



**Los Angeles County Sheriff's  
Department's Legal Compliance:  
Deputy Gangs**

**February 26, 2024**

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## INTRODUCTION

California law and the United States Constitution require the Los Angeles Sheriff's Department to investigate and report on gang activity within its ranks.<sup>1</sup> This report addresses the Los Angeles County Sheriff's Department's failure to become compliant with its legal obligations. It covers recent actions by the Sheriff's Department regarding deputy gangs, problems and gaps in the Sheriff's Department's approach that persist, and efforts by the Office of Inspector General to conduct an independent investigation to begin to bring the County of Los Angeles into compliance with Penal Code section 13670.

In February 2021, this office wrote of deputy subgroups:

Despite repeated lawsuits and opportunities to investigate this type of conduct in a meaningful way, the Department for decades under successive sheriffs has failed to initiate systemic action to identify the nature of those secret societies, their membership or their involvement in significant uses of force.<sup>2</sup>

More than two years later, the statement remains true. Despite a new California law aimed at addressing law enforcement gangs, and a new administration, the Sheriff's Department has, to date, never undertaken an investigation aimed at identifying every member of any subgroup or determining whether any of those groups engage in a pattern of conduct that violates the law or Department policy.

In January 2022, a California law took effect that defines law enforcement gangs and requires every law enforcement agency in the state to "maintain a policy that prohibits participation in a law enforcement gang and that makes violation of that policy grounds for termination." Penal Code § 13670(b). The law also requires that a "law enforcement agency **shall cooperate** in any investigation into these gangs by an inspector general." Penal Code § 13670(b) (emphasis added). Two years later, the Sheriff's Department

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<sup>1</sup> Agencies and the public use various terms when discussing this issue, including deputy "gangs," "cliques," and "subgroups." In this report, the Office of Inspector General uses the term "deputy gang" to mean a group that satisfies the definition of a "law enforcement gang" under Penal Code section 13670(a)(2) because it is made up of deputies who "identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing." The term "subgroup" refers to any one of the exclusive and secretive workplace groups of deputies who identify themselves with a common name or symbol, whether or not it is established that the group is prohibited pursuant to Penal Code section 13670.

<sup>2</sup> L.A. County Office of Inspector General, *Los Angeles County Sheriff's Department: Review and Analysis of Misconduct Investigations and Disciplinary Process*, 32 (Feb. 2021) (Discipline Report).

still has not adopted a policy that complies with that law.<sup>3</sup> It has not initiated any investigation into whether a subgroup constitutes a “law enforcement gang” under the state law.

The Sheriff’s Department, under the new administration, has purported to take some action to address deputy gangs and subgroups, including establishing an Office of Constitutional Policing (OCP) that is officially tasked with addressing deputy gangs,<sup>4</sup> circulating a proposed revision of its policy on employee groups for review by oversight and labor that appears to comply with state law, convening a Working Group charged with finding ways to change Department culture and prevent deputies from joining gangs and getting station tattoos, and revising policies on investigations and disclosures of exculpatory and impeachment material required under *Brady v. Maryland*, with the stated aim of better accounting for deputy gang issues.<sup>5</sup>

These changes leave significant gaps, however. The revisions to the *Brady* policy do not ensure that the Sheriff’s Department provides all legally required information related to deputy gangs and subgroups to the District Attorney’s Office. Under its current practices, the Sheriff’s Department notifies the District Attorney’s office of *Brady* material regarding a deputy only if the Department has sustained a charge against the deputy for violating one of a list of policies it deems potentially exculpatory. To address deputy gangs and subgroups, the Department added the policy on employee groups to the list of violations that trigger a *Brady* alert. But the Sheriff’s Department’s investigatory practices ensure that exculpatory evidence is not collected, and the Department has sustained violations of its policy on employee groups only once, in August 2023, against two deputies whom it then served with letters of intent to discharge. Under the Department’s approach, it has never made any *Brady* disclosures based on any deputy’s known or suspected membership in a subgroup or deputy gang. Before August 2023, the Department had never sustained violations of the employee group policy that would trigger a *Brady* alert. And now, because the Sheriff’s

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<sup>3</sup> LASD often cites employee resistance and its legal obligation to meet and confer with unions representing those employees for failing to obey California laws limiting police conduct. However, California law does not permit a union to use collective bargaining laws to prevent implementation of state law controlling police conduct. See *San Francisco Police Ass’n v. San Francisco Police Commission* (2018) 27 Cal App.5th 676; *San Jose Peace Officer’s Assn. v. City of San Jose* (1978) 78 Cal.App.3d 935; Gov’t Code § 3504 (“scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law...”).

<sup>4</sup> Unfortunately, the OCP is not fully operational, and its limited resources have been diverted to functions that do not encourage constitutional policing, including “risk management” which, as discussed in another recent report, assists the County in avoiding liability, including for liability alleged to be unconstitutional. See Los Angeles County Office of Inspector General, *Reform and Oversight Efforts: Los Angeles County Sheriff’s Department – October to December 2023*, “Conflicts of Interest in Risk Management Bureau” (Feb. 20, 2024).

<sup>5</sup> As discussed elsewhere, these policies do not comply with legal mandates on deputy gangs or exculpatory evidence.

Department has discharged the only two deputies with sustained violations of that policy, the District Attorney will never use them as witnesses that would require *Brady* disclosures and the Sheriff's Department cannot compel the fired members to identify other members of the group. Moreover, the Sheriff's Department's practice of providing exculpatory evidence only when it has found a violation of its own policies rather than when the constitutional standard is met means that it will never make *Brady* disclosures based on a deputy's participation in a subgroup before the employee group policy took effect in 2021, because membership in a subgroup or deputy gang before that date would not have violated Department policy.

Although the investigative units of the Sheriff's Department, working with the new OCP, have started making changes to their investigative practices to address deputy subgroups and gangs, they continue to resist conducting thorough investigations.<sup>6</sup> In an investigation conducted in 2022 and 2023 into an off-duty altercation in which two deputies admitted having tattoos from a previously unidentified deputy subgroup, the Industry Indians, the Sheriff's Department investigation never meaningfully attempted to identify membership of the group or investigate whether the group has engaged in a pattern of conduct that violates the law or fundamental principles of professional policing in violation of Penal Code section 13670, including discrimination in membership based upon race or gender.<sup>7</sup> The same incident yielded evidence of a tattoo shared by deputies in the Lakewood Station, which resulted in a supervisory inquiry that failed to ask the most basic questions necessary to determine if the tattoo indicated a subgroup and instead dismissed the evidence based on the denial by deputies in the station that a subgroup existed and unsupported assertions about the positive values conveyed by the tattoo. Several other recent investigations and matters involving deputy subgroups and extremist organizations demonstrate a troubling pattern of the Sheriff's Department still failing to fully investigate evidence of connections between department personnel and gangs and other organizations, or minimizing the evidence or allegations. At the same time, the Department has engaged in conduct which could be found to constitute retaliation against gang whistleblowers. The Sheriff's Department has a famously

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<sup>6</sup> In a recent public panel conducted by the Civilian Oversight Commission, the Inspector General noted that identifying the members of a subgroup is crucial to determining whether the subgroup discriminates in its membership on the basis of race or gender and therefore qualifies as a law enforcement gang under Penal Code section 13670. The Inspector General then asked the head of the Internal Affairs Bureau (IAB) to confirm that when IAB investigators learn that subjects of an investigation are members of a deputy subgroup, they do not as a rule ask those subjects and other witnesses to identify all members of the group. The head of Internal Affairs did not respond to the question other than saying that they would have to disagree.

<sup>7</sup> The Internal Affairs Bureau instead sent a memo to the commanding officer which did not result in a request for investigation. A chief with the Sheriff's Department informed the Office of Inspector General no investigation would be conducted or requested.

decentralized system of command and control, and it is not surprising that even under a new administration claiming to oppose deputy gangs, these problems remain.

Given the Sheriff Department's long inaction on deputy gangs, the Office of Inspector General did not wait to begin efforts to investigate whether two of the most prominent known subgroups, the Banditos and the Executioners, fit the definition of a "law enforcement gang" prohibited under Penal Code section 13670. Shortly after the law passed, the Office of Inspector General requested cooperation in its investigation but was denied.<sup>8</sup> On May 12, 2023, the Office of Inspector General contacted 35 deputies who had either admitted, or had been identified by other deputies, as being members of one of those groups in order to interview them. The letter provided those deputies a short list of questions that would be asked about the group and their tattoos and informed them that they could bring a representative of their choice and could invoke their Fifth Amendment right against self-incrimination. A deputy union challenged the Office of Inspector General's action in Los Angeles Superior Court, which ultimately halted the interviews on grounds that state law requires the County to bargain the effects of the law with deputies' labor unions before enforcing the state law. The County has appealed the court's ruling, and the Office of Inspector General is working with the County to assist in bargaining as to possible employment effects of enforcement of the state's anti-law enforcement gang statute.

The Office of Inspector General provided a copy of this report to the Sheriff's Department on February 7, 2024, and asked them to discuss the report with us in advance of February 20<sup>th</sup>. We received no inquiries or comments until February 20<sup>th</sup>, when the letter attached at the end of this report was received.

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<sup>8</sup> See [Letter from Inspector General Max Huntsman to Sheriff Alex Villanueva dated January 12, 2022](#) and [Letter from Inspector General Max Huntsman to Sheriff Alex Villanueva dated March 21, 2022](#).

## EXECUTIVE SUMMARY

This report outlines the Sheriff's Department's failure to comply with state and federal laws regarding deputy gangs and subgroups:

- At present, almost two years after a California law took effect that defines “law enforcement gangs” and requires law enforcement agencies to “maintain a policy that prohibits participation in a law enforcement gang and that makes violation of that policy grounds for termination,” Penal Code § 13670(b), the Sheriff's Department's policy remains out of compliance with that law.
- The investigative bureaus within the Sheriff's Department, including Internal Criminal Investigations Bureau (ICIB), Internal Affairs Bureau (IAB), and Homicide Bureau (which investigates deputy-involved shootings), report discussing changes in their approach to investigations of deputy gangs and subgroups internally and with each other and OCP. Under the previous Sheriff, investigators failed to ask about deputy gangs or subgroups even when confronted with evidence of their involvement, and executive staff instructed ICIB not to ask about deputy gangs in at least one investigation that obviously implicated them. IAB and ICIB have started informally tracking investigations that raise allegations of subgroups, although neither currently tracks individual deputies who investigations have identified as subgroup members. Neither IAB, ICIB, nor Homicide Bureau routinely ask questions about subgroups, gangs, or tattoos in their investigations, instead inquiring only when there are specific allegations or evidence of deputy subgroup or gang involvement. Both ICIB and IAB maintain practices which amount to a Code of Silence in their investigations. In ICIB, witness deputies who do not wish to provide evidence against fellow deputies are not compelled to do so. In IAB, while deputies must answer the limited questions asked, they are permitted to refuse to show potential gang tattoos to investigators.
- IAB adopted a unit order in March 2022 requiring that, when an investigation uncovers evidence of a possible legal or policy violation unrelated to the original charge (including a violation of the employee group policy), IAB shall send a memorandum to the employee's unit commander and, where appropriate, enter the information in the Sheriff's Department new Senate Bill 2 Misconduct Allegation Reporting Tracking (SMART) database for reporting allegations of misconduct to the Commission on Peace Officer Standards and Training (POST) pursuant to Senate Bill 2 (SB 2). In theory this system allows evidence of deputy gang or subgroup membership uncovered during an investigation to be flagged for further investigation. The Office of Inspector General and other oversight

bodies have previously noted concern that the Sheriff's Department restricts administrative investigations to the specific misconduct by the specific employees identified in the request for an IAB investigation, allowing unrelated misconduct discovered during an investigation to go ignored and unaddressed.<sup>9</sup> IAB's new practice more clearly documents the discovery of evidence of additional misconduct, but does **not** ensure the Department actually investigates it. Indeed, IAB provided the Office of Inspector General with four memoranda identifying evidence of deputy gang or subgroup activity uncovered during recent investigations, only one of which resulted in a request for a further IAB investigation – and two of which led to troubling failures to thoroughly investigate evidence of deputy subgroups. The Sheriff's Department has offered no rational explanation for its failure to conduct complete investigations which would comply with Penal Code section 13670.

- Based on the Office of Inspector General's review, no investigations conducted by the Sheriff's Department to date aim specifically to identify all the members of a subgroup or to determine whether any subgroup "engage[s] in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing" so as to make it a "law enforcement gang" prohibited under Penal Code section 13670.
- When Sheriff's Department investigators inquired into misconduct by a deputy subgroup or gang, they generally did so simply by asking department members if they knew of misconduct by subgroup or gang members. With one exception — an investigation into an alleged work slowdown in the Compton Station that examined time and arrest records — in none of the Sheriff's Department's internal investigations to date involving subgroups or gangs did investigators look for patterns of potential abuses by analyzing use-of-force reports, civilian complaints, or other records that might contain evidence of misconduct by subgroup or gang members.
- The Sheriff's Department currently has no plans to require all deputies to disclose membership in employee organizations or known deputy subgroups, or to disclose their tattoos. While the Sheriff's Department does ask about membership in employee groups and tattoos in the promotional examination for ranks of captain and above, it does not plan to ask those questions in promotional examinations below the rank of captain or in making assignments to

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<sup>9</sup> See [Discipline Report](#), *supra* note 2, at 12, 24.



investigative roles, or to require current members of the command staff to disclose tattoos or current or prior affiliation with any deputy subgroups.

- The Sheriff's Department alerts the District Attorney's Office of a deputy's potential involvement in gangs or subgroups, for purposes of compliance with the government's constitutional obligation to disclose exculpatory information under *Brady v. Maryland*, only when the Department has sustained a violation of its employee group policy against that deputy. Because the Department sustained violations of its policy on employee groups for the first time in August 2023, in a case resulting in discharge, it has not yet made any *Brady* disclosures based on possible membership in deputy gangs or subgroups, nor will it make *Brady* disclosures on any currently employed deputies based on information in its possession.
- In discussions with the Office of Inspector General, Sheriff's Department personnel expressed an intention to comply with legal obligations on gangs and some preliminary ideas on how this might be accomplished. While these ideas may contain the seeds of hope, the Office of Inspector General cannot credit the Department for changes which should have been made two years ago, and which it has neither begun to implement nor even announced to the public. Accordingly, the Office of Inspector General will not include these ideas in this report. If the Sheriff's Department develops them into concrete changes — or even clearly defined, publicly announced plans — the Office of Inspector General will report that progress in future updates.

This report also covers the efforts by the Office of Inspector General to investigate the membership of the Banditos and Executioners, two prominent subgroups that have already been implicated in several Sheriff's Department investigations and civil lawsuits, in order to evaluate whether the groups discriminate based on race or gender. Such discrimination would be a violation of law that would qualify the group as a law enforcement gang under the terms of Penal Code section 13670(a)(2). In May 2023, the Office of Inspector General sent notices to 35 deputies who had either admitted or been identified by other deputies as a member of either the Banditos or the Executioners, directing them to appear for interviews regarding their membership in those groups, and providing a short list of questions that would be asked in the interview, including questions about their tattoos and other members in the group and a request to provide photographs of their legs below the knee, or any tattoos that had symbols or images contained in the Banditos or Executioners tattoos. The letter informed deputies that they could be accompanied by a representative of their choice and could assert their Fifth Amendment right against self-incrimination. A group of the deputies who received the letter filed a challenge to the Office of Inspector General's direction in Los Angeles

Superior Court, which ultimately halted the interview on grounds that state law requires the County to bargain the effects of the law with deputies' labor unions before the investigation could proceed. The County has appealed the court's ruling.

Finally, this report identifies several recent instances in which the Sheriff's Department has received complaints or allegations that deputies may be connected with gangs or other troubling organizations, but failed to investigate fully, or dismissed or minimized evidence of connections between department personnel and gangs and other organizations. They include the following:

- Homicide Bureau detectives assigned to investigate the shooting of Andres Guardado in fall of 2020 failed to inquire whether the deputies involved in the shooting were prospects of the Executioners, despite public reporting of allegations by other Sheriff's Department employees that they were. When called as witnesses at the shooting inquest, the investigators refused to answer questions on the grounds that the answers might incriminate them but were permitted to remain on the case.
- In the recently established systems for reporting allegations that might lead to decertification under SB 2, the Sheriff's Department has misstated facts in reporting allegations of dishonesty against a whistleblower on deputy gangs (eventually correcting the report to POST only after repeated inquiries by the Office of Inspector General), while delaying reporting misconduct against high-ranking department members, or failing to report allegations until the Office of Inspector General raised concerns.
- The Sheriff's Department inadequately investigated the presence of extremist symbols discovered on lockers in the East Los Angeles Station in July 2022.
- The Sheriff's Department failed to adequately investigate the presence of symbols with Spartan imagery discovered in the North County Correctional Facility in August 2022.
- The Sheriff's Department failed to adequately investigate allegations publicly reported in November 2021 that three deputies were connected to the Oath Keepers, an extremist organization with connections to the January 6th insurrection at the United States Capitol.

These examples reveal a pattern of resistance to reporting and investigating deputies' involvement in gangs and other organizations that the current administration must address. In December of last year, Office of Inspector General staff observed what appeared to be a law enforcement gang symbol openly displayed in the parking garage of the Century Regional Detention Facility. Recent claims by the Sheriff's Department

management that the problem only effects a small portion of deputies are made without evidentiary basis and ignore the corruption that failure to address the problem has caused.

## AN UPDATE ON THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT'S HANDLING OF DEPUTY GANGS

### Background on Deputy Gangs and Subgroups at the Sheriff's Department

Deputy gangs and subgroups have existed within the Sheriff's Department for five decades. Admitted members have promoted to the highest levels of the Sheriff's Department. Allegations of misconduct by members of deputy gangs have resulted in settlement agreements with the federal government and civil lawsuits costing taxpayers tens of millions of dollars. Deputies with ties to deputy gangs have been linked to high-profile shootings and other misconduct going as far back as the 1980s.

For as long as deputy gangs and subgroups have existed in the Sheriff's Department, there have been public calls to eradicate them. In 1992, Special Counsel James G. Kolts found that the "issue of deputy gangs is inflammatory and should not be allowed to fester" and recommended that "LASD take aggressive steps to eradicate offensive station mascots and conduct an immediate, thorough Internal Affairs investigation to identify, root out, and punish severely any lingering gang-like behavior by its deputies."<sup>10</sup>

Twenty years later, the Citizens' Commission on Jail Violence, formed by the Los Angeles County Board of Supervisors to conduct a review of the nature, depth, and causes of inappropriate deputy uses of force in the jails, found that:

[C]liques of deputies that resist or undermine supervision, violate Department policies, exert negative influences over other deputies, use frequent and excessive force against inmates, and engage in other violent behavior against members of the public and other deputies represent threats to the very integrity, ethics, and mission of the Department.<sup>11</sup>

Recent studies by the RAND Corporation and the Loyola Law School Center for Juvenile Law and Policy have also documented the continued existence and pernicious effects of deputy gangs or subgroups within the Sheriff's Department.<sup>12</sup> In 2023, the

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<sup>10</sup> *The Los Angeles County Sheriff's Department: A Report by Special Counsel James G. Kolts & Staff*, 332 (July 1992) (Kolts Report).

<sup>11</sup> Los Angeles County, *Report of the Citizens' Commission on Jail Violence*, at 104 (Sept. 2012).

<sup>12</sup> Samuel Peterson, Dionne Barnes-Proby, Kathryn E. Bouskill, Lois M. Davis, Matthew L. Mizel, Beverly A. Weidmer, Isabel Leamon, Alexandra Mendoza-Graf, Matt Strawn, Joshua Snoke, and Thomas Edward Goode, *Understanding Subgroups Within the Los Angeles County Sheriff's Department: Community and Department Perceptions with Recommendations for Change*, RAND Corporation (2021) (RAND Report); Loyola Law School

COC held a series of public hearings in which current and former Department employees testified under oath on deputy gangs and subgroups and documented “overwhelming evidence demonstrating that Deputy Gangs and Deputy Cliques, still exist and engage in harmful activities in several of the Department’s patrol stations and bureaus.” The Special Counsel that conducted the hearings ultimately found that:

[T]he Department currently contains several active groups that have been, and still are, engaged in harmful, dangerous, and often illegal, behavior. Some of these groups have engaged in acts of violence, threatened acts of violence, placed fellow Deputies at risk of physical harm, engaged in acts celebrating officer involved shootings, and created a climate of physical fear and professional retribution to those who would speak publicly about the misconduct of such groups.<sup>13</sup>

The Special Counsel concluded that “now is the time to eliminate all these problematic groups, Deputy Cliques and Deputy Gangs.”<sup>14</sup>

### **Sheriff’s Department Action on Deputy Gangs**

Despite consistent concerns about deputy gangs from officials, the public, and official inquiries, the Sheriff’s Department has never undertaken a systematic effort to identify all deputy gangs operating within the Department and all the deputies who are members of those gangs. In November 2023, voters in Los Angeles County elected Robert G. Luna to the position of Sheriff. In his campaign, Sheriff Luna acknowledged that “the Sheriff’s Department has been plagued by gangs and cliques for decades” promised to “eradicate gangs and cliques within the Department by repairing the management structure, implementing protocols to stop deputies from participating in gangs, and enforcing consequences when we find staff who are involved in gang activities.”<sup>15</sup> Unfortunately, when the Board of Supervisors recently passed a motion requiring production of records to the Civilian Oversight Commission, the Sheriff’s Department reverted to claiming that it is “actively addressing the issue” but that “it impacts only a small percentage of the Department.”

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Center for Juvenile Law and Policy, [Fifty Years of Deputy Gangs in the Los Angeles County Sheriff’s Department: Identifying Root Causes and Effects to Advocate for Meaningful Reforms](#) (Jan. 2021) (Loyola Report).

<sup>13</sup> Los Angeles County Civilian Oversight Commission, [Report and Recommendations of the Special Counsel to Sheriff Civilian Oversight Commission Regarding Deputy Gangs and Deputy Cliques in the Los Angeles County Sheriff’s Department](#), 3 (Feb. 2023) (COC Special Counsel Report).

<sup>14</sup> *Id.* at 45.

<sup>15</sup> Website, [Chief Robert Luna for Los Angeles County Sheriff](#), Priorities, <https://www.lunaforsheriff.com/priorities> [<https://perma.cc/RZY7-K35C>].

On February 15, 2023, Sheriff Luna announced the formation of an internal Office of Constitutional Policing (“OCP”) under the leadership of Eileen Decker, who previously held posts as the U.S. Attorney for the Central District of California and the President of the City of Los Angeles Police Commission. According to Sheriff Luna, the OCP will be tasked with “helping to eradicate all deputy gangs from this Department in collaboration with the Undersheriff, the Civilian Oversight Commission . . . and our Inspector General,” as well as “improving policies, procedures, and operations to ensure [the Sheriff’s Department] is engaging in constitutional practices” and centralizing efforts to gain compliance with various consent decrees over the Sheriff’s Department. The OCP remains in the process of building its capacity and hiring for several of the positions allocated for it and has seen its resources diverted to tasks that are not the work advertised above, including litigation support in defending against allegations of gang misconduct.

The Office of Inspector General spoke with representatives of the Sheriff’s Department in various positions about efforts to address deputy gangs, who stated that the new administration is working to review training, policies, and processes for investigations and formulating proposed changes to better address the problem of deputy gangs and ensure that allegations or evidence of deputy gang involvement is fully investigated.

In discussions with the Office of Inspector General, Sheriff’s Department personnel offered some ideas for altering policies and practices related to deputy gangs and subgroups that, if fully implemented, could address a number of the concerns identified in this report. While these ideas may contain some seeds of hope, they remain in such preliminary form that evaluating them here would be premature. If the Sheriff’s Department develops the ideas into concrete changes — or even clearly defined, publicly announced plans — the Office of Inspector General will report that progress in future updates. They do not constitute legal compliance.

### *Policy Prohibiting Deputy Gangs*

In September 2021, Governor Gavin Newsom signed legislation addressing law enforcement gangs in California. The measure, which expressly recognizes the concerns related to deputy gangs at the Sheriff’s Department, defines law enforcement gangs under California law as:

a group of peace officers within a law enforcement agency who may identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to [discrimination], engaging in or promoting conduct that violates the rights of

other employees or members of the public, violating agency policy, the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified, falsifying police reports, fabricating or destroying evidence, targeting persons for enforcement based solely on protected characteristics of those persons, theft, unauthorized use of alcohol or drugs on duty, unlawful or unauthorized protection of other members from disciplinary actions, and retaliation against other officers who threaten or interfere with the activities of the group. Penal Code § 13670(a)(2).

The law requires every law enforcement agency in the state to “maintain a policy that prohibits participation in a law enforcement gang and that makes violation of that policy grounds for termination.” Penal Code § 13670(b).

Although section 13670 took effect in January 2022, the Sheriff’s Department has not adopted a policy consistent with its requirements. The Sheriff’s Department adopted a policy on employee groups prior to the passage of Penal Code section 13670, but that policy is more permissive than the new law requires in a number of ways.<sup>16</sup> It defines prohibited group conduct as that which “violates the rights of other employees or members of the public,” which, depending on interpretation, may not include violations of fundamental principles of professional policing or agency policy. It prohibits membership in groups that “promote” that conduct, suggesting that a violation may require heightened intent. It does not expressly make violation grounds for termination, and the Sheriff’s Department has demonstrated by public statement and action that it will enforce the policy only if a deputy violates its provisions and commits some other misconduct as well, making the policy ineffectual.

Both the RAND Report and the COC recommend that the Department adopt a broader policy that prohibits not just participation in a law enforcement gang, but also membership in cliques or subgroups, defined as any group of deputies that is secretive or exclusionary.<sup>17</sup> Penal Code section 13670 expressly authorizes broader prohibitions on law enforcement gangs. Such a broader rule would protect both the public and deputies by eliminating the uncertainty over whether a given group qualified as a deputy gang and by reducing behavior that could lead to prohibited deputy gang conduct.

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<sup>16</sup> Los Angeles Sheriff’s Department, Manual of Policy and Procedures § 3-01/050.83, *Employee Groups Which Violate Rights of Other Employees or Members of the Public*. The Sheriff’s Department’s current policy prohibits deputies from participating or joining in “any group of Department employees which promotes conduct that violates the rights of other employees or members of the public.”

<sup>17</sup> [RAND Report](#), *supra* note 12, at 187; [COC Special Counsel Report](#), *supra* note 13, at 46-47.

In recent months, the Sheriff's Department has circulated a draft proposed revision of the policy on deputy gangs for review by the COC, the Association for Los Angeles Deputy Sheriffs (ALADS), and the Office of Inspector General. The proposed revision reviewed by the Office of Inspector General appeared to comply with state law and the RAND and COC recommendation to prohibit exclusive and secretive subgroups. The Office of Inspector General urges the Sheriff's Department to finalize and adopt an appropriate policy as swiftly as possible. However, the Sheriff's Department's delay in doing so should cause the public serious concern as to whether its true purpose of is to delay enforcement of state law and water down the policy.

The Sheriff's Department reports that after it finalizes the new policy, it will conduct a thorough review to ensure training at every level addresses the issue of deputy gangs, from incorporating deputy gangs into academy classes for recruits to including deputy gangs and other issues related to constitutional policing in regular reporting required by unit commanders.

### *Policies on Deputy Gang Investigations*

To meaningfully address gangs, the Sheriff's Department must ensure that it fully investigates any evidence or allegations of misconduct that may involve deputy gangs or subgroups. As explained below, to date the Office of Inspector General is aware of no investigation the Sheriff's Department has conducted specifically to identify any law enforcement gang prohibited by Penal Code section 13670. Indeed, under prior Sheriffs, the Department failed to investigate even obvious allegations of deputy-gang misconduct, and command staff at times instructed investigators not to inquire into deputy gangs during their investigations.<sup>18</sup> Former Sheriff Villanueva recently admitted under oath that, although his chief of professional responsibility publicly announced a comprehensive investigation of gangs, he had no intention of allowing such an investigation and still did not correct the public claim.

**IAB and ICIB Investigations.** Since the election of Sheriff Luna, leadership at IAB and ICIB report that they have discussed with investigators the need to inquire into membership in deputy gangs or subgroups if the issue arises during the course of an investigation. These discussions have so far happened on an informal basis, and

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<sup>18</sup> See section in this report entitled, *Investigation of the Shooting of Andres Guardado* (discussing how the Homicide detectives investigating the shooting of Andres Guardado in 2020 never asked the deputies about their involvement with subgroups, despite public allegations that the deputies were "prospects" of the Executioners at the time); [COC Special Counsel Report](#), *supra* note 13, at 17-18 (describing testimony of then-Chief Matthew Burson that, when he was Captain over ICIB, the Sheriff's chief of staff instructed him that ICIB investigators looking into a deputy fight at Kennedy Hall involving several Banditos should not ask about any deputy subgroups, an instruction that Burson passed on to the investigator handling the case).



without coordination outside each unit. Both units report they are in the process of developing unit orders to govern investigations involving deputy gangs and subgroups, in consultation with their chain of command. Both units have been directed by their chain of command not to use investigative tools which compel cooperation, making the providing of evidence in gang investigations voluntary despite written policies to the contrary. This Code of Silence ensures that no investigation will yield the evidence necessary to enforce California's anti-gang law.

*Investigative Questioning on Subgroup and Gang Issues.* The COC recommended that the Sheriff's Department develop a standard set of questions regarding a deputy's affiliation with gangs or subgroups to ask during investigations into uses of force and other administrative and internal criminal investigations.<sup>19</sup> IAB compiled a list of questions relevant to such investigations in early 2023 and in August 2023 finalized a unit order that directs its investigators that the list "shall be referenced and used" in all cases that raise allegations of membership in an employee group that violates department policy or involves any allegations of misconduct related to membership in deputy gang or subgroup.<sup>20</sup>

*Tracking of Subgroup Investigations.* Both IAB and ICIB also report that, within their units, they have started tracking investigations that raise allegations of subgroup involvement, although neither has a system to track individual deputies who have been identified as involved with specific gangs or subgroups.

*Acting on Evidence of Subgroups in Unrelated Charges.* IAB adopted a unit order in March 2022 requiring that when, during the course of an investigation, an IAB investigator discovers unrelated noncriminal misconduct, they shall "immediately" report that information to the responsible unit commander and operations lieutenant.<sup>21</sup> The unit order also directs investigators to create a SMART system entry for any case involving potential misconduct, in order to allow review for SB 2 notification, within three days of the investigator's knowledge.<sup>22</sup> Unfortunately, even when IAB documents additional evidence of subgroup activity in a memo, the Sheriff's Department has failed to conduct

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<sup>19</sup> [COC Special Counsel Report](#), *supra* note 13, at 57.

<sup>20</sup> Los Angeles County Sheriff's Department, [IAB Unit Order 24, Employee Cliques, Subgroups, and/or Deputy Gang Information and Investigations](#) (Aug. 21, 2023); *see also infra*, discussing IAB's use of these questions in one recent investigation.

<sup>21</sup> The Office of Inspector General previously reported concerns with the Sheriff's Department's prior longstanding practice of having IAB restrict its administrative investigation to the particular misconduct by the particular employees identified in the request for an IAB investigation, without requiring that evidence of different misconduct uncovered in the course of the investigation be included in IAB's findings or referred to the appropriate unit commanders. L.A. County Office of Inspector General. *See* [Discipline Report](#), *supra* note 2, at 12.

<sup>22</sup> For a fuller discussion of the Sheriff's Department SB 2 reporting process, *see* Los Angeles County Office of Inspector General, [Reform and Oversight Efforts: Los Angeles County Sheriff's Department – October to December 2023](#), "Conflicts of Interest in Risk Management Bureau" (Feb. 20, 2024).

meaningful investigations into the subgroup membership and activity. IAB provided four referral memoranda from April and May of 2023 informing a unit commander that an IAB investigation uncovered evidence of deputy gang or subgroup membership of a deputy in their unit. IAB did not investigate the evidence or allegations of gang membership fully further during the course of the investigations that uncovered them. Three of these units reported initiating supervisory inquiries in response to the memorandum, one of which has resulted in the unit commander requesting an IAB investigation into the allegations. However, as described in more detail below, one of those supervisory inquiries failed to conduct a meaningful investigation into evidence of a subgroup at the Lakewood Station, and despite IAB's memo documenting evidence of a subgroup at the Industry Station, the Department made no effort to identify all members.

**Homicide Investigations into Deputy-Involved Shootings.** At the June 15, 2023, meeting of the COC, Sheriff Luna stated that he believed, but intended to confirm, that the Sheriff's Department now asks deputies who are involved in shootings whether they participate in a deputy gang and whether they have tattoos. The Office of Inspector General has confirmed that Homicide Bureau teams that investigate deputy-involved shootings do **not** ask deputies about subgroup membership or tattoos unless the investigators uncover evidence or allegations that specifically suggest the deputy was in a gang or subgroup.

#### *Past Investigations into Deputy Gangs and Subgroups*

IAB provided the Office of Inspector General with an internal list of investigations that relate to deputy gangs. The Office of Inspector General reviewed these investigations. None of them — nor any other investigation conducted by the Sheriff's Department to date of which the Office of Inspector General is aware — aims specifically to identify whether any subgroup “engage[s] in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing” so as to make it a “law enforcement gang” prohibited under Penal Code section 13670.

First, none of these investigations reflects a systematic effort to identify every member of a group. Any genuine investigation aims to identify all relevant witnesses in order to gain a complete evidentiary record. Furthermore, identifying the members of a group probes whether the group discriminates by race or gender in who it admits to the group. Identifying the group's membership also allows investigators to analyze whether the group has engaged in a pattern of misconduct. The Sheriff's Department's failure to investigate membership is particularly striking for the Banditos, a subgroup at the East Los Angeles Station. Undersheriff April Tardy testified under oath that the Banditos met the definition of a law enforcement gang under the Penal Code, such that any Banditos members are both in violation of Department policy and subject to decertification by

POST.<sup>23</sup> That she could hold key positions of trust in two successive administrations without either administration following up on her testimony speaks volumes.

Second, none of the investigations undertakes a broad examination of the group's conduct to determine if it meets the statutory criteria for a "law enforcement gang." Most of the investigations identified by IAB focused on a specific incident of alleged misconduct (such as a particular physical altercation or instances of harassment) and did not pursue evidence of other misconduct by the group. In several investigations, investigators asked witnesses and subjects if they had witnessed misconduct at the station generally or by deputies with tattoos in particular. Unsurprisingly, witnesses uniformly answered that they had not witnessed such misconduct by fellow deputies. In none of the investigations did the Office of Inspector General find any indication that investigators made efforts to examine other Sheriff's Department records (such as complaints or use-of-force reports) to look for independent evidence of patterns of potential abuse among subgroup members toward members of the public.

**2020 Investigation into Compton Executioners.** The investigation that comes closest to examining whether a group constitutes a law enforcement gang is a 2020 inquiry into a deputy gang called the "Executioners" operating out of Compton Station, conducted prior to the passage of Penal Code § 13670. That investigation focused on allegations that the group promoted violence, harassment, and retaliation toward other deputies at the station; obtained preferential treatment in work assignments for members; and implemented a work slowdown, and engaged in misconduct that undermined the Sheriff's Department's Core Values. IAB investigators interviewed 129 Department members, including substantially all employees then assigned to Compton Station, identifying some members. Investigators did not interview or inquire into deputies who had been moved to other stations or assignments, even those who witnesses identified

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<sup>23</sup> At the COC hearing, Undersheriff Tardy testified about the Banditos as follows:

MS. MOSES: So if I understand correctly, we have the Banditos, who identify themselves by a name and have an identifying symbol, which we're looking at, and have violated department policy in connection with the Kennedy Hall incident. And so explain to me again how that does not qualify as a law enforcement gang.

MS. TARDY: That's the term that I use is "subgroups," and I know it's been used here today several times so...

MS. MOSES: I understand it's your preferred term, but we talked about there being three different factors that would establish a law enforcement gang. And from the description you just gave, the Banditos satisfy all three of them. So my question is, why is it not — why are the Banditos not a law enforcement gang?

MS. TARDY: According to 13670 PC, that is the definition; correct.

MS. MOSES: And they meet it?

MS. TARDY: Yes.

Hearing Transcript, Los Angeles County Civilian Oversight Commission (July 1, 2022) at 155:10-156:24. *See also* Penal Code § 13510.8(b)(7).

as members of the group. It therefore did not fully investigate the membership of the group.

Investigators in the Compton investigation asked nearly all witnesses if they were aware of any misconduct by Compton Station personnel, including any behavior that violated the rights of Sheriff's Department employees or members of the public and whether they had been subjected to mistreatment, harassment, or retaliation by any deputy. The investigation did not ask about violations of "fundamental principles of professional policing," as the investigation occurred before the Legislature enacted Penal Code section 13670, establishing that conduct within the definition of "law enforcement gang" in California law. More importantly, while the investigation examined arrest statistics to evaluate whether a work slowdown had occurred, and a limited number of schedules, texts, and emails to investigate retaliation, for other misconduct, investigators relied on simply asking deputy witnesses if they had observed misconduct at Compton Station. It did not look at patterns in complaints or uses of force, or other more objective evidence. This limitation comes in an investigation alleging that the deputy gang retaliated in several ways against deputies and supervisors who tried to report them, and (in a related investigation) that they obtained a recording made by a deputy to a confidential complaint line, enabling them to identify and retaliate against the deputy.

**Recent Investigation into Misconduct by "Industry Indians."** A recent IAB investigation conducted in 2022 and 2023 into an altercation involving off-duty deputies led to admissions by two of the deputies that they had tattoos representing a deputy subgroup at their station, the Industry Indians.<sup>24</sup> Following the investigation, the Sheriff's Department charged the two deputies with violating the policy on employee groups and ultimately issued letters of intent to discharge them for those violations and others, including dishonesty.<sup>25</sup>

Once IAB investigators uncovered evidence of the subgroup's tattoo during one of the final subject interviews, toward the end of 2022, they scheduled follow-up interviews with all nine subject deputies in the investigation early in 2023 to ask additional questions about the tattoo and subgroup. In these interviews, investigators asked each of the subject deputies what other department members had the tattoo; however, even with the two deputies who admitted having the tattoo, investigators asked only once and did not follow up after the subjects deflected the question. Despite two deputies admitting they had individually numbered tattoos of the group, and one subject admitting that they had attended barbeques and other gatherings of the subgroup, the investigation only identified two other deputies who belonged to the subgroup — the two

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<sup>24</sup> The subgroup involved has not previously been identified in any public reports.

<sup>25</sup> While the discharges remain subject to appeal, they currently reflect the Sheriff's Department's first sustained findings of violations of its employee group policy.

deputies who invited the subjects to get their tattoos, one of whom has since left the Sheriff's Department. Investigators did not press the subjects for the names of deputies who had been present when they received their tattoos, for an account of the gatherings of the subgroup, or for their complete recollection of all members of the subgroup or all persons present at the gatherings.

The failure to thoroughly investigate subgroup membership misses a critical opportunity, in two respects. First, it leaves relevant information out of the investigation at hand. In any investigation in which subgroups play a role in the alleged misconduct, probing the membership of the subgroup helps determine whether that misconduct might be part of a pattern of larger subgroup misconduct and whether subgroup membership may explain part of the motive. The Sheriff's Department charged two deputies in this incident with violations of its current employee group policy, which prohibits membership in any group "which promotes conduct that violates the rights of other employees or members of the public."<sup>26</sup> Identifying other members of the group would allow investigators to look for other patterns of misconduct that might help demonstrate that the group includes other members who violate the rights of employees or members of the public.

Second, failing to pursue these questions in the initial investigation means they may now prove more difficult to answer. Here, the Sheriff's Department discharged the two subject deputies for the incident in question, subject to appeal. Even were the Sheriff's Department to initiate a new, separate investigation into the deputy gang, it can no longer compel these deputies to answer questions, and their voluntarily cooperation seems unlikely.

Additionally, although IAB applied its new protocol and sent a memo to unit commanders of the Industry Station notifying them of evidence of a deputy subgroup, the unit commanders informed the Office of Inspector General they do not intend to initiate a new investigation to identify members of the subgroup, but rather plan only to monitor closely for evidence of misconduct at the station and to examine whether any misconduct may be related to the subgroup. The unit commanders expressed concerns that an inquiry into the group's membership could face challenges from labor groups. This hesitance seems entirely unjustified. The Sheriff's Department has discharged two deputies for membership in the group, which requires a finding that it "promotes conduct that violates the rights of other employees or members of the public," making any other members of the group also in potential violation of the employee group policy. The Office of Inspector General can identify no labor or First Amendment obstacles to the

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<sup>26</sup> Los Angeles County Sheriff's Department, Manual of Policy and Procedures § 3-01/050.83, *Employee Groups which Violate Rights of Other Employees or Members of the Public*.

Sheriff's Department investigating the membership of an employee group it has already found to violate its existing policy. But even if the Department maintains that it may need to negotiate this issue with labor groups, it should resolve that concern by undertaking those negotiations immediately rather than declining to pursue an investigation.

IAB expressed concerns about expanding its initial investigation into the off-duty altercation into inquiries into the membership of an entire subgroup. As the Office of Inspector General has previously reported, the Sheriff's Department has persisted for decades in limiting IAB investigations to the "four corners" of the request for investigation.<sup>27</sup> Under Sheriff's Department policy, only a deputy's unit commander or a higher-ranking executive can initiate an IAB investigation.<sup>28</sup> IAB cannot initiate its own investigations and, under this policy, limits its investigations to the specific misconduct described in the request for investigation and the specific deputies alleged to have engaged in it. This office previously noted that this limitation leads to misconduct identified during the course of an IAB investigation going unaddressed — a problem that repeats itself here in the Sheriff's Department's failure to fully investigate a new subgroup.<sup>29</sup>

IAB also expressed concerns about the capacity required to take on, in any investigation that involves evidence of subgroup involvement, an inquiry aimed at identifying all members of a subgroup and examining the full group for patterns of misconduct. IAB reports that the number of active administrative investigations it handles has increased significantly over the past five years while staffing levels have remained constant (and unfilled positions have been cut), such that it already faces inadequate staffing for its current workload and has difficulty completing investigations within the statute of limitations. Certainly, the Sheriff's Department must allocate sufficient staff and resources to conduct thorough and timely investigations, including investigations into possible deputy gangs and subgroups in any case where evidence or allegations of deputy gang or subgroup involvement arise. Indeed, the Office of Inspector General previously reported that IAB consistently fails to meet the Department's guidelines for completing investigations within adequate time to ensure discipline within the statute of limitations and recommended that the Sheriff's Department provide adequate staff to allow timely completion of investigations.<sup>30</sup> But

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<sup>27</sup> See [Discipline Report](#), *supra* note 2, at 24.

<sup>28</sup> Los Angeles County Sheriff's Department, Manual of Policy and Procedures § 3-04/020.05, [Initiation of Administrative Investigations](#).

<sup>29</sup> At the Civilian Oversight Commission's Police Officer Decertification Conference on September 7, 2023, the IAB captain would not directly confirm that under current practice, when IAB investigates an allegation of deputy gang or prohibited group membership, IAB does not seek to identify all the members of the alleged group. See Civilian Oversight Commission, [Police Officer Decertification Conference](#) (Sept. 7, 2023) (at about minutes 57 to 59).

<sup>30</sup> [Discipline Report](#), *supra* note 2, at 76-78, 123.

concerns about resources do not excuse the Sheriff's Department from complying with the California Penal Code prohibition on gang conduct. The Sheriff's Department may not lawfully choose not to carry out investigative mandates triggered by state law and Constitutional duties, by electing to fund optional functions while ignoring required ones.<sup>31</sup> Finally, some of the concerns identified here would not require additional resources to address. For example, it would not require any significant additional staff time for investigators to conduct thorough questioning on subgroup membership during the interviews they need to conduct for the investigation anyway — requiring the subjects and witnesses to identify every deputy they know that has a subgroup tattoo, has attended a subgroup gathering, or that they otherwise believe may be a member of the subgroup.

**Superficial Investigation into Deputy Subgroup at Lakewood Station.** During the investigation into the altercation involving Industry Indians, one of the subject deputies stated in a January 2023 interview that after he had been assigned to Lakewood Station, he saw “a lot of” deputies with spade tattoos, some of which had the number 13 in them, and also observed spade logos around the station. Pursuant to its March 2022 Unit Order, IAB sent the captain of Lakewood Station a memo on May 5, 2023, describing these statements and noting that the deputy was uncertain whether the spade was a logo of a subgroup. The captain of Lakewood Station initiated a supervisory inquiry in response, which was memorialized in a memo by a station lieutenant dated May 26, 2023.

The memo stated that the spade was one of two “logos” associated with the Lakewood Station (along with a diamond) and asserted, without citation or explanation, that the “spade symbolizes power, respect, honor, faithfulness, and love ... [a]ll character traits that all personnel at Lakewood strive for.” It also stated that the number 13 indicated that Lakewood Station was the thirteenth station opened in the Sheriff's Department. The memo noted that the spade symbol was “proudly displayed throughout Lakewood Station” and on Lakewood station merchandise such as jackets and hats. It also stated, “We are aware these logos, including the spade symbol, are and will be expressed in tattoo form to represent the positive attributes of these symbols.”

The memo described a survey administered as part of the supervisory inquiry to 69 deputies selected at random across different shifts, assignments and tenures with the

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<sup>31</sup> For instance, the Sheriff's Department provides litigation support to County Counsel through its “Risk Management” Division. The use of law enforcement authority in defense of lawsuits against the County is a questionable use of staff, has resulted in retaliation as documented in a recent report from this office, and is certainly not more important than properly staffing Internal Affairs. See Los Angeles County Office of Inspector General, *Reform and Oversight Efforts: Los Angeles County Sheriff's Department – October to December 2023*, “Conflicts of Interest in Risk Management Bureau” (Feb. 20, 2024).

station. The survey asked the selected deputies if they were aware of Lakewood Station logos or tattoos, and whether they were aware of a Lakewood Station “sub-group, clique, or deputy gang,” or members of such a group, or anyone pressured into joining such a group. Of the 64 who agreed to answer questions, 81% answered that they were aware of Lakewood station logos, and 13% answered that they were aware of a Lakewood station tattoo. All the deputies who responded replied that they were not aware of a subgroup, clique or deputy gang, or of any members of such group or people pressured to join.

The memo concluded:

Lakewood Station has no specific allegation from Lakewood Station employees or the public, of a subgroup, clique, or deputy gang that violates the rights of other employees or members of the public. On the contrary, the morale of Lakewood Station personnel is positive, inclusive, and promotes a family atmosphere. We continue to receive support and trust from the communities who we serve.

Our Sheriff, Robert Luna, during an interview, stated, "As we continue to peel back this onion, I think we are going to find a difference between a station tattoo and a gang tattoo." It is clear that the spade and diamond represent the entire station and its members in general, and no specific sub-groups.

Based on my inquiry, I did not find any potential violations or evidence to indicate we have deputy sub-groups, cliques, or deputy gangs.

The supervisory inquiry suffers the same flaws that have characterized the Sheriff’s Department’s handling of deputy gang and subgroups for decades: it fails to meaningfully investigate the possible existence of a subgroup, and instead justifies and minimizes the evidence of possible subgroups – all in an investigation conducted by the very unit in which the alleged subgroup may have taken root and influence, rather than by IAB or another unit with some degree of independence.

Although a significant number of deputies admitted knowing of a “Lakewood Station tattoo,” the supervisory inquiry completely failed to ask even the basic questions necessary to determine whether the tattoo represents a subgroup: which deputies have the tattoo, whether deputies must be invited to get the tattoo and if so, who decides who can be invited and on what criteria. Nor does the supervisory inquiry ask any details about the design of the “station tattoo,” including whether it shows sequential numbering identifying the order in which members obtained the tattoo. Because the supervisory inquiry did not inquire into members of the group, it cannot determine whether the membership reflects a pattern of discrimination that would make the group a law enforcement gang.



Instead of asking factual questions about the tattoo and the deputies who display it, the supervisory inquiry appears to rest its conclusion that no subgroup exists mostly on its own assertions and the fact that all deputies asked in a survey responded that there was no deputy subgroup, clique or gang. Station deputies may be unwilling to complain about the presence of a subgroup to the lieutenant of that station – deputies could fear that the presence of a subgroup or gang reflects poorly on the station’s supervisors, that the station’s supervisors may be complicit in or even part of the subgroup, or that their accusation could spark retaliation by members of the group. The unit commanders could have addressed the potential conflict and bias easily by requesting an IAB investigation. They chose not to do so as has regularly occurred.

**Ongoing Investigation into Deputy Subgroup [REDACTED].**

Portions of this section are redacted as requested by the Sheriff’s Department.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In response to the Office of Inspector General's inquiries, IAB reports that command staff have instructed them not to order Department members to show tattoos because doing so would present a labor issue. [REDACTED]

[REDACTED]

The Department's directive that IAB not compel deputies to show tattoos hampers its investigations into deputy gangs. When deputies admit that their tattoos are subgroup-related, [REDACTED] seeing the tattoos and photographing

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[REDACTED]

exemplars would allow the Department to better identify other members. And when Department members deny that a tattoo is subgroup-related, despite evidence suggesting it might be, seeing the tattoo would allow investigators to quickly discern aspects of the tattoo that might be related to the Department or to a subgroup. Former Undersheriff Murakami was widely rumored to be a tattooed gang member and by claiming his tattoo was a tribal tattoo while ensuring nobody could know for sure, he was able to gain the benefits of the rumor while avoiding the consequences if it had been proven true while he was in office. Similarly, Undersheriff Tardy has admitted to having a tattoo she claims to be a “station tattoo” but no investigation has been conducted or evidence produced.

**Summary of Past Investigations into Deputy Gangs.** The responsibility for these issues ultimately rests with the Sheriff, who must take whatever steps necessary to ensure that, when the Sheriff’s Department uncovers evidence of potential deputy gang activity, it investigates thoroughly using all the tools at its disposal in order to identify all members of the subgroup and determine whether the subgroup constitutes a law enforcement gang under Penal Code section 13670.

#### *Requiring Disclosure of Tattoos or Subgroup Membership*

The Sheriff’s Department has not set forth any plans to require all deputies either to disclose any membership in employee organizations or identified deputy subgroups, or to disclose their tattoos.

At the June 15, 2023, meeting of the COC, Sheriff Luna stated that promotional examinations for the ranks of captain and above now include inquiry into whether the candidate has tattoos and the nature of any tattoo identified. But the Sheriff’s Department has not set forth clear plans to extend that questioning to promotions below the rank of captain, or to assignments to internal investigation units such as IAB, ICIB, or Homicide Bureau that may be called on to investigate cases involving deputy gangs or subgroups. In response to the Office of Inspector General concerns, the Department noted that promotions to ranks below Captain use only written exams that would require modification through the civil service process in order to ask about subgroup involvement. This obstacle is surmountable, and overcoming it worth the effort, given the impact the practice could have in deterring subgroup involvement and limiting the placement of deputy gangs and subgroups members in supervisory roles.

Nor does the Sheriff’s Department have clear plans to require current members of the command staff to disclose tattoos or current or prior affiliation with any deputy subgroups, despite a history of the Sheriff’s Department promoting subgroup members to the highest levels of management: The chief of staff to former Sheriff Alex Villanueva,

admitted membership in the Grim Reapers in his testimony before the COC.<sup>34</sup> Former Undersheriff Paul Tanaka, who served under Sheriff Lee Baca, admitted to membership in the Lynnwood Vikings and to having a Vikings tattoo.<sup>35</sup> Former Undersheriff Murakami was widely rumored to have a gang tattoo.<sup>36</sup> The disclosure earlier this year that current Undersheriff April Tardy has a “station tattoo” for Temple Station sparked questions that remain unanswered.<sup>37</sup>

### [Brady Policy on Deputy Subgroup or Gang Membership](#)

The Sheriff also stated on June 15, 2023, that he believed, but would confirm, that the Department now notifies the District Attorney’s Office of deputies’ membership in a subgroup for disclosure under *Brady v. Maryland*.<sup>38</sup> He also stated in a letter to the COC dated July 18, 2023, that the “internal procedure for notifying the District Attorney’s Office pursuant to *Brady v. Maryland* has been updated.” The Sheriff’s Department informs the Office of Inspector General that, to date, the only alteration to its *Brady* disclosure policy regarding deputy gangs is to include the policy section on membership in employee groups, [Manual of Policies and Procedures § 3-01/050.83](#), on its list of policies for which a violation can trigger disclosure to the Office of the District Attorney.<sup>39</sup> However, under its existing *Brady* process, the Sheriff’s Department only identifies deputies as having *Brady* material based on sustained findings of misconduct.<sup>40</sup> The Department currently does not notify the District Attorney of potential

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<sup>34</sup> See [COC Special Counsel Report](#), *supra* note 13, at 56.

<sup>35</sup> *Ibid.*; see also Lisa Bartley, [Paul Tanaka grilled about ties to the 'Lynwood Vikings' deputy gang](#), KABC NEWS (April 4, 2016).

<sup>36</sup> Dana Goodyear, [The L.A. County Sheriff's Deputy-Gang Crisis](#), The New Yorker (May 30, 2022).

<sup>37</sup> Zeke Reed, [LA sheriff vows an end to 'us vs. them' department mentality](#), KCRW (Mar. 29, 2023).

<sup>38</sup> *Brady v. Maryland* (1963) 373 U.S. 83.

<sup>39</sup> Under current practices, every two weeks, the Los Angeles County District Attorney’s Office (District Attorney’s Office) sends the Sheriff’s Department a list of deputies who may be testifying in upcoming hearings. The Sheriff’s Department checks that list against its personnel databases to determine whether any of those deputies have sustained findings of violations of certain designated policy sections. For any deputy that has such a violation, the Department notifies the District Attorney’s Office only of the identity of the deputy and the earliest date of the misconduct, so that the District Attorney may seek the material through a *Pitchess* motion.

<sup>40</sup> The Sheriff’s Department takes the position that this limitation is required by the confidentiality protections for personnel records in state law. *But see Ass’n for Los Angeles Deputy Sheriffs v. Super. Ct.* (2019) 8 Cal. 5th 28, 50 & n.5 (“[D]eeming information ‘confidential’ creates insiders (with whom information may be shared) and outsiders (with whom sharing information might be an impermissible disclosure). The text of the *Pitchess* statutes does not clearly indicate that prosecutors are outsiders, forbidden from receiving confidential *Brady* alerts.”). The Sheriff’s Department also represented that making *Brady* alerts only for sustained findings of policy violations is consistent with its own longstanding practice and the requirements conveyed by the District Attorney’s Office. Putting aside for purposes of this report whether this longstanding practice complies with *Brady*, although it clearly does not, it certainly means that the Department’s addition of the employee group section to the list of policies that trigger a *Brady* alert will not result in the immediate disclosure of any of the information the Department presently possesses on deputy affiliations with subgroups and might lead to disclosure in the future only in the very limited

*Brady* material based only on credible allegations or evidence that a deputy participates in a deputy gang or subgroup without a sustained finding.

In *Giglio v. United States* (1972) 405 U.S. the court noted that the failure to disclose evidence that could be used to impeach a witness's credibility is covered by the *Brady* rule when the reliability of the witness may be determinative of guilt or innocence of the accused. While *Giglio* involved the testimony of a prosecution witness to whom promises of immunity had been made but not disclosed to the defense, *Giglio* is often cited as the seminal case establishing that impeachment evidence falls under *Brady*. In *United States v. Bagley* (1985) 473 U.S. 667, 676, citing *Giglio* the court reiterated that there is no distinction between impeachment evidence and other exculpatory evidence noting that:

In the present case, the prosecutor failed to disclose evidence that the defense might have used to impeach the Government's witnesses by showing bias or interest. Impeachment evidence, however, as well as exculpatory evidence, falls within the *Brady* rule. See *Giglio v. United States*, 405 U.S. 150, 154 (1972). Such evidence is "evidence favorable to an accused," *Brady*, 373 U.S., at 87, so that, if disclosed and used effectively, it may make the difference between conviction and acquittal. Cf. *Napue v. Illinois*, 360 U.S. 264, 269 (1959) ("The jury's estimate of the truthfulness and reliability of a given witness may well be determinative of guilt or innocence, and it is upon such subtle factors as the possible interest of the witness in testifying falsely that a defendant's life or liberty may depend").

Membership in a deputy-gang or subgroup would tend to impeach the testimony of an deputy, especially in a case where two or more deputies testifying are members of the same deputy gang or subgroup.

Of course, materiality of the withheld evidence must also be established. But as stated in *Kyles v. Whitley* (1994) 514 U.S. 429, 434:

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circumstances. The Department also notes that once a *Brady* alert is triggered by other sustained misconduct, such as dishonesty or use of force, a court reviewing the deputy's file might decide to turn over even allegations of deputy gang involvement that had not been sustained. First, this sort of incidental disclosure of deputy subgroup information would have been equally possible even before the Department's revisions of its *Brady* policy. Second, if the Department recognizes that investigations without a sustained finding might be ordered disclosed to the defense as exculpatory, surely the Constitution obligates them to identify and notify the prosecutor of those investigations, rather just relying upon the court to discover them inadvertently while inquiring into some other incident.

*Bagley's* touchstone of materiality is a "reasonable probability" of a different result, and the adjective is important. The question is not whether the defendant would more likely than not have received a different verdict with the evidence, but whether in its absence he received a fair trial, understood as a trial resulting in a verdict worthy of confidence. A "reasonable probability" of a different result is accordingly shown when the government's evidentiary suppression "undermines confidence in the outcome of the trial." *Bagley*, 473 U.S. at 678.

*Strickler v. Greene* (1999) 527 U.S. 263, 281-282 further explained,

There are three components of a true *Brady* violation: The evidence at issue must be **favorable** to the accused, either because it is exculpatory, or because it is impeaching; that evidence must have been suppressed by the State, either willfully or inadvertently; and prejudice must have ensued.

Using the Sheriff's Department requirement that violations be *sustained* in order to be considered discoverable under *Brady* fails to ensure that *all impeachment evidence* regarding deputy gangs or subgroups, or other exculpatory evidence for that matter, is provided to the prosecution team, thus preventing disclosure to the defense. While it is only after a trial that a court makes a finding as to materiality, the prosecution team risks the reversal of any conviction when it fails to disclose credible information that seemingly could affect a trial outcome. In a discussion of materiality, the court in *United States v. Agurs* (1976) 427 U.S. 97, 107-108 stated:

The problem arises in two principal contexts. First, in advance of trial, and perhaps during the course of a trial as well, the prosecutor must decide what, if anything, he should voluntarily submit to defense counsel. Second, after trial a judge may be required to decide whether a nondisclosure deprived the defendant of his right to due process. Logically the same standard must apply at both times. For unless the omission deprived the defendant of a fair trial, there was no constitutional violation requiring that the verdict be set aside; and absent a constitutional violation, there was no breach of the prosecutor's constitutional duty to disclose.

Nevertheless, there is a significant practical difference between the pretrial decision of the prosecutor and the post-trial decision of the judge. Because we are dealing with an inevitably imprecise

standard, and because the significance of an item of evidence can seldom be predicted accurately until the entire record is complete, the prudent prosecutor will resolve doubtful questions in favor of disclosure.

By failing to provide all of the evidence that goes to deputy credibility to the prosecution, the prudent prosecutor will not be able to determine whether the information should be disclosed.

Furthermore, the Sheriff's Department sustained violations of its policy on employee groups for the first time in August 2023, so would never have made any *Brady* disclosures based on possible membership in deputy gangs or subgroups prior to that date. And the violations sustained in August 2023 resulted in letters of intent to discharge of those employees, so unless those discharges are overturned on appeal, those employees will never be called to testify in a criminal case and will never be subject to *Brady* disclosures based on the Department's policy.<sup>41</sup> Although the Sheriff's Department has information on credibly alleged or admitted subgroup membership for a significant number of current employees, under its current approach, it will not make *Brady* disclosures of any currently identified or suspected members because none of those deputies have sustained violations of the employee group policy. Indeed, because the Sheriff's Department only adopted the policy prohibiting employee groups in 2021, any participation in deputy gangs or subgroups before that time will not trigger a *Brady* disclosure under the Department's current approach.

### *Working Group on Deputy Subgroups and Gangs*

Beginning in early 2023, Undersheriff April Tardy convened a Working Group of command staff, labor representatives and representative rank-and-file deputies and supervisors to address deputy gang issues. After meeting just twice in the first half of the year, the Working Group now meets monthly, with committees that meet more often devoted to messaging (specifically outreach to deputies to prevent subgroup formation), training, media (identifying the best methods of disseminating information generated by the Working Group), culture and Central Patrol. The information provided below is based upon assertions by the Sheriff's Department, and the Office of Inspector General has not observed meaningful change as a result of this work as documented in this report. Furthermore, members of the group are rumored within the Sheriff's Department

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<sup>41</sup> *Brady* obligations are ongoing post-trial conviction and thus only providing information to the prosecution based upon a list of witnesses who will testify is also insufficient. *People v. Gonzalez* (1990) 51 Cal. 3rd 1179, 1260-1261, stating, "At trial this duty is enforced by the requirements of due process, but [even] after a conviction the prosecutor . . . is bound by the ethics of his office to inform the appropriate authority of . . . information that casts doubt upon the correctness of the conviction." *Imbler v. Pachtman* (1976) 424 U.S. 409, 427.

to be members of gangs, which, like all such allegations that remain unaddressed, make a credible outcome unlikely.

- *Messaging.* The Messaging committee plans to create a four-hour training on deputy gangs and subgroups within the Sheriff's Department, covering the existence and nature of the problem, the implications of subgroups and deputy gangs on the Department, the effect of Penal Code section 13670, and the Sheriff's Department policies and expectations on groups, tattoos, and other conduct. However, at least one early outline of the proposed training opened with discussion of **whether** deputy gangs and subgroups exist in the Sheriff's Department. The Office of Inspector General strongly cautions against such an approach. The committee may intend this framing to engage any Department employees who still deny the existence of deputy gangs, despite overwhelming evidence documented in report after report over decades. But entertaining such discussion that has long since passed the point of reasonable debate only gives credence to that baseless view and risks undermining the very culture change the Working Group supposedly seeks. The inclusion of such a proposal is especially troubling given that the undersheriff has testified to the existence of a gang, the Department has fired two deputies for participating in another gang, and the Department has accumulated substantial prima facie evidence that other groups qualify but refused to proceed with investigations which would comply with state law on law enforcement gangs and the United States Constitution.
- *Training.* The Training and Messaging committees worked with the Training Bureau's Video Production Unit to produce a video for academy recruits aimed at encouraging them to decline invitations to get subgroup tattoos by conveying the potential impacts to deputies' careers and the work of the Sheriff's Department. The messaging committee recommended that unit captains play the video, along with a message from Sheriff Luna, at briefings. The subcommittee plans to produce three additional videos over the next several months. Training Bureau leadership has also apprised the subcommittee of outreach to academy, patrol school, and supervisor classes on the importance of not getting subgroup tattoos, including station tattoos.
- *Cultural Change.* The Cultural Change subcommittee has worked on identifying outside trainers specializing in cultural change and teaching deputies to intervene to prevent others from engaging in misconduct. After considering several options, the subcommittee recommended a training offered through the U.S. Department of Justice ("DOJ") Office of Community-Oriented Policing Services ("COPS") entitled [Take Action: Make the R.I.G.H.T. Choice and Intervene](#). The Sheriff's



Department has obtained approval for the training from COPS, which is in the process of appointing a facilitator.

- *Central Patrol*. The Central Patrol committee reports briefings, discussions, and monitoring related to deputy gangs and subgroups on an ongoing basis.

### Office of Inspector General Investigation into Deputy Gangs

The newly enacted prohibition on law enforcement gangs in Penal Code section 13670 requires that a “law enforcement agency shall cooperate in any investigation into these gangs by an inspector general... or any other authorized agency.” Penal Code section 13670(b). While a law enforcement agency is legally obligated to investigate policy violations and has established prima facie evidence that some of its secretive groups are law enforcement gangs, given the Sheriff’s Department’s long inaction, the Office of Inspector General attempted to use this authority.

In January 2022, the month the law went into effect, the Office of Inspector General wrote to then-Sheriff Villanueva informing him that it intended to conduct an investigation into deputy gangs, including the “questioning of departmental personnel regarding the membership and nature of potential deputy gangs,” and requesting basic information on any individual the Sheriff’s Department had identified as a potential member of a deputy gang.<sup>42</sup> The Sheriff’s Department refused to cooperate and provide information, despite repeated requests to do so.

After Sheriff Luna took office in December 2022 and restored the Office of Inspector General’s access to many computerized Sheriff’s Department documents, this Office compiled a list of 35 deputies who had either admitted or been identified by other deputies as a member of either the Banditos deputy subgroup operating out of the East Los Angeles Station or the Executioners subgroup of deputies working in the Compton Station. On May 12, 2023, the Office of Inspector General sent a letter to each of these 35 deputies, directing them to appear for an interview concerning the presence of deputy gangs in the Sheriff’s Department. A sample of the letter is attached as an appendix to this report.

The letter provided a short list of questions to be asked in the interview, including whether the recipient had tattoos related to the Banditos or Executioners, the nature of any such tattoos and how they got them, and the names of possible members of the group. The letter also provided photographs of a Banditos and an Executioner tattoo

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<sup>42</sup> [Letter from Inspector General Max Huntsman to Sheriff Alex Villanueva dated January 19, 2022](#). The previous Sheriff cut off the Office of Inspector General’s access to Department documents, which prevented it from reviewing investigations and identifying potential subjects of an investigation.

and instructed the deputies to bring a photograph of any tattoos on their legs below the knee, or of any tattoos that had symbols or images contained in the exhibit of the Banditos or Executioners tattoos. The letter informed deputies that they could be accompanied by a representative of their choice and could assert their Fifth Amendment right against self-incrimination. The letter directed deputies to contact the Office of Inspector General to schedule their interviews within 14 days. After media reported on the sending of these letters, Sheriff Luna sent a department-wide message ordering all employees who received such a letter to appear and cooperate in the Office of Inspector General's interviews and reminding all Department employees that Los Angeles County civil service rules and Department of Human Resources guidelines prohibit employees from interfering with, obstructing, or delaying any investigation.

On May 19, 2023, a group of the deputies who received the letter filed a challenge to the directives in the Office of Inspector General's letter in Los Angeles Superior Court, seeking an injunction barring this office from proceeding with the interviews on various grounds, including that the interviews would violate deputies rights to privacy under the Fourth Amendment and the California Constitution, their rights under the Public Safety Officer's Procedural Bill of Rights, Gov. Code § 3300 *et seq.*, and rights to confidentiality of personnel records under Penal Code section 832.7. The deputies also argued that state labor law required the County to bargain with the deputies' unions over the effects of the new law authorizing the Office of Inspector General to conduct investigations into deputy gang activity before such investigations could proceed. Following briefing and a hearing, the Superior Court issued an order on July 10, 2023, rejecting the deputies' arguments on all grounds except that the County must bargain the effects of the law before the investigation may proceed.

The Office of Inspector General's investigation of the Banditos and Executioners aims to identify members in order to evaluate whether the groups discriminate based on race or gender. Such discrimination would be a violation of law that would qualify the group as a law enforcement gang under the terms of Penal Code section 13670(a)(2).

The County has appealed the Court's ruling. The Office of Inspector General hopes that while that appeal is pending, the County will also move swiftly to bargain any workplace effects that enforcement of state law might cause so that the investigation can proceed. Alternatively, the Office of Inspector General strongly encourages the Sheriff's Department to finally break with decades of inaction and to initiate an investigation in which it questions the identified deputies about their membership in deputy subgroups and gangs, under the monitoring of the Office of Inspector General.

## Ongoing Investigative Bias in Department

In addition to the Sheriff's Department's limited action in previous years to investigate deputy gangs directly, the Office of Inspector General has identified a number of recent instances in which the Sheriff's Department has received complaints or allegations that deputies may be connected with deputy gangs or other troubling organizations, but failed to investigate fully, or has dismissed or minimized evidence of connections between department personnel and deputy gangs and other organizations.

While not all these examples involve deputy gangs and subgroups, they represent a dismissive approach to misconduct involving membership in groups or extremist views that the Sheriff's Department must address in order to succeed in eliminating deputy gangs and secretive subgroups.

### *Investigation of the Shooting of Andres Guardado*

On June 18, 2020, a deputy from the Los Angeles Sheriff's Department's Compton Station fatally shot 18-year-old Andres Guardado outside the auto body shop where he worked as a security guard. Guardado's death sparked immediate outcry in the community and calls for an independent investigation.<sup>43</sup> While several aspects of the Sheriff's Department's response proved controversial, and the Office of Inspector General has previously reported on other issues in the investigation, we focus here on the Department's failure to examine reports that the deputies involved were actively seeking to join a deputy gang at the time of the shooting.

Just a week after the shooting, in midst of public attention to the incident, the Los Angeles Times published an article identifying the deputies involved as Deputy Miguel Vega, who shot Guardado, and his partner Chris Hernandez, who did not shoot.<sup>44</sup> The article noted that the Compton Sheriff's Station had recently come under public scrutiny for a group of "deputies with matching skull tattoos, representing what many in the community see as a criminal gang within law enforcement," a reference to the deputy gang identified as the "Executioners."

On August 11, 2020, another deputy, testifying under oath in a separate excessive-force lawsuit against the Sheriff's Department, identified Deputies Vega and Hernandez as "prospects" of the Executioners. The deputy testified that there were about 15 to 20 Executioners, as well as prospective members who are "chasing ink," or seeking to join the gang, and that many of Executioner members and prospects had been involved in

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<sup>43</sup> Jaclyn Cosgrove and Alene Tchekmedyian, *L.A. County leaders call for independent investigation into Andres Guardado's death*, LOS ANGELES TIMES (June 23, 2020).

<sup>44</sup> Alene Tchekmedyian and Maya Lau, *Sheriff's deputy who fatally shot Andres Guardado faced earlier allegations* LOS ANGELES TIMES (June 25, 2020).

high-profile shootings or beatings. The Sheriff's Department must have known about these allegations immediately, as the Los Angeles Times publicly reported on the revelation, and a representative of the Department's Risk Management Bureau also attended the deposition.<sup>45</sup>

Remarkably, despite clear notice of allegations that Deputies Vega and Hernandez were actively seeking admission to the Executioners at the time of the Guardado shooting, the Sheriff's Department appears never to have asked the deputies about the Executioners or their involvement in the group. The Homicide Bureau investigators should have been on notice of potential deputy gang involvement from early public reporting, at least. Even after they completed their report in July 2020, the Sheriff's Department could easily have supplemented the investigation after the direct allegations that Deputies Vega and Hernandez had been seeking to join the gang came to light just days later, but never did so.<sup>46</sup>

As this office previously reported,<sup>47</sup> the two lead Homicide Bureau detectives investigating the shooting also refused to answer questions at the November 2020 Coroner's Inquest into Guardado's cause of death by invoking their Fifth Amendment right against self-incrimination. In other words, the detectives either had concerns that their testimony might show that the investigators themselves had committed crimes during the course of their investigation, or they improperly asserted the privilege without any basis to avoid answering questions at a properly constituted County proceeding. Incredibly, the Sheriff's Department never opened an Internal Affairs investigation to determine whether the detectives might have engaged in criminal conduct, nor did the Department take any steps to ensure the integrity of the investigation by re-assigning it to other detectives to complete or to review for any irregularities.

The Sheriff's Department's failure to ask any questions about what role the Executioners might have played and its inaction in the face of such substantial concerns

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<sup>45</sup> Alene Tchekmedyan, *Compton Executioners deputy gang lied about guns and hosted inking parties, deputy says* LOS ANGELES TIMES (Aug. 20, 2020).

<sup>46</sup> Consistent with its policies applying the *Gates-Johnson* settlement, the Sheriff's Department also did not conduct a concurrent internal affairs investigation that probed the allegations of subgroup involvement. It then moved to terminate the involved deputies from employment in late 2022 based on their conduct in another incident (one of whom was terminated while the other resigned before the termination took effect), meaning that it can no longer compel the deputies Vega and Hernandez to provide statements under threat of termination.

<sup>47</sup> Los Angeles County Office of Inspector General, *Reform and Oversight Efforts: Los Angeles County Sheriff's Department—April to June 2023*, 5-7 (Aug 16, 2023).

about the integrity of the investigation undercut any notion that it took the issue of deputy gangs seriously during this investigation.<sup>48</sup>

### *Patterns of bias in reporting officers for decertification under SB 2*

The Office of Inspector General's recent report, [Reform and Oversight Efforts: Los Angeles County Sheriff's Department – October to December 2023](#), details problematic conflicts of interest within the Sheriff's Department's Risk Management Bureau and the need to disband the unit. One of the incidents discussed there, concerning retaliatory reporting of a whistleblower on deputy gangs, bears directly on the issue of bias in investigations involving deputy gangs.

The incident occurred in a lawsuit brought against the Sheriff's Department by several deputies who alleged that the Department knowingly failed to protect them from the Banditos deputy gang and retaliated against them for reporting concerns with Banditos. In a deposition of one of the deputy plaintiffs, outside counsel for the County, focused on the deputy's prior testimony about reports he had made to the FBI about possible criminal and deputy gang activity by deputies at LASD, in an apparent effort to show that some of his prior testimony was inaccurate.

Shortly after the deposition, Risk Management Bureau reported the deputy to POST for potential decertification on grounds that his testimony constituted “[d]ishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer.” Cal. Code Regs. Tit 11 § 1205(a)(1); *accord* Penal Code 13510.8(b)(1). The Department's report stated that the deputy “admitted under oath he was dishonest, withheld information, and provided false statements during prior deposition which occurred in 2020 and 2022.”

The Office of Inspector General's review of the deposition transcript showed that the deputy never admitted he was dishonest. While he gave different accounts in several places from prior testimony, and admitted one prior answer “wasn't accurate,” he never admitted to making a false statement or omitting information intentionally. The Sheriff's Department's therefore characterized his testimony inaccurately in its report POST and significantly overstated the supposed misconduct, which did not clearly rise to the level of dishonesty. Additionally, the statements that the Department reported as false were

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<sup>48</sup> The Los Angeles Times has reported that the California DOJ will review the Guardado shooting. Keri Blakinger and James Queally, [FBI investigating violent incidents by L.A. County deputies in Palmdale and Lancaster](#), LOS ANGELES TIMES (July 14, 2023). Deputies Vega and Hernandez were indicted and ultimately pled guilty to federal civil rights charges related to a separate incident, for which the Department discharged them. See U.S. Attorney's Office, Central District of California, [Former LASD Deputy Agrees to Plead Guilty to Depriving a Falsely Imprisoned Victim of His Civil Rights Under Color of Law](#) (Sept. 5, 2023).

made in a deposition in a civil lawsuit against the Sheriff's Department, not in the report, investigation, or prosecution of a crime or misconduct by a peace officer.

The Sheriff's Department ultimately supplemented its submission to POST with an entry indicating that the original synopsis had, "while relying on a summary of the testimony from legal counsel, overstated the potential dishonesty," and that the Department had concluded there was insufficient evidence to support a finding of dishonesty — but only after the Office of Inspector General raised concerns with staff at both Risk Management Bureau and Office of Constitutional Policing over a period of several months. The "correction" is inconsistent with the representation made to the Inspector General by the captain of Risk Management Bureau that she had reviewed the transcript in question in preparing the report to POST rather than merely relying on the description conveyed to them by the attorney. It is also inconsistent with the fact that POST asked for clarification after receiving the inaccurate description, and Risk Management Bureau submitted a response that demonstrated a second review of the transcript, without modifying their description.

Additionally, when the deputy in question later resigned while under investigation for other matters, the Department incorrectly reported to POST that the deputy had resigned pending an investigation that included dishonesty.<sup>49</sup> Counsel for the deputy contacted the Department and the Inspector General noting that dishonesty was never alleged nor was there a finding of dishonesty in the investigation. In response, rather than addressing that the POST report was in error, attorneys for the Sheriff's Department falsely accused counsel of unethical behavior and directed him not to contact the Department directly. However, following counsel's complaint, and an inquiry regarding the complaint by the Inspector General, the Department subsequently sent a formal correction to POST removing the reference to dishonesty, thus admitting its error.

As set forth in the prior report, Risk Management Bureau's decision to report Deputy A for possible decertification, its inaccurate description of his conduct as more flagrant than the transcript reveals, the speed with which they reported him and uploaded materials — even in light of their eventual correction — reflect a much more aggressive approach to SB 2 reporting against a whistleblower on deputy gangs than the Department appears to take in other cases, particularly those raising claims against management, several of which are detailed there. And as detailed in greater length, the Office of Inspector General continues to have serious concerns about structural conflicts of interest within Risk Management Bureau and whether the Department should

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<sup>49</sup> SB 2 requires that law enforcement agencies report separations from employment of peace officers and the circumstances of those separations, including whether the officer resigns during a pending investigation for misconduct that could lead to decertification. Penal Code § 13510.9(d).

separate the task of assisting attorneys in the defending litigation against the Sheriff's Department, on one hand, from identifying and reporting misconduct by Department employees, on the other.

### *Inadequate Investigation of Extremist Symbols*

On July 11, 2022, during a tour of the East Los Angeles Station, the Inspector General observed several stickers in a locker room with symbols and insignia that the FBI has identified as associated with violent extremism and domestic terrorism, including:<sup>50</sup>

- A Roman numeral three surrounded by stars, a symbol associated with the “Three Percenters,” a domestic militia that is associated with the January 6, 2021, attack on the United States Capitol,<sup>51</sup> and other criminal activity across the country, including the conspiracy to kidnap Michigan Governor Gretchen Whitmer.<sup>52</sup>
- A Spartan helmet over the words “Molon Labe” (loosely translated as “come and take it”), a Greek expression the FBI describes as used by “Anti-Government or Anti-Authority Violent Extremists, specifically Militia Violent Extremists,” including one leader of the January 6th insurrection who pled guilty to seditious conspiracy and used “Molon Labe” as his online moniker with co-conspirators. The FBI also describes the Spartan helmet as a symbol of “warrior culture” among anti-government violent extremists.<sup>53</sup>
- A “Tree of Liberty” image, featuring the legend “[t]he tree of liberty must be refreshed from time to time with the blood of tyrants,” which the FBI and Anti-defamation League describe as an image commonly referenced by violent and anti-government extremists, especially within militia movements.<sup>54</sup>
- A skull and crossbones symbol surrounded by the phrase “Pipe Hitter’s Union,” the logo of online purveyor of paramilitary and gun rights-themed paraphernalia, including shirts with logos such as “When in Doubt, Empty the Magazine” and tumblers emblazoned with rifles and the words “Come and Take it.”

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<sup>50</sup> See leaked FBI guide: [FBI Domestic Terrorism Symbols Guide: Militia Violent Extremism](#).

<sup>51</sup> See e.g. U.S. Attorney’s Office, District of Columbia, [Six California Men, Four of Whom Self-Identify as Members of “Three-Percenter” Militias, Indicted on Conspiracy Charges Related to Jan. 6 Capitol Breach](#) (June 10, 2021).

<sup>52</sup> See e.g., Mark Hosenball and Jan Wolfe, [Three Percenters militia members charged in U.S. Capitol attack](#), Reuters (June 21, 2021); Bruce Vielmetti, [‘Three Percenter’ hosted Wisconsin training by Michigan men in plot](#), MILWAUKEE JOURNAL SENTINEL (Oct. 9, 2020).

<sup>53</sup> *United States of America v Brian Ulrich*, Case. No. 22- cr- 15 (APM), U.S. District Court for the District of Columbia, Statement of Offense by USA as to Brian Ulrich, May 4, 2022;

<sup>54</sup> Anti-Defamation League, Glossary of Extremism, [Liberty Tree](#).

Despite the display of the stickers in plain sight, the Sheriff's Department apparently took no action until the Office of Inspector General raised concerns. While the Sheriff's Department policies allow the unit commander to refer matters to IAB for investigation with some degree of independence, and prohibit investigation by a supervisor involved in an incident, the Sheriff's Department elected to have staff at the East Los Angeles Station conduct a station-level Supervisory Inquiry, even though the issue potentially called into question the supervision at that station.<sup>55</sup>

Indeed, the Supervisory Inquiry proved superficial. It could not identify who occupied the locker prior to 2019 and consisted largely of limited online research regarding the Three Percenter and Molon Labe stickers that cited right-wing websites (such as WarriorCode.us). Most significantly, it dismissed the connection between the symbols and extremist organizations by characterizing that as an "allegation" made by the Inspector General, rather than recognizing its source in FBI guidance, and stating that "the sticker has different meanings and can be perceived differently amongst different people." The report repeatedly referred to a singular "sticker" without specifying which one, suggesting that the Inquiry only investigated one of the images. Most importantly, the Supervisor's Inquiry does not go beyond the stickers — it reflects no effort to ask station personnel about the more fundamental concern of whether deputies may be affiliated with the Three Perceners or other domestic extremist groups.

The Office of Inspector General does not suggest that the presence of stickers with symbols used by extremist organizations proves there are domestic terrorists within Sheriff's Department ranks. But in recent years, nonprofit and news organizations have reported on increasing infiltration of law enforcement by extremist militia groups.<sup>56</sup> The presence of such symbols at Sheriff's Department facilities raises concerns that must be taken seriously and fully investigated. The Department's response to this incident fails on that score. By using questionable sources and ignoring the FBI's guidance to dismiss the significance of the stickers, and artificially limiting the inquiry to the narrow issue of who placed the sticker rather than examining for a full inquiry and following the facts wherever they might lead, the Inquiry exhibits an investigative bias toward justifying

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<sup>55</sup> See Los Angeles County Sheriff's Department, Manual of Policies and Procedures §§ 3-04/010.25, *Personnel Complaints* (unit commander may request that IAB conduct an investigation); 3-04/000.05, *Assignment of Subsequent Inquiry/Investigation* ("A supervisor who investigated, documented, or was directly involved in any incident shall not be assigned to conduct any subsequent inquiry/investigation ... related to the same incident.").

<sup>56</sup> See, e.g., Julia Harte and Alexandra Ulmer, *Reuters Special Report: U.S. police trainers with far-right ties are teaching hundreds of cops*, REUTERS (May 6, 2022); William Rosenau and Megan McBride, *What We Know—and What We Don't Know—About the Presence of Right-Wing Extremism in US Law Enforcement*, Center for Naval Analysis (April 2021); Michael German, *Hidden in Plain Sight: Racism, White Supremacy, and Far-Right Militancy in Law Enforcement*, The Brennan Center (Aug. 27, 2020).

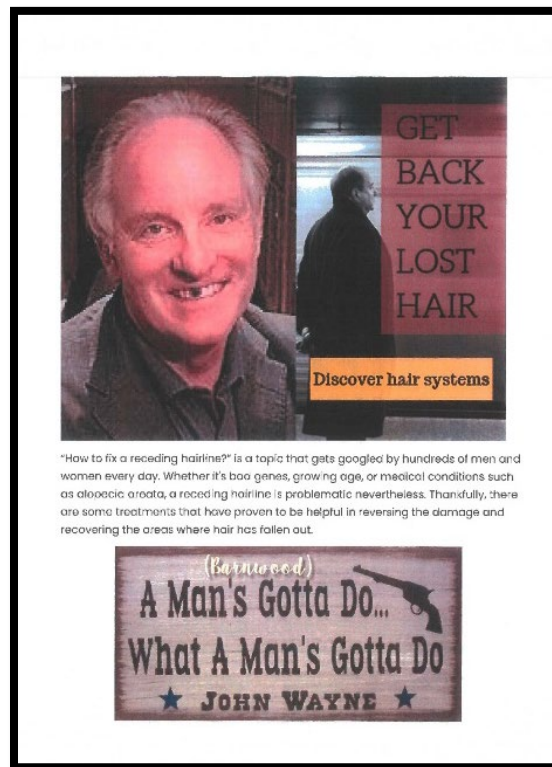


signs of deputy membership in extremist organizations as harmless or overblown — a bias similar to that shown in its lack of meaningful investigations of deputy gangs.

### *Retaliatory Posters of Inspector General and County Supervisor in East Los Angeles Station*

After Inspector General Huntsman raised concerns about the extremist symbols posted on lockers at the East Los Angeles Station, Office of Inspector General staff on a later inspection in September 2022 observed posters mocking and threatening Inspector General Huntsman and Supervisor Hilda Solis openly posted in a work cubicle at the station’s detective bureau, and pointed the posters out to the Sheriff’s Department sergeant accompanying their inspection.

The poster of Inspector General Huntsman includes a picture of him with a tooth blacked out with in-image text, “Get back your lost hair/Discover hair systems,” above a block of text mimicking an advertisement for “How to fix a receding hairline,” which states “there are some treatments that have proven to be helpful in ... areas where hair has fallen out.” Directly below this, the poster presents an image of a quote attributed to John Wayne — “A Man’s Gotta Do ... What A Man’s Gotta Do” — with a picture of a revolver. This quote, images, and text taken together clearly present an implied threat to Inspector General Huntsman.



East Los Angeles Station is located in the supervisory district of Supervisor Hilda Solis. The poster of her contains a photo of Supervisor Solis standing with California Governor Gavin Newsom placed directly over an advertisement for the movie “Dumb and Dumber.”

In the context of persistent concerns about the East Los Angeles Station, including the Banditos and potential deputy gang activity, the open mockery of and implied threat to institutions charged with oversight of the Sheriff’s Department is extremely troubling.

Because of the threatening, retaliatory nature of the poster, Inspector General Huntsman specifically requested that the Sheriff’s Department’s not name his staff member who discovered them when describing the issue to be investigated. But despite this clear request, in both the Supervisory Inquiry and the unit commander’s request for IAB investigation describe the issue to be investigated as Office of Inspector General staff “deem[ing] the pictures possibly offensive” and identify the staff by name, even in the short synopsis of the incident in the request for IAB investigation. The unnecessary exposure of the Inspector General’s staff to potential threats is extremely troubling. The Office of Inspector General staff simply brought the posters to the attention of the sergeant and had no information beyond than that sergeant, who also saw the posters and should have been under an obligation to identify them as inappropriate and initiate an investigation. The unit commander also chose not to name any supervisors as potential subjects of the investigation, despite their obligation to identify and take action against such material posted in the workplace they supervised. For the Sheriff’s Department to describe the problem effectively as a complaint by the Office of Inspector General staff and to unnecessarily name that staff as the reporting party not only places the Inspector General’s staff at risk, but shirks the station supervisor’s responsibility for investigating inappropriate materials brought to their attention and effectively blames the Office of Inspector General for making the posters an issue.

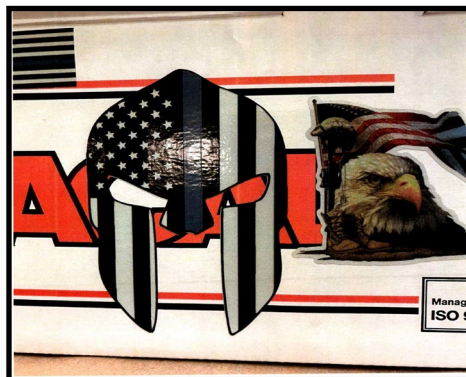
### *Failure to adequately investigate Spartan emblem at North County Correctional Facility*

On August 10, 2022, an inspection of the North County Correctional Facility (NCCF) Vocational Shop revealed a cardboard box in an employee area of the sign shop containing approximately 50 stickers depicting a “thin blue line” flag within the outline of a Spartan helmet.<sup>57</sup> Given the well-publicized existence of an active deputy group within

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<sup>57</sup> The “thin blue line” flag is a rendering of the American flag in black and white, with the central white stripe colored in blue. Although the flag may have started as an expression of support for law enforcement, use of the flag by extremist groups at incidents such as the white nationalist march at Charlottesville in 2017 have given the flag associations with extremism that have led several major police agencies (including the Los Angeles Police

the Sheriff's Department called the Spartans, the discovery of the images warranted meaningful investigation into whether the images might be linked to that subgroup.<sup>58</sup> As documented above, the FBI identifies the image of a Spartan helmet as one used by anti-government violent extremists to symbolize "warrior culture."



Instead of referring the matter to the IAB for an investigation independent of the unit, supervisory staff at the facility assigned in-house personnel to conduct a Supervisory Inquiry into issue. The unit personnel concluded that the stickers were created approximately five years prior in support of law enforcement personnel who participated in an obstacle course competition called the Spartan Race. The inquiry appears problematic in two respects. First, the unit personnel assigned to investigate base their finding on the origin of the stickers on the statements of a single deputy who had only worked in the vocational shops for a year, without explaining how this deputy could know the origins of stickers made four years before he arrived there. Second, and more troubling, the report of the Supervisory Inquiry does not reflect even a cursory investigation into the more pressing question: whether any deputies at NCCF may be members or associates of the Spartans deputy gang.

An investigation cannot find what it does not look for. The Supervisory Inquiry's focus on thin evidence that the stickers had innocuous origins, without accompanying investigation into the presence of Spartan's activity, suggests an effort to dispel concern over the stickers rather than resolve whether Spartans might be active at NCCF. The Office of Inspector General recognizes that similar "thin blue line" Spartan images can

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Department) to limit or prohibit its public display. See Maurice Chammah and Cary Aspinwall, *The Short, Fraught History of the 'Thin Blue Line' American Flag*, POLITICO (July 9, 2020); Libor Jany, *LAPD ban of 'thin blue line' flags is latest salvo in culture war*, LOS ANGELES TIMES (Jan. 21, 2023).

<sup>58</sup> In March 2015, then- Sheriff McDonnell received an anonymous letter detailing the Spartan's history and illegal and improper practices, including planting evidence and lying on official reports. The RAND Report identified the Spartans as a currently active subgroup. RAND Report, *supra* note 12, at 97.

be found on products for sale online, where they may symbolize general support for police and not always support for extremist militias as the FBI guidance warns. However, in the context of the existence of the Spartans gang in the Sheriff's Department, the Sheriff's Department should simply have conducted a meaningful investigation into whether Spartan symbols at NCCF indicated potential Spartans activity. This it failed to do.

*Failure to investigate deputy with extremist views or involvement with extremist groups.*

In November 2021, Nation Public Radio published an article examining leaked records from the Oath Keepers, a far-right extremist organization whose leaders were convicted of seditious conspiracy in connection with the January 6th breach of the United States Capitol, which reported finding “at least three people in the data leak whose information matched current employees of the Los Angeles County Sheriff's Department.”<sup>59</sup> The journalist writing the article sought comment from the Sheriff's Department, which responded that it would “assign a supervisor to conduct an administrative inquiry” but could not comment until the supervisory inquiries were concluded. In March 2022, the Office of Inspector General requested information on the three deputies in connection with the public release of information related to their alleged affiliation with the Oath Keepers. That request was reiterated in February of 2023, as part of discussions relating to the Department fulfilling outstanding requests made to the prior administration. The Sheriff's Department did not investigate these links at the time of the first or second request, although the current administration informs the Office of Inspector General that, after reviewing the concerns articulated in a draft of this report, OCP began reviewing the allegations.

With the assistance of the current administration, the Office of Inspector General examined the hiring records of deputies alleged to be extremists at the time of hiring. Although the Sheriff's Department hired the deputies in 2005, 2002, and 1990, such that they may not have been members of extremist organizations at the time of their hiring, the background investigation did not meaningfully screen for such membership. The Sheriff's Department's hiring process appears to rely largely on self-reporting of tattoos and affiliation with organizations, and one of the three deputies left those questions blank on the employment questionnaire without prompting any inquiry from the Department. In a more recent example, in July 2019, the Los Angeles Times reported on the Sheriff's Department hiring of a deputy whose social media account “included a

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<sup>59</sup> Odette Yousef, Tom Dreisbach, George Joseph, Huo Jingnan, and Micah Loewinger. *Active-duty police in major U.S. cities appear on purported Oath Keepers rosters*, NPR.com (Nov. 5, 2021).

post making light of the Holocaust.”<sup>60</sup> The background check for the deputy reported reviewing his social media and finding no concerns, though it did not specify which social media platforms or accounts investigators reviewed or how thoroughly. The background check did not specify whether the Department relied on the applicant to self-report their social media accounts, or if the Department had its own process for identifying the applicant's accounts. The deputy also remained a trainee at the time of the article's publication, but there is no indication the Sheriff's Department took further steps to investigate the allegations before he was sworn in as a deputy several months later. Although the Sheriff's Department informs the Office of Inspector General that it now asks applicants to provide Department investigators with access to social media accounts and uses a POST-approved software screening tool for social media activity, the Department's failure in these examples to inquire in a timely fashion into possible bias and extremism that arose in media allegations, and possibly earlier during their background check, remains troubling.

## CONCLUSION

Two years after the California Legislature enacted Penal Code section 13670, requiring agencies to enact policies that prohibit law enforcement gangs, the Sheriff's Department has yet to enact a policy that fully complies with the new law. This long delay provides only the latest example of the Department's inaction on deputy gangs and subgroups. For decades, the Department has largely ignored the findings, warnings, and recommendations on deputy gangs and subgroups set forth in report after report, allowing the problem to persist and grow.

As Sheriff Luna's administration approaches the end of its first year, the Sheriff's Department has taken some initial steps in the name of addressing deputy gangs — including forming the Office of Constitutional Policing and convening a Working Group to address Department culture. But concrete changes to Department policies, training, investigations, or accountability related to deputy gangs and subgroups remain limited. The Department finalized a list of questions to ask in investigations that involve subgroups but does not ask about tattoos or subgroups in investigations unless specific allegations or evidence of deputy gangs or subgroups arise. Outside of investigations, the Department has no plans to ask employees generally to disclose tattoos or subgroup involvement, except in promotional exams for the ranks of captain and above.

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<sup>60</sup> This hiring came under public scrutiny because of the deputy's family connection with the sitting Sheriff, but the problems with the Sheriff's Department's background investigation appear independent of that issue. Maya Lau, [Sheriff Alex Villanueva's son was hired to be a deputy seven months after his father took office](#), LOS ANGELES TIMES (July 19, 2019).

The Department's changes to its *Brady* policy will not, as things currently stand, result in the disclosure of any deputies' connections to subgroups now known to the Department.

The Sheriff's Department must finalize strong policies prohibiting deputy gangs, subgroups, and related conduct as swiftly as possible, to bring the Department into compliance state law. The Department must also commit to investigating thoroughly whenever evidence or allegations of deputy gang activity or subgroup misconduct arise. It must adopt the policies and shift the resources necessary to ensure that, when any indication of potential deputy gang or subgroup misconduct surfaces, Department investigators identify all members of the group and analyze the group's composition and behavior to determine whether it violates Department policy, state law, or fundamental principles of professional policing.

Finally, the Office of Inspector General strongly cautions that the Sheriff's Department continues to demonstrate patterns of dismissing and minimizing evidence of deputy gang activity and membership in or affinity with extremist groups and retaliating against whistleblowers. The Sheriff's Department must act forcefully to correct such tendencies to meaningfully address deputy gangs and secretive subgroups.



# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ROBERT G. LUNA, SHERIFF



February 21, 2024

Max Huntsman, Inspector General  
County of Los Angeles  
Office of Inspector General  
312 South Hill Street, Third Floor  
Los Angeles, California 90013

Dear Mr. Huntsman:

RESPONSE TO OFFICE OF INSPECTOR GENERAL'S DRAFT REPORT  
"LOS ANGELES COUNTY SHERIFF'S DEPARTMENT'S LEGAL COMPLIANCE:  
DEPUTY GANGS"

I am in receipt of the Office of Inspector General's Draft Report entitled: "Los Angeles County Sheriff's Department's Legal Compliance: Deputy Gangs." Thank you for the opportunity to review the report and provide comments.

As a preliminary matter, as observed in the draft report, the development of law enforcement gangs and cliques took place over a considerable period of time, five decades according to some reporting, without sufficient attention to the issue. While I cannot change the past or missed past opportunities that could have addressed these issues, the Department is developing the capabilities to address these issues moving forward. These efforts will take time to implement and have the desired impact, but the efforts being undertaken are designed to systematically address these issues and achieve long-term sustainable change within the Department. While these changes are being implemented it is certainly fair for your office to highlight the problems that remain unaddressed, but I hope you will also fairly address the changes that are being made.

The Department concurs that a policy on law enforcement gangs is critical. As you know, a policy was drafted, and we are in the meet and confer process with labor on this matter and other related policy revisions. It is unfortunate that prior administrations did not seek a comprehensive series of policies on

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these issues. However, new policies were drafted to address this issue, including one to address Penal Code Section 13670. The meet and confer process is in progress, and it is critically important that it is handled appropriately and fairly with due consideration to the implementation concerns expressed by labor. First, I committed to working with labor organizations when I took office. Second, the Civilian Oversight Commission (“COC”) specifically stated in one of its recommendations that the Department should work with labor organizations. Third, the Department is obligated to meet and confer pursuant to pre-existing agreements between labor and the County that outline the meet and confer obligations. Finally, any failure to meet and confer in good faith could result in protracted litigation and/or subsequent long-term bargaining, much like that which is described in the draft report regarding the impact of Inspector General subpoenas. The Department seeks to work fairly with labor in these discussions and hopes that the final outcome of these discussions will lead to a stronger effort to address this long-term problem.

Further, the Office of Constitutional Policing (OCP) was created and was charged by me to lead the effort as described in the draft report, to “review training, policies, and processes for investigations and formulating proposed changes to better address the problem of deputy gangs and ensure that allegation or evidence of deputy gang involvement is fully investigated.” However, the OCP is not the only unit in the Department responsible for these efforts. Everyone in the Department bears responsibility. Unfortunately, staffing the OCP has stalled as the hiring of allotted staff works its way through the required civil service process. Nevertheless, the OCP continues to work on the reforms intended, and it is not accurate to state that the OCP “has seen its resources diverted to tasks that are not the work advertised above, including litigation support in defending against allegations of gang misconduct.”

As part of the Department’s reform efforts, OCP has begun reviewing all prior investigations into deputy gangs to determine whether there are avenues of investigation that remain to be pursued. It should be recognized that the statute of limitations has passed for all historic conduct involved in prior investigations. There can be no disciplinary consequence for actions in the historic investigations. Nevertheless, the historic investigations are being reviewed to determine whether unaddressed issues remain in those cases, whether investigators need more robust training, or whether inappropriate activities continue that must be addressed. Due to the sensitive nature of this review and related investigations, I cannot provide further detail in this



letter. However, your staff may have already been briefed on these matters. As a result of this review, the draft report's assertion that no investigation exists to identify all the deputies involved or to determine whether the pattern of conduct of alleged members would make the subgroup, clique, or gang in question a "law enforcement gang" under Penal Code Section 13670 is not precise, as they do not encapsulate the totality of the Department's efforts. The draft report implies that these matters have not been undertaken when, in fact, they are being undertaken. Perhaps, because these are historic cases, they are not being evaluated to the level your office believes appropriate. If so, that should be stated rather than implying that they are not being reviewed.

The draft report also describes current investigations, including the investigation described on pages 23-25, and in footnote 32. We request that all references to active investigations be removed since such public notification can directly interfere with the ongoing investigation and give notice to those involved regarding the nature and scope of those ongoing matters.

As a result of the Department's new focus on Deputy Gang investigations, the Department terminated deputies, for the first time, who were found to be involved in law enforcement gang activities. However, the draft report suggests that this was inappropriate or unsatisfactory since other unidentified deputies might be involved but will never be identified. I do not believe the two goals of discharging those with sustained findings of law enforcement gang/clique participation and identifying all deputies involved are mutually exclusive. But to be clear, deputies found to be engaged in law enforcement gang activities will face discipline, including termination, something that the Office of Inspector General should see as a positive step towards accountability.

The Department's response to the issues the draft report presents regarding the Risk Management Bureau, largely a recitation of topics presented in your Office's Quarterly Report, were addressed in a separate letter and will not be repeated here.

The report accurately states that there will be no Brady alerts for pre-2021 conduct that may meet the definition of a deputy clique or law gang. It should be noted, however, that the type of behavior listed in Penal Code Section 13670 (e.g., excessive force, unlawful detentions, fabrication of evidence, falsifying reports, bias) are among the categories of sustained violations that result in Brady alerts for sworn Department members subpoenaed to testify in criminal cases.

Despite reciting all of the above issues, I do recognize that there are issues in the investigation and identification of all those involved in law enforcement gang activities, and we do not mean to minimize the long-term problems that have existed and continue to exist. At the same time, the draft report does not fully address the totality of efforts currently undertaken to address the long-term issues. These efforts include receiving regular briefings on the status of the deputy gang investigations being conducted by the Professional Standards Division, re-training on compelling statements, and the creation of an active task force seeking to create cultural change, among other efforts.

As always, the Department is happy to collaborate with you and your team, the Civilian Oversight Commission, the Board of Supervisors, and the members of this Department in order to achieve our joint goals of achieving excellence in law enforcement.

Should you have any questions, please contact Chief Jason Skeen, Office of the Sheriff, at (213) 229-3001.

Sincerely,

A handwritten signature in black ink that reads "R. Luna". The signature is written in a cursive style with a large, stylized "R" and a long, sweeping underline.

ROBERT G. LUNA  
SHERIFF