



COUNTY OF LOS ANGELES OFFICE OF INSPECTOR GENERAL

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

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August 31, 2021

TO: The Honorable Priscilla Ocen, Chair
Los Angeles County Sheriff Civilian Oversight Commission

Brian K. Williams, Executive Director
Los Angeles County Sheriff Civilian Oversight Commission

FROM: Max Huntsman
Inspector General

By 

SUBJECT: FACT CHECK OF STATEMENTS BY SHERIFF VILLANUEVA IN THE
LOS ANGELES TIMES PODCAST: *WHAT'S UP WITH LOS ANGELES
SHERIFF ALEX VILLANUEVA?*

On August 20, 2021, the Los Angeles Times (Times) published a podcast entitled: *What's up with LA County Sheriff Alex Villanueva?*¹ In this podcast Sheriff Villanueva answers questions from the Times reporter on a variety of topics. The Office of Inspector General has concerns as to the veracity of some of the Sheriff's answers. Below are the Sheriff's false or misleading statements and the Office of Inspector General's fact checking of those statements:

Sheriff Villanueva Claims to Have Kicked Immigration and Customs Enforcement (ICE) Out of the Jails in Fulfillment of His Campaign Promise.

The Los Angeles County Sheriff's Department (the Sheriff's Department) continued to transfer prisoners to ICE, sometimes in violation of California law, until more than a year after the Sheriff was elected. In 2018 Senate Bill 54 (SB 54), known as the "Sanctuary Bill" passed, placing additional restrictions on local law enforcement agencies' cooperation with ICE, including limiting the prior convictions for which a transfer to ICE is permissible. SB 54 included an amendment to California Government Code section 7282.5, to ensure that prisoners whose prior convictions were reduced to a

¹ Podcast: *What's Up with L.A. County Sheriff Alex Villanueva?*

<https://www.latimes.com/podcasts/story/2021-08-20/the-times-podcast-sheriff-alex-villanueva>

misdemeanor under the Safe Neighborhoods and Schools Act of 2014 (Proposition 47) do not qualify for transfer to ICE. As reported in the Office of Inspector General's report *Reform and Oversight Efforts: Los Angeles County Sheriff's Department October to December 2019*, the Sheriff's Department failed to institute safeguards to ensure that prisoners who's previously qualifying priors were reduced to misdemeanors were not transferred. In fact, **at least** two prisoners were transferred in violation of the law and others may have been as the Sheriff's Department lacked the information necessary to make the determination that the transfers were lawful.² While the Sheriff's Department instituted safeguards to prevent this in January of 2020, it continued to cooperate with ICE. On March 26, 2020, the Sheriff's Department implemented a new practice and stopped transferring prisoners for non-violent/non-serious offenses, but continued to transfer prisoners to ICE and, in fact, had transferred four prisoners for non-violent/non-serious offenses earlier that month.³ It was not until after the United States District Court ordered the Adelanto ICE processing center to stop accepting new detainees in response to the COVID-19 pandemic that the Sheriff's Department ordered its personnel to temporarily stop transferring inmates to ICE.⁴ The moratorium on transfers was only made permanent on August 18, 2020.⁵

Sheriff Villanueva Claims Deputies Wear Masks in the Field.

Inspector General personnel respond to the scene of every deputy-involved shooting of a civilian and throughout the pandemic the vast majority of deputies observed at the incident scenes have refused to wear masks. In a letter to the Los Angeles County Board of Supervisors dated August 21, 2020, our office noted that the Sheriff's Department was not enforcing its own directive on face masks.⁶ In response to this LA Times podcast, the Office of Inspector General inquired about subsequent mask orders but to date has not received a response. The public statements of the Sheriff and his command staff have often been hostile to public health efforts and contain

² Office of Inspector General, County of Los Angeles, [Reform and Oversight Efforts: Los Angeles County Sheriff's Department October to December 2019](#), pages 21 to 28.

³ Office Of Inspector General, County of Los Angeles, [Reform and Oversight Efforts: Los Angeles County Sheriff's Department January to March 2020](#), page 16.

⁴ Office of Inspector General, County of Los Angeles, [Reform and Oversight Efforts: Los Angeles County Sheriff's Department April to June 2020](#), pages 18 to 19.

⁵Nouran Salahieh, [L.A. County sheriff says he's permanently banning transfers of inmates to ICE custody](#), KTLA News, August 18, 2020, and see <https://lasd.org/sheriff-announces-permanent-ban-on-ice-transfers/>.

⁶ Office of Inspector General [Letter to the Board of Supervisors regarding Failure of Sheriff's Department Personnel to Obey Face Covering Mandate](#).

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misinformation. The Sheriff recently falsely claimed that indoor mask mandates during the Delta surge were not based on science.⁷ He has stated that he will not enforce mask orders or a county emergency order requiring vaccination of county employees.⁸

Sheriff Villanueva Claims There is a Constitutional Right not to be Vaccinated and Referred to Supreme Court Decisions Relating to the Smallpox and Polio Vaccines.

The Sheriff is incorrect. As cited by the host of the podcast, the case of *Jacobson v. Massachusetts* (1905) 197 U.S. 11, upheld a Massachusetts state law making smallpox vaccinations mandatory. The law had been challenged on constitutional grounds. In affirming the Massachusetts court's decision, the Supreme Court stated,

“We are unwilling to hold it to be an element in the liberty secured by the Constitution of the United States that one person, or a minority of persons, residing in any community and enjoying the benefits of its local government, should have the power thus to dominate the majority when supported in their action by the authority of the State. While this court should guard with firmness every right appertaining to life, liberty or property as secured to the individual by the Supreme Law of the Land, it is of the last importance that it should not invade the domain of local authority except when it is plainly necessary to do so in order to enforce that law. The safety and the health of the people of Massachusetts are, in the first instance, for that Commonwealth to guard and protect. They are matters that do not ordinarily concern the National Government. So far as they can be reached by any government, they depend, primarily, upon such action as the State in its wisdom may take; and we do not perceive that this legislation has invaded by right secured by the Federal Constitution. *Jacobson v. Massachusetts* (1905) 197 U.S. 11, 38.

The Podcast also referred to a U.S. Supreme Court case regarding a Texas law making vaccination of students mandatory. The Court in *Zucht v. King* (1922) 260 U.S. 174, 176, upheld a Texas law stating, “Long before this suit was instituted, *Jacobson v. Massachusetts*, 197 U.S. 11, had settled that it is within the police power of a State to

⁷ Sophie Kasakove, [Los Angeles County's sheriff declines to enforce mask mandate about to resume](#), The New York Times, July 17, 2021.

⁸ Sophie Kasakove, [Los Angeles County's sheriff declines to enforce mask mandate about to resume](#),” The New York Times, July 17, 2021.

provide for compulsory vaccination. That case and others had also settled that a State may, consistently with the Federal Constitution, delegate to a municipality authority to determine under what conditions health regulations shall become operative.”

These two opinions make clear that nothing in the Federal Constitution prevents a state or local government from mandating vaccinations in response to a public health crisis.

Sheriff Villanueva Denies Deputy Gangs Exist but Claims he’s Cracked Down on ‘Cliques.’

The Sheriff’s Department’s criminal investigation of a Banditos attack on fellow deputies violated Sheriff’s Department policy and maintained a code of silence that protected members from criminal prosecution.⁹ The Sheriff’s Department policy on Employee Groups which Violate Rights of Other Employees or Members of the Public implemented by Sheriff Villanueva ([MPP 3-01/050.83](#)) is vague and does not specify discipline for violations of the policy. Without the imposition of any discipline, it is unlikely that the policy will have any effect on eradicating deputy secret societies. Recently Spectrum News reported that an East Los Angeles tattoo artist has “inked” at least one Bandito in the six months after the Sheriff made claims that the problem has been taken care of.¹⁰ The Sheriff has refused to answer questions about extremist groups in his department even when subpoenaed.¹¹

Sheriff Villanueva Claims SB 1421 was Fully Complied with as of December 2020

As reported by the Office of Inspector General, as of January 2020, 70% of Public Records Act (PRA) requests were not complied with in a timely manner. At least 11 lawsuits demanding production of records were filed by such organizations as the Los Angeles Times and the ACLU. A recent ruling in the lawsuit by the Los Angeles Times shows the Sheriff’s statement regarding full compliance as of December 2020 to be questionable. In *Los Angeles Times Communications, Inc. v. County of Los Angeles* (Los Angeles Superior Court, Case No. 20STCP02106), the court ordered the County to

⁹ Office of Inspector General, County of Los Angeles [Analysis of the Criminal Investigation of the Alleged Assault by Banditos.](#)

¹⁰ Kate Cagle, [Artist inked 'Banditos' tattoo after sheriff banned cliques](#), Spectrum News1, August 23, 2021.

¹¹ Rather than appearing in response to a subpoena issued by the Office of Inspector General, the Sheriff filed an action seeking to quash the subpoena and for the issuance of a protective order. A demurrer filed by the County of Los Angeles was granted and the Sheriff’s petition was dismissed on July 6, 2021. *Alex Villanueva, Sheriff of Los Angeles County v. County of Los Angeles* (Los Angeles County Superior Court Case No. 21STCP00900.)

produce all remaining responsive records by September 23, 2021, an indication that the Sheriff's Department has not yet met its PRA response obligations. Another lawsuit by the ACLU is still pending, see *Demetra Johnson, et al., vs. County of Los Angeles, et al.*, (Los Angeles Superior Court, Case No. 19STCP04664). The fact that these lawsuits are still pending, and that a date for compliance in one of them is September 23rd, is evidence of the falsity of the Sheriff's claim of full compliance as of December 2020. Additionally, the claims that the Sheriff's Department was underfunded for compliance with 1421 does not excuse the lack of preparation for and the compliance with SB 1421 and PRA time limits. Finally, the Sheriff's Department's compliance process is fraught with a lack of transparency as to how compliance exemptions are analyzed and applied.¹²

Sheriff Villanueva Claims that the Process Used to Fire Former Deputy Caren Mandoyan was Manipulated.

On September 28, 2020, Los Angeles County Superior Court Judge Mitchell Beckloff issued an order granting petitioner's, County of Los Angeles, petition for Writ of Mandate.¹³ The court found that the firing of Caren Mandoyan (Mandoyan) was lawful, and the proper process was followed, stating, "[t]here can be no dispute that Mandoyan's discharge complied with the Civil Service Rules"¹⁴. In fact, it was Sheriff Villanueva who manipulated the process by entering into an unlawful settlement agreement in excess of his authority. As noted by the court:

Here there is no dispute the Settlement Agreement had the approval of neither County Counsel nor the board of supervisors. Instead, the Department's Chief of Patrol Division executed the Settlement Agreement on behalf of the Department. [Citation omitted]. Accordingly, the Settlement Agreement is void. ([County of Los Angeles v. Villanueva \(Los Angeles County Superior Court Case No. 19STCP04760\) Order Granting Petition for Writ of Mandate and Declaratory Relief](#) at page 5.)

¹² Office of Inspector General, County of Los Angeles report on [The Right to Know Act: Los Angeles County Sheriff's Department Response to Police Transparency Reform](#) (November 2020).

¹³ [County of Los Angeles v. Villanueva \(Los Angeles Superior Court Case No. 19STCP04760\) Order Granting Petition for Writ of Mandate and Declaratory Relief](#)

¹⁴ [County of Los Angeles v. Villanueva \(Los Angeles Superior Court Case No. 19STCP04760\) Order Granting Petition for Writ of Mandate and Declaratory Relief](#) at page 10.

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Likewise, a federal judge dismissed a lawsuit by Mandoyan finding that there were no merits to his claims that he had been improperly fired.¹⁵ While the Sheriff claims that evidence was excluded, no such evidence has been produced by the Sheriff in response to requests by the Office of Inspector General for such evidence.

Conclusion

Many of the statements by the Sheriff in this podcast are repetitious of statements he has made in the past, most of which have been publicly disproven by Office of Inspector General reports, the courts, and the media. It is troubling that despite publicly available evidence that his statements are false or misleading, the Sheriff simply repeats himself in an effort to convince the public that his narrative is true. In some instances, the Sheriff refers to legal authorities that do not exist, or that he misinterprets, or misrepresents.

As mentioned above, the Office of Inspector General has made efforts to interview the Sheriff as to some of these issues. The Sheriff has refused to appear to answer questions even when properly subpoenaed. The Office of Inspector General will continue to monitor the Sheriff's and the Sheriff's Department's public statements and actions in order to correct any misinformation and to increase the transparency of the Sheriff's Department.

MH:FL:ec

c: Supervisor Hilda L. Solis, Chair
Supervisor Holly J. Mitchell
Supervisor Sheila Kuehl
Supervisor Janice Hahn
Supervisor Kathryn Barger

¹⁵ Celeste Fremon, [Federal Judge Shreds Fired Deputy's Lawsuit Claiming Political Retaliation in the Latest Chapter of the Never-Ending Carl Mandoyan Drama](#), Witness LA, November 6, 2019.