 Cal. 4th 1, 12 n. 2 (2002).

[194] *Graham v. Connor,* 490 U.S. 386 (1989).

[195] *Jaimes v. County of Los Angeles, et al.*, Case No. BC 331903, Defendants' Objection to and Motion to Strike Plaintiff's Motion in Limine to Exclude Reference to the Regulators, filed Mar. 2, 2008, on file at CJLP.

County counsel also requires non-disclosure agreements as a condition of settling with plaintiffs who sue LASD in connection with deputy gang members' misconduct. For example, in 2015 Rosa Gonzalez, a female deputy in the East Los Angeles station, filed a gender discrimination and retaliation suit against Los Angeles County alleging that LASD supervisors ignored her complaints that she was "subjected to sexual harassment and retaliation by male deputies."[196] Gonzalez linked the gender discrimination and retaliation to the "highly misogynistic" culture at the East Los Angeles station, which was "essentially run by a gang of deputies known as the 'Banditos'" who "us[ed] female deputies as their 'women' and den[ied] them promotional opportunities."[197] The parties negotiated a pretrial settlement for $1 million that subjected Gonzalez to a non-disclosure agreement.[198] Consequently, Gonzalez cannot discuss the gender discrimination and retaliation to which the Banditos subjected her.

The use of non-disclosure agreements to silence female deputies harassed by deputy gang members is particularly troubling where, as in the Gonzalez suit, all of the harassment occurred within a public agency, all parties were public employees, and the offered settlement was paid with public funds. The non-disclosure agreements facilitate further gender discrimination and harassment by deputy gang members and violate public policy. Indeed, the Legislature in 2018 enacted SB 820, which was codified as California Code of Civil Procedure section 1001(a). Section 1001(a) makes any "provision in a settlement agreement that prevents the disclosure of factual information related to [a claim of sexual harassment] … void as a matter of law and against public policy."

VII. Moving Forward: Implementing the Recommendations of the President's Task Force on Twenty-First Century Policing

The proliferation of deputy gangs and cliques within the LASD for nearly fifty years is not happenstance. Many LASD members have embraced a warrior model of policing in which deputies behave like an occupying force over the communities they police. While individual leaders have advocated to reform the deputy gang culture, their efforts have been sporadic and ineffective. For the most part, LASD management has staunchly refused to address the problem and, more

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[196] Complaint in *Gonzalez v. County of Los Angeles*, No. BC591056, 2015 WL 13844629.
[197] *Id.* at 4.
[198] Cty of L.A. Claims Bd., Minutes of Regular Meeting (May 6, 2019), at 3 (noting that "the Claims Board recommended to the Board of Supervisors the settlement of [*Gonzalez v. County of Los Angeles*] in the amount of $1,000,000.").

generally, resisted transparency, oversight, and collaboration with community partners. The predictable result of this approach to policing is a secretive, violent, us-against-them police culture where internal gangs and cliques continue to sprout and attract new members.[199]

In the wake of myriad controversial police shootings of unarmed African Americans, President Obama in 2014 convened a task force comprised of law enforcement members, community leaders, and scholars "to identify the best means to provide an effective partnership between law enforcement and local communities that reduces crime and increases trust."[200] After holding numerous hearings throughout the country, the group published *Report of the President's Task Force on Twenty-First Century Policing*. That report contains 59 recommendations that stand as a blueprint for culture change in law enforcement organizations.[201] The heart of these collective recommendations is that law enforcement must move away from viewing themselves as at war with the communities they police, and towards a model of policing that values and implements constitutional policing, community policing, and procedural justice. The task force wrote:

> Law enforcement culture should embrace a guardian—rather than a warrior—mindset to build trust and legitimacy both within agencies and with the public. Toward that end, law enforcement agencies should adopt procedural justice as the guiding principle for internal and external policies and practices to guide their interactions with rank and file officers and with the citizens they serve.[202]

The Twenty-First Century Policing model emphasizes public transparency, meaningful engagement with oversight bodies, collaboration with community-based organizations, and true accountability for deputy misconduct. Implementing this model of constitutional and community policing provides the best path forward for culture change and the eradication of deputy gangs and cliques within the LASD.

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[199] Maya Lau, *After Decades of Problems, New Allegations Surface of a Secret Clique within L.A. County Sheriff's Department*, LA Times (July 10, 2018) (quoting former prosecutor and CCJV commissioner Alex Busansky, who observed, "[T]he department should look into its culture. … A place where 20 police officers receive matching tattoos is a place where there is a mentality of us-versus-them, and on its face is concerning.").
[200] Exec. Order No. 13,684, 79 Fed. Reg. 76865 (Dec. 23, 2014).
[201] *President's Task Force on 21st Century Policing, Final Report* (2015).
[202] *Id.* at 1.

SPECIFIC RECOMMENDATIONS

- The LASD should enforce its new policy (3-01/050.83) prohibiting deputies from participating in subgroups that violate the rights of others or have violated the rights of others in the past;
- The LASD should periodically require existing employees to fill out its "tattoo image form" that it currently requires all applicants to fill out.
- The LASD should acknowledge the existence of all known deputy gangs and cliques and disclose all internal documents about the gangs and cliques pursuant to the California Public Records Act;
- Los Angeles deputy district attorneys should affirmatively ask sheriff's deputies expected to testify as prosecution witnesses whether they belong to a deputy gang or clique and, if they do, disclose this affiliation to the defense prior to trial pursuant to *Brady v. Maryland*;
- Defense counsel should move, pursuant to *Pitchess v. Superior Court* and *Brady v. Maryland*, to discover if any sheriff's deputies involved in the investigation of the charged offenses is affiliated with a deputy gang or clique;
- Judges should allow defense counsel to cross-examine deputies regarding their tattoos and affiliations with deputy subgroups and require prosecutors to affirmatively disclose this information to defense counsel;
- The Los Angeles Sheriff Civilian Oversight Commission (COC) should host town halls in East Los Angeles, Lynwood, South Los Angeles, Compton, and the Antelope Valley to solicit community input about deputy gangs or cliques operating in these areas;
- The COC should direct the Office of Inspector General to investigate all current deputy gangs and, if necessary, use its subpoena power to obtain testimony and documents regarding the deputy gangs;
- The Sheriff should regularly attend COC public hearings in order to engage with the commission and community members about how to address the longstanding problem of deputy gangs and cliques within the department;
- A non-profit organization, educational institution, or the Office of the Inspector General should create and maintain a database of all deputies known to be affiliated with a deputy gang or clique, catalogue specific acts of misconduct associated with the gang or clique, and make the information available to the public;

- The Los Angeles County Board of Supervisors should direct its counsel to stop requesting protective orders and non-disclosure agreements as a condition of settlement in civil suits because such tactics facilitate hiding deputy gang misconduct from the public.