



COUNTY OF LOS ANGELES OFFICE OF INSPECTOR GENERAL

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INSPECTOR GENERAL

October 1, 2021

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

From: Max Huntsman
Inspector General 

Subject: Sheriff Villanueva's Press Release on Coroner's Inquests

In a recent press release titled *BOARD OF SUPERVISORS MISSUSE [sic] OF CORONER INQUESTS*,¹ Sheriff Villanueva claimed that inquests for three shootings by deputies are unnecessary because he has provided the investigations to the Office of Inspector General. Providing written records of a complete investigation is not a substitute for real time monitoring, which is necessary to confirm the integrity of the process used to gather evidence and statements.

Also, Sheriff Villanueva's claim that the Sheriff's Department provided these investigations to the Office of Inspector General is false.

The Office of Inspector General confirmed that as of July of this year each of the investigations of the deputy-involved shootings of Mr. Dana Mitchell "Malik" Young, Jr., Mr. Samuel Herrera, Jr., and Mr. Dijon Kizzee had been submitted to the District Attorney's Office. Yet, as of your September 28, 2021, motion, none of the three investigations had been provided to the Office of Inspector General, despite the existence of a dedicated server and process created for this purpose. Taken alone, Sheriff Villanueva's continued practice of misleading the public requires proactive attention from your Board.

¹ <https://lasd.org/board-of-supervisors-missuse-of-coroner-inquests/>

More importantly, written documentation after the fact is no substitute for the lawful mandates given by this Board, the California state legislature, and the public, to conduct meaningful oversight.

As a best practice and to improve the credibility of investigations, this means the Office of Inspector General's presence to monitor interviews, monitor evidence collection, and verify the integrity of significant ongoing investigations as provided for by local and state law. "[I]nvestigative functions performed by ... [an] inspector general vested with oversight responsibility for the sheriff shall not be considered to obstruct the investigative functions of the sheriff." (See Government Code section 25303.7(d).)

The Sheriff's approach to investigations has drastically undermined the credibility of his department and jeopardizes public safety. Protection of secret deputy gangs and the fielding of secret police to investigate perceived public enemies and to suppress dissent, are the most public of bad practices by this new Sheriff's Department, but not the only ones. Leading up to the Board's recent motion, the Sheriff's Department's practices in shooting investigations have degraded alarmingly, including ignoring multiple lawful requests for information by the Office of Inspector General, and the gathering of video evidence without any monitoring and in a manner that immediately and permanently reduces its evidentiary value.

As further evidence of the Sheriff's attempt to circumvent oversight by my office, the county, and the public at large, on October 29, 2020, the Sheriff's Department obtained an unlawful order, in secret, to direct the County Medical Examiner-Coroner to suppress public information, which the judge responsible for vacating the order described as a "shock to the conscience."

Additionally, the Sheriff's Department continues to withhold the names of deputies and other information on critical incidents, including deputy-involved shootings, often claiming without any factual basis that the involved deputies would be in danger if their names were made public. Penal Code section 832.7 requires the timely release of the names of those deputies involved in shootings absent a "specific, articulable, and particularized reason to believe that the disclosure of the record would pose a significant danger to the physical safety of the peace officer." The Supreme Court of California in *Long Beach Police Officers Assn. v. City of Long Beach* (2014) 59 Cal. 4th 59, 66 noted:

In a case such as this one, which concerns officer-involved shootings, the public's interest in the conduct of its peace officers is particularly great because such shootings often lead to severe injury or death. Here, therefore, in weighing the competing interests, the balance tips strongly in favor of identity disclosure and against the personal privacy interests of the officers involved. Of course, if it is essential to protect an officer's anonymity for safety reasons or for reasons peculiar to the officer's

duties—as, for example, in the case of an undercover officer—then the public interest in disclosure of the officer's name may need to give way. [Citation omitted.] That determination, however, would need to be based on a particularized showing, which was not made here.

Many requests for the names of deputies by the families of those killed as well as other members of the public have been ignored despite no actual showing of a risk of harm to the deputies.

Nor, to our knowledge, has the Sheriff's Department timely provided in writing the reasons for the delay in releasing investigative records for deputy-involved shootings in response to California Public Records Act requests. Penal Code section 832.7 requires the release of these investigative records unless there is a specific basis for the Sheriff's Department's determination that disclosure could "reasonably be expected to interfere with a criminal enforcement proceeding," and that the specific basis for denying disclosure be in writing.²

Lastly, Sheriff's Department homicide investigators' invocation of the fifth amendment right not to testify while on the stand at the inquest for the fatal shooting of Andres Guardado, if genuine, should have resulted in their removal as investigators on the case. Yet they were inexplicably allowed to continue to lead the investigation for which they asserted their testimony could result in their prosecution. If in fact they knew that they were not in jeopardy of incriminating themselves based upon their testimony, they lied to an officer of the court.

MH:dw:mm

c: Alex Villanueva, Sheriff
Fesia Davenport, Chief Executive Officer
Celia Zavala, Executive Officer
Rodrigo Castro-Silva, County Counsel
Brian K. Williams, Executive Director, Sheriff's Civilian Oversight Commission

² Penal Code section 832.7 requires varying levels of justification for the delay in disclosure based upon the length of the delay.