



Office of Inspector General County of Los Angeles

ANALYSIS OF THE CRIMINAL INVESTIGATION OF THE ALLEGED ASSAULT BY BANDITOS

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Introduction

Deputy secret societies have existed since at least 1970, being noted in a [report by Special Counsel James G. Kolts in 1992](#).¹ The [2012 Report by the Citizens Commission on Jail Violence](#) (CCJV) noted, “for years management has known about and condoned deputy cliques and their destructive subcultures that have undermined the Core Values articulate [sic] by the Sheriff. These factors have contributed to force problems in the jails as well as numerous off-duty force incidents involving deputies.” The [Office of Inspector General’s 2018 quarterly report on Reform and Oversight Efforts](#) encouraged the Los Angeles County Sheriff’s Department (Sheriff’s Department) to implement CCJV recommendation 5.8: *The Department should discourage participation in destructive cliques*. Yet, as evidenced by the investigation which is the subject of this report, Sheriff Villanueva continues to promote a Code of Silence regarding these sub-groups.

The Kennedy Hall incident investigation uncovered evidence that a group of veteran Sheriff’s Department deputies have undue influence over the daily activities and assignments at the East Los Angeles (East LA) station. Several of the witnesses interviewed identified this older group of deputies as having ties to the “Banditos,” a secret society of deputy sheriffs at the East LA Station. Some younger deputies at East LA allege that the secret group they identified as the Banditos used their influence, and sometimes force and violence, to push deputies out of the station for failing to live up to the Banditos’ work ethic. These witnesses also stated that they were assaulted by Banditos members after an East LA station party at Kennedy Hall. Yet the Sheriff’s Department’s criminal investigation of the Kennedy Hall incident maintained the Code of Silence which has protected deputy secret societies for decades.

Following the incident, the LASD Internal Criminal Investigation Bureau (ICIB) conducted an investigation which almost completely ignored evidence of the involvement of the Banditos which led to the assaultive conduct at Kennedy Hall. ICIB interviewed nearly seventy-three witnesses. In those interviews minimal questions were asked about the Banditos and in the interviews during which the witnesses brought up the Banditos by name, very few follow-up questions were asked. Twenty-three witnesses declined to give statements against their fellow deputies despite the Sheriff’s Department Manual of Policy and Procedures (MPP)

¹ An internal LASD memo dated December 5, 1973, documented an investigation of a group called the “Little Devils.” The Little Devils employed a sequentially numbered tattoo of a devil on the left calf. The investigation found that the group began in 1970 when four deputies were drinking at the Fujiyama Inn (referred to in the memo as the “Jap Shack” without quotations) and decided to tattoo themselves. The investigation concluded there were forty-seven members by 1973 and identified at least thirty-eight of them by name.

section 3-01/040.85, requiring their cooperation.² Having received what appears to be a purposefully perfunctory investigation by ICIB (which did not gather evidence of the motive behind the alleged assault at Kennedy Hall), the Los Angeles District Attorney's Office (LADA) did not request statements be taken from the uncooperative witnesses or empanel a grand jury to compel statements.

In examining documents, photographs, videos, recorded interviews, and transcripts provided by the Sheriff's Department, the Office of Inspector General has developed recommendations for a more complete investigation into the incident and how a secret society has come to disrupt the daily operations at the East LA station by fostering tensions between those deputies who are invited to join the Banditos and the deputies who are not.

The Kennedy Hall Incident

On September 28, 2018, the East LA Sheriff's station hosted an "Off Training" celebration party for new deputies at Kennedy Hall in East Los Angeles. During that party, multiple assaults occurred involving Sheriff's Department personnel in the Hall parking lot. An ICIB investigation was conducted to determine if any of the assaultive behavior by LASD personnel violated the law. The initial LASD incident report listed the following deputies as victims: Victim Deputy A, Victim Deputy B, Victim Deputy C, and Victim Deputy D.³ The incident report listed the following deputies as suspects: Suspect Deputy W (also known as G-Rod), Suspect Deputy X, Suspect Deputy Y, and Suspect Sergeant Z (also known as Bam Bam).⁴

Seventy-three witnesses to the incident were identified and forty-six of the witnesses were interviewed by ICIB. The following is a summary of the incident based upon a review of the statements made by witnesses to the ICIB investigators.

² The four target deputies also did not give statements, as is their right under the United States Constitution's Fifth Amendment right against self-incrimination.

³ Names have been redacted due to ongoing investigations and for the safety of witnesses.

⁴ Note: two of the suspects, Suspect Deputy W and Suspect Deputy X, in a prior unrelated incident had been arrested and prosecuted by the Los Angeles District Attorney's Office for individual incidents occurring while they were active deputies. Suspect Deputy W was prosecuted in 2016 for an on-duty incident involving perjury and false statements. A mistrial was declared due to a hung jury and the Deputy District Attorney declined to proceed with a retrial. Suspect Deputy X was prosecuted and acquitted of an assault with a firearm charge in 1999. Further, all of the suspect deputies have numerous suspensions for violating the Performance to Standards and Obedience to Laws, Regulations, and Orders policies of the MPP. Suspect Deputy X has an allegation of "hazing" that was "unresolved." It was mentioned by one of the witnesses that Suspect Deputy W had just returned to work after having been relieved of duty.

A series of confrontations reportedly occurred during the party. Victim Deputy D told investigators that during the party Suspect Deputy Y complained to him that he “was not good” at the station. Victim Deputy D stated that Suspect Sergeant Z (Bam Bam) called him a “pussy” and a “rat.” Victim Deputy C stated that Victim Deputy D told him that Suspect Sergeant Z told Victim Deputy D that he had “no problem slapping him or anyone because nobody is going to say anything.” According to Victim Deputy C, Suspect Sergeant Z further stated to Victim Deputy D that “if he couldn’t get to him, he can get to his family.”

The physical incident started when Suspect Deputy W demanded to talk to Victim Deputy D about his work ethic and transferring to another station because he fell short of the East LA Sheriff’s station standards. Victim Deputy C intervened and an argument between Victim Deputy C and Suspect Deputy W developed into a physical fight. That fight developed into multiple physical altercations resulting in injuries to Victim Deputy A requiring sutures to his lip.⁵ Victim Deputy B was choked and began to lose consciousness. He suffered pain to his head and neck. By most accounts, the initial aggressors were the suspects. The evidence supports the conclusion that alleged assaultive behavior by the victims was in self-defense or defense of others. The four suspect deputies were relieved of duty.

Allegations of a Banditos Subculture at East Los Angeles Station

Based on the Kennedy Hall incident an [eleven-count civil lawsuit was filed by the deputies identified as the victims in the incident report](#). The lawsuit alleges causes of action that include harassment, battery, and intentional infliction of emotional distress against defendants alleged to be members of a secret society in the East LA station identified as the Banditos. This lawsuit is still pending.

According to the lawsuit, the Banditos are a group of approximately 90 deputies who are inked with matching tattoos of a skeleton with a thick mustache, sombrero, pistol, and bandolier. The complaint states that approximately thirty members and prospective members work at the East LA station, adding the others work elsewhere or have retired. The lawsuit alleges that the Banditos control the East LA station “like inmates running a prison yard.” It describes members of the group as

⁵ Penal Code section 832.7(b)(1)(A(ii)) states: “the following peace officer or custodial officer records and records maintained by any state or local agency shall not be confidential and shall be made available for public inspection ... [if they relate to] the report, investigation, or findings of ... an incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury.” For the legal definition of great bodily injury see Penal Code section 12022.7 and the California court decisions which have held that whether a person suffered great bodily injury is a question of FACT for the jury to decide, and that injuries which require sutures may constitute great bodily injury within the meaning of the law. See *People v. Medellin* (2020) 45 Cal. App. 5th 519. .

maintaining control by intimidation of other deputies and control of key positions including dispatchers, scheduling deputies, and training officers.⁶

The investigation by ICIB, did not delve into the allegations that a sub-culture existed at the East LA Station, as claimed in this lawsuit filed in September 2019. The Kennedy Hall plaintiffs filed a claim with the County of Los Angeles in March of 2019, prior to the submission of the ICIB investigation to the Los Angeles District Attorney in June of 2019. [The Sheriff's Department Manual of Policy and Procedures section 5-07/290.00](#), requires that if a Unit Commander determines that the allegations in a lawsuit warrant discipline or a criminal prosecution, an administrative or criminal investigation should be initiated and that if a claim relates to an incident that has been previously reviewed, the investigation should focus on any "additional or different information or allegations provided by the claim." In this case a criminal investigation was already underway when the claim was received and the allegations of the claim should have been investigated by ICIB.

This is not the first lawsuit filed involving the Banditos. In 2014, a lawsuit was filed against the County of Los Angeles which alleged harassment of a female deputy by the Banditos. After the filing of the 2014 lawsuit, Interim Sheriff John Scott vowed to conduct a thorough investigation into the claims. He would not comment on the specific allegations but pledged to publicly share the findings at the conclusion of the investigation. The Inspector General is aware of no investigation conducted by the Sheriff's Department independent of county counsel's advocacy and if one occurred the results have not been made public.⁷ That lawsuit settled for \$1.5 million.

In 2015, Suspect Deputy W was charged with one count each of perjury and submitting a false police report. Suspect Deputy W arrested a man named Christopher Gray. He said that Mr. Gray was attempting to free two men already arrested from the back seat of a patrol car. Suspect Deputy W also accused Mr. Gray of inciting the crowd and threatening deputies, although, according to prosecutors with the LADA's Office Justice System Integrity Division, according to an article by CBS Los Angeles a video capturing the incident showed Mr. Gray⁸ mostly standing with his arms folded, doing nothing. When the case went

⁶ <https://www.documentcloud.org/documents/6417291-Third-Draft-Complaint-002.html>

⁷ <https://www.nbcnews.com/news/investigations/l-deputies-secret-club-demanded-sex-female-trainees-says-suit-n66026>, last accessed September 2, 2020.

⁸See Superior Court of the State of California, County of Los Angeles, certified copy of court docket in BA236858 and <https://losangeles.cbslocal.com/2015/06/10/la-county-sheriffs-deputy-faces-jail-time-after-allegedly-filing-false-report-committing-perjury/>, last accessed September 2, 2020.

to trial, the jury deadlocked with eight voting to acquit, after which the prosecutors announced they would be unable to proceed with the prosecution, resulting in its dismissal. Later that year, the Los Angeles County Board of Supervisors voted⁹ to award Mr. Gray, who said his shoulder was injured in the encounter, \$549,000 for the matter.¹⁰

In addressing the problem of LASD secret societies, the Los Angeles County Board of Supervisors passed a motion in April 2019, requesting that County Counsel report on lawsuits settled by Los Angeles County. In that motion the Board laid out in detail the history of LASD secret societies.¹¹ Further, the Federal Bureau of Investigation has reportedly opened an investigation into the Banditos, all of whom are or were assigned to the East LA station.¹² Sheriff Villanueva himself has acknowledged the pervasive influence of the Banditos at the East LA station, saying they "ran roughshod" over the previous captain and dictated where deputies would be assigned, enabled by the weak leadership of past administrations.¹³ "Pretty much they were calling the shots, they were dictating the decisions of the station and that has a very bad outcome obviously," Sheriff Villanueva said.¹⁴

Some of the information told to the ICIB investigators suggests that the Banditos act in ways that are comparable to a criminal street gang and some witnesses described the veterans as 'OGs', which is the term used for older gang members who have paid their dues and earned the respect of the younger members. Much like those who refuse to join a gang, Victim Deputy D was concerned that if he did not obey the orders of the veteran deputies, they might refuse to respond to his aid if he put out a call for help while on duty. One of the suspects, Suspect Deputy X, was described as having the "aura of a person in charge," the way one might describe an OG. At least two of the suspects were referred to by monikers, G-Rod for Suspect Deputy W, and Bam Bam for Suspect Sergeant Z; using monikers is common in gang culture. Another witness referred to this group as thugs and Deputy 1 mentioned that the older group used manipulation, "like a gang." More than one witness mentioned that the veterans at East LA station did not want Victim Deputy D wearing East LA gear, much like a non-gang member would not be permitted to wear gang attire.

⁹ http://file.lacounty.gov/SDSInter/lac/1017003_070615.pdf

¹⁰ <http://file.lacounty.gov/SDSInter/bos/supdocs/96039.pdf>

¹¹ <http://file.lacounty.gov/SDSInter/bos/supdocs/135078.pdf>

¹² https://www.policeone.com/officer-misconduct-internal-affairs/articles/fbi-investigating-tattooed-deputy-gangs-in-lasd-XLI2RxmOfxPG2WWk/?utm_source=email-to-friend&utm_medium=email

¹³ <https://www.lawenforcementtoday.com/fbi-gang-members-are-hidden-in-the-ranks-of-police-departments/>

¹⁴ <https://abc7.com/lasd-deputy-describes-attack-by-banditos-clique/5370629/>

Suspect Sergeant Z mentioned the word “rat” to Victim Deputy D and others mentioned that no one will talk, both of which suggest the type of silence expected of gang members and those intimidated by them.¹⁵ Deputy 2 allegedly sent out a text that he had “EV” (a term used by deputies to refer to evidence) from the fight in his truck but then disposed of it ensuring that there was not only silence but also a lack of physical evidence.¹⁶ Victim Deputy A stated that he had heard from an unnamed deputy that Suspect Deputy Y and Suspect Deputy X left Kennedy Hall for the East LA station looking for the victims of the assault, similar to a gang’s post-assault behavior. Victim Deputy A related that once there, they reportedly searched the cars in the parking lot to see if anyone was hiding there. Although Suspect Sergeant Z was Victim Deputy D’s supervisor when Victim Deputy D was assigned to custody, the allegations of harassment are only in the context of the East LA Banditos subgroup.

The Lack of ICIB Questioning on Banditos Involvement in Kennedy Hall Incident

During the course of the ICIB investigation, numerous witnesses referred to the suspects as part of a group of veteran deputies, with some identifying that group as the Banditos. The following is a summary of statements made by some of the witnesses who were interviewed during the investigation.

Suspect Deputy W, Suspect Deputy X, Suspect Deputy Y, and Suspect Sergeant Z, as well as Deputies 3 and 4, neither of whom was listed as a suspect in the ICIB investigation, are all part of a group of veteran deputies who, according to Deputy 1, attempt to manipulate deputies “like a gang” into transferring to other stations. Deputy 1 made this unsolicited statement to ICIB Investigator 1¹⁷ during their September 28, 2018 interview.

ICIB INTERVIEW – DEPUTY 1 EXCERPT 1

Deputy 1: ...I don’t think, I don’t think that [Victim Deputy D] has a problem with them, as far as that there’s beef, I think it’s the other way around. They try to manipulate people. It’s

¹⁵ A recent claim involving another alleged deputy gang, the Executioners of Compton, also alleges intimidation of a deputy perceived as a “rat.”

¹⁶ At least two witnesses told ICIB investigators that they had seen a text message from Deputy 2 stating that a shirt worn by someone at the incident had been left in his truck. One of the witnesses specifically stated that Deputy 2 used the term “EV.”

¹⁷ ICIB Investigator 1 was the lead investigator in this case and conducted all interviews referred to in this report.

like, you know, like a gang, I guess, you know? But, I mean, it shouldn't be like that.

ICIB Investigator 1: Partner, do you have anything?

ICIB Investigator 2: How long has this been going on?

Deputy 1: What? The...?

ICIB Investigator 2: This feud between these...[Suspect Deputy X], [Deputy 3], G-Rod, [Suspect Deputy Y], how long has that been going on right there?

Deputy 1: Oh, it's been going on for a while. As far as them, they single people out and they talk to them, they, they pull them aside or they send messages, and if they can meet somewhere, I mean, but....

ICIB Investigator 2: Just to go back a little bit, you said it was an off-training party?

Deputy 1 did not specifically mention the Banditos by name. Although he related gang-like behavior, he was not asked by ICIB about the Banditos. This lack of questioning about the Banditos' involvement and lack of follow up questions, where follow up was obviously needed, is thematic of the entire investigation.

On January 25, 2019, Sergeant 1 was asked by ICIB if "there is tension between [the] younger and older generation [of deputies]?" Sergeant 1 stated that the East LA deputies have groups that talk amongst themselves. There are two groups of deputies with tenure and influence, and they do not get along with each other. These two groups of deputies divide deputy personnel at the station in half. The deputies with tenure who are assigned to the north end of East LA generally side with the subculture group the "Banditos." The newer deputies are usually assigned to the south end of the station's patrol area, Cudahy and Maywood. Those deputies will generally side with the other tenured deputies with influence, who do not belong to the Banditos. Sergeant 1 stated in his interview: ". . . there's a couple of main players that have been here for a long time that don't get along and one of them kind of gravitates more to the **Bandito** side and the East L.A. side." Sergeant 1 was not asked any follow up questions about the Banditos. He was not asked by ICIB to identify members of the Banditos or if the suspects in this case were members of the Banditos. Below are selected sections of Sergeant 1's interview transcript:

**ICIB INTERVIEW – SERGEANT 1
EXCERPT 1**

ICIB Investigator 1: Okay. This is ICIB Investigator 1. My employee numbers are [employee number]. Today's date is January 25th, 2019, at 2211 hours. Today we're at the Captain's conference room at East L.A. Station. My partner today is [ICIB Investigator 3]. His employee numbers are –

ICIB Investigator 3: [Employee number]

ICIB Investigator 1: Sitting next beside me is -- sir, what's your name?

Sergeant 1: [Sergeant 1].

EXCERPT 2

ICIB Investigator 1: Okay. And are you aware of any tension between the new generation of deputy and, and the older generation of deputies occurring here?

Sergeant 1: Oh, yeah.

ICIB Investigator 1: There is tension between the older gen, younger and older generation?

Sergeant 1: Definitely.

ICIB Investigator 1: Can you tell me, elaborate on that?

Sergeant 1: So there, there's some, some of them here that haven't trained here that tend to be part of, you know, what they'll kind of say is like that newer generation. So you'll even have a couple of guys that are maybe a couple of years older than that quote, unquote new generation that kind of, kind of roll with them. One of the divides here is you kind of have like the East L.A. unincorporated cars. So you'll hear people say like north and south. I don't, I don't know where or why that has started or where it comes from, but so I didn't understand that north and south thing when I first got here. But what they're talking

about is they're talking about like the Maywood Cudahy cars that are single deputy cars. All down, down south, they'll say. And then up here is just the East L.A. usually two person car. And you will end up with more of your older generation, but there are guys that may have three, four, five years on that are up in East L.A. that are accepted that might be considered part of that older generation. And then there are part, there are guys that are a little bit older that are kind of the new generation. So they'll say newer or old or you can kind of look at it like one side or the other. There, there's –

ICIB Investigator 1: Based upon the RD district, districts north, between the north and south?

Sergeant 1: Sort of the district thing and then just kind of how they run. There's, there's a couple, there's a couple of main players that have been here for a long time that don't get along and one of them kind of gravitates more to the **bandito [sic]**¹⁸ side and the East L.A. side. And the other guy kind of gravitates more towards the newer south end kind of side. And it just depends on who gets along with who. There's a lot of little bickering and some of it's really, really childish and some of it will simply come down to who they trained with and who, you know. If, if this group or that group likes those people. So that's another thing we have to watch for as a supervisor. We have to watch who, who trains with who because even people on training or freshly off of training can sometimes have issues with others and all they did was simply be trained by someone else. And they're just not accepted now by the other group. That's how, that's how childish it can get. It's, it's pretty bad.

On January 25, 2019, Sergeant ICIB Investigator 1 interviewed Sergeant 2, a twelve-year veteran at LASD. She was asked by ICIB, "is there like a rift between the younger generation deputy and the older generation deputies here?" In response she stated, "No. I wouldn't necessarily say the older and the younger . . . [m]ore like there's the other ones that don't want to be a part of it." According to her, deputies who were not liked by or didn't get along with the

¹⁸ The failure to capitalize Bandito comes from the LASD transcription.

Banditos were assigned to Cudahy and Maywood. No follow up questions were asked about the Banditos or any sub-cultures at ELA. Below are selected sections of Sergeant 2's interview transcript (references to Banditos are underlined):

ICIB INTERVIEW – SERGEANT 2

EXCERPT 1

ICIB Investigator 1: Okay. This is ICIB Investigator 1. My employee numbers are [employee number]. Today's date is January 25th, 2019, at 2144 hours. We're sitting inside the East L.A. Captain's conference room. My partner today is [ICIB Investigator3]. Employee numbers, sir –

ICIB Investigator 3: [Employee number].

ICIB Investigator 1: And his last name is spelled [spelling of ICIB Investigator 3's last name]. Sit, sitting next to me is Sergeant 2. ... your employee numbers?

Sergeant 2: [Employee number].

EXCERPT 2

ICIB Investigator 1: And then are you aware of, is there like a rift between the younger generation deputy and the older generation deputies here?

Sergeant 2: No. I wouldn't –

ICIB Investigator 1: That you're aware of?

Sergeant 2: -- necessarily say the older and the younger. I think it's just they're not separated. More like there are those that kind of side with these **bandito [sic]** people and then there's the other ones that don't want to be part of it. So they kind of keep to themselves and they were all being sent to work like down south. Yeah. Cudahy and Maywood. If they didn't like you or you didn't get along with, you know, the banditos then that's where you worked.

On November 13, 2018, ICIB asked Deputy 5 if she was aware of any subculture groups in East LA. She stated she had heard about the Banditos even before she began working at East LA. ICIB asked her "the Banditos, what are they about?" She said, "Honestly sir, I don't know." ICIB asked, "what makes them a Bandito?" She answered, "I don't know. . . . [female deputies] don't get involved." ICIB asked, "What do Banditos do at the station?" She answered "I don't know." ICIB followed up, "Do you know what the ink looks like?" Deputy 5 answered, "No . . . I have never seen it." ICIB then asked if Suspect Deputy W, Suspect Deputy X, Suspect Deputy Y, Victim Deputy A, Victim Deputy D, Victim Deputy B or Victim Deputy C were **Banditos**. Deputy 5 answered that she didn't know to each question. ICIB asks, " What have you heard about the **Banditos**? Are they good or bad?" Deputy 5 says she heard about a sexual harassment case on the news before she got to East LA. She heard **Banditos** were involved in that case. She hasn't heard about them while at the station. ICIB asked if she knew of any female **Banditos**. She said she did not know. Below are selected sections from Deputy 5's interview transcript (references to Banditos are underlined):

**ICIB INTERVIEW – DEPUTY 5
EXCERPT 1**

ICIB Investigator 1: This is [ICIB Investigator 1]. Employee number is [employee number]. Today's date is November 13, 2018, at 1509 hours. With my partner [ICIB Investigator 4]. Employee numbers?

ICIB Investigator 4: [Employee number].

ICIB Investigator 1: We are at ICIB Headquarters in the captain's conference room. Sitting next to me is [Deputy 5].

EXCERPT 2

ICIB Investigator 1: Are you aware of any subcultures at East LA Station? Different types of groups at East LA Station.

Deputy 5: I mean you hear about it, but....

ICIB Investigator 1: What are they?

Deputy 5: Obviously the, the **Bandidos [sic]**.

ICIB Investigator 1: **The Bandidos [sic]?**

Deputy 5: Yeah.

ICIB Investigator 1: And who else?

Deputy 5: That's all.

ICIB Investigator 1: And what are, what are the, the **Bandidos** **[sic]**, what are they about?

Deputy 5: Honestly sir, I don't know.

ICIB Investigator 1: Well what do you...

Deputy 5: Yeah.

ICIB Investigator 1: ...hear?

Deputy 5: Just...I mean, that they've been there for a long time and....

ICIB Investigator 1: And **Bandidos** **[sic]** are who, are deputies?

Deputy 5: Yes.

ICIB Investigator 1: And who are the...like who...what, what cause...what makes them a **Bandido** **[sic]**?

Deputy 5: To....

ICIB Investigator 1: Like....

Deputy 5: That....

ICIB Investigator 1: What do you know?

Deputy 5: I don't know. All I know is that from a girl's point of view, girl's, they don't really or they're not part of that, so we don't....

ICIB Investigator 1: So they don't let you be part of that?

Deputy 5: It's not that they don't let you, it's just something that it's separate. Like we don't get involved. That's whatever.

ICIB Investigator 1: And what do they do at the station?

Deputy 5: I don't...I don't know, sir. I don't...yeah.

ICIB Investigator 1: What do you...it's, it's all what you know. This is nothing what you assume.

Deputy 5: Yeah. That's...I don't know. Honestly, I just...I mean you hear about it. It's like a legend, I don't...it's not that I...

ICIB Investigator 1: Do you know any of the...

Deputy 5: ...see them.

ICIB Investigator 1: ...deputies?

Deputy 5: No, no.

ICIB Investigator 1: Do you know any deputies who are **Bandidos [sic]**?

Deputy 5: I couldn't tell you, sir. I don't....

ICIB Investigator 1: You don't know? Do you know what the ink looks like?

Deputy 5: No.

ICIB Investigator 1: No?

Deputy 5: I've never seen it.

ICIB Investigator 1: Do you know how many **Bandidos [sic]** there are?

Deputy 5: (NO AUDIBLE RESPONSE).

ICIB Investigator 1: Is [Suspect Deputy W] a **Bandito**?

Deputy 5: I don't know.

ICIB Investigator 1: You don't know? Okay. What about [Suspect Deputy X]?

Deputy 5: I don't know, sir.

ICIB Investigator 1: [What about Suspect Deputy Y]?

Deputy 5: I can't...I don't know.

ICIB Investigator 1: You don't know? What about [Victim Deputy A]?

Deputy 5: I don't know, sir. I really....

ICIB Investigator 1: I'm just asking these questions...

Deputy 5: Yeah.

ICIB Investigator 1: ... because I have to make sure each one of them is, is not...or is or is not. What about [Victim Deputy D]?

Deputy 5: I don't know.

ICIB Investigator 1: No?

Deputy 5: I don't know if he is or not.

ICIB Investigator 1: What about [Victim Deputy B]?

Deputy 5: I don't know, sir.

ICIB Investigator 1: You don't know? [Suspect Deputy Y's first name][Victim Deputy C's last name] Fuentes?

Deputy 5: I can't...I don't know.

ICIB Investigator 1: All right. When you got to the station you heard about that, the **Bandidos [sic]**, what do they...what did you hear about...was it good? Was it bad?

Deputy 5: Oh no, not even. The week before getting to the station. 'Cause the last incident they had when it came out on the news about...

ICIB Investigator 1: What, what....

Deputy 5: ...the...

ICIB Investigator 1: What last incident?

Deputy 5: The...well it came out on the news about the, the sexual harassment or female trainees and that's when that came out, so I remember first hearing about it.

ICIB Investigator 1: And was the **Bandidos** [sic] involved in the sexual harassment?

Deputy 5: No, I don't know. That's what came out on the news, I wasn't there...

ICIB Investigator 1: Okay, but....

Deputy 5: ...at that time.

ICIB Investigator 1: Did you, did you hear about the **Bandidos [sic]** being involved in anything like that?

Deputy 5: Just from what the news is saying, that that's what the female said.

ICIB Investigator 1: Have you ever experienced any sexual harassment at the station?

Deputy 5: No.

ICIB Investigator 1: All right. Partner, do you have anything?

ICIB Investigator 4: So you heard about the **Bandidos** [sic] in the news...

Deputy 5: Uh-huh (AFFIRMATIVE).

ICIB Investigator 4: ...prior to going to the station?

Deputy 5: Yes.

ICIB Investigator 4: Did you ever hear about them while at the station?

Deputy 5: No. Uh-uh (NEGATIVE).

ICIB Investigator 1: What is the general mood at the station right now?

Deputy 5: Honestly, it's very sad. Not...it's like low morale. You know, I mean this is...it's a black eye essentially, you know? Nobody...I mean the...the first...it's embarrassing, one. Because everywhere you go, oh are you guys going to, you know, fight? It's just like, no, like it's not what we're about. And it's, it's even more sad, because when you work there, you see that everyone is pretty much hardworking and everybody does come together, and this just gives it a black eye, especially after the two major incidents we just had with the 998's, you know? And it's just very sad. I mean it's not right. No, no. Partners should not be fighting period, regardless of what it is. You know? Because you already have enough to deal with at work, going to calls, people are already trying to shoot you, it's sad. So right now I would say the moral [sic] is very low.

On October 4, 2018, Sergeant ICIB Investigator 1 of ICIB interviews Victim Deputy D.¹⁹ Victim Deputy D stated he was "bullied and intimidated" numerous times. Victim Deputy D stated that he was "not the only one." He stated that "a lot of guys won't talk because they are intimidated by the **OG associated group**."

¹⁹ The digital transcript of this interview was corrupted and unreadable. This information is from the audio-recordings of the October 4, 2018 ICIB interview of Victim Deputy D.

Victim Deputy D stated that “[Suspect Deputy X], [Suspect Deputy W], [Suspect Deputy Y] and [Deputy 3]” are all part of this group. He stated these names without being asked a specific question about the group members. In a ninety-minute interview, Victim Deputy D was never asked specifically about subculture or the Banditos. He never used the name Bandito. Victim Deputy D also said that since the incident he is worried about his family because he does not know what this group that is harassing him is capable of. Victim Deputy D stated that he heard a photograph was taken when he was being talked to by Suspect Sergeant Z. He did not know who took it. There were rumors that a cell phone video of the incident exists. Victim Deputy D had not seen such a video, nor did the investigators ever locate such a video.

In the first and second interviews of Victim Deputy B, ICIB asked no questions about the Banditos. On January 18, 2019, Victim Deputy B provided to investigators a photograph of a group of East LA deputies at a Dodger game and told investigators that some of the deputies in the photo were Banditos. He had not been asked to bring in the photo. He stated that Suspect Deputy W and Suspect Sergeant Z were part of the Banditos. He also mentioned Suspect Deputy Y and Detective 1 (first name unknown), as possible members. He was also given a hypothetical question by ICIB: “So the rest of East L.A. station, if they belong to a subculture group of the Banditos, they don’t have a problem with you; correct?” To this question, he answered, “No, they don’t”. Below are selected sections of Victim Deputy B interview transcript (references to Banditos are underlined):

ICIB INTERVIEW –VICTIM DEPUTY B EXCERPT 1

ICIB Investigator 1: This is [ICIB Investigator 1]. My employee numbers are [employee number]. Today is January 18, 2019, at 0920 hours. I'm at IA conference room. Sitting across from me is [Victim Deputy B]. Sir, your employee numbers.

Victim Deputy B: [Employee number]

ICIB Investigator 1: Sitting next to him is his counsel. Sir, what's your name, sir?

Counsel 1: [Counsel 1].

ICIB Investigator 1: This is a follow-up interview. Like I said, I'm from Internal Criminal Investigations Bureau. I conduct criminal investigations. All statements must be made voluntarily. I know that I was taking photos of your -- of -- photographs that you allowed me to do that from -- from our previous interview. And then you informed me about additional photo of a group of individuals. Can you please pull that up on your phone.

Victim Deputy B: Yes.

ICIB Investigator 1: So these people, it says -- can you read it to me, what it says?

Victim Deputy B: It says, "East Los Angeles."

ICIB Investigator 1: And where is that located, do you know, where that picture is taken?

Victim Deputy B: I believe it's going to be at Dodger Stadium.

ICIB Investigator 1: And what do you know about those -- that group of people?

Victim Deputy B: Most of them are training officers at the station and -- or -- and deputies at the station, and fellow deputies at the station.

ICIB Investigator 1: And are you aware of any are subculture groups?

Victim Deputy B: Yes.

ICIB Investigator 1: Tell me.

Victim Deputy B: **The Banditos.**

ICIB Investigator 1: And are those, those -- the picture that you're showing me right now, is that a -- pictures of the **Banditos?**

Victim Deputy B: Yes.

ICIB Investigator 1: Are they all **Banditos**?

Victim Deputy B: I don't know if they're all **Banditos**, but I know a majority of them are.

ICIB Investigator 1: All right. Do you know who they are?

Victim Deputy B: Yes. I could -- I know of some of them.

ICIB Investigator 1: Can you tell me their names?

Victim Deputy B: [Suspect Deputy W], [Suspect Deputy Y] --

ICIB Investigator 1: Please first names if you know.

Victim Deputy B: [Suspect Deputy Y] --

ICIB Investigator 1: Okay?

Victim Deputy B: -- [Detective 1]. And that's all I know just by looking at this picture. I'm not sure if the other people in the picture are as well.

ICIB Investigator 1: Now, in your first interview in October 2nd, 2018, we interviewed you. You never mentioned about the Banditos. Okay? And I want to clarify that in your transcripts I was reading over, that you mentioned about a group of people, and the four individuals who are [Suspect Deputy X]; [Suspect Deputy W]; [Suspect Deputy Y]; and ... [Suspect Sergeant Deputy Z]. They're the ones that you had an initial problem with?

Victim Deputy B: Correct.

ICIB Investigator 1: Correct? Okay. Is -- is there any more other people that you have -- have a problem with you who -- is it the whole entire **Bandito** subculture group that has a problem with you, or is it just a group of people that I just mentioned that have a problem with you?

Victim Deputy B: It's -- it's just this select group of people that have a problem with me.

On April 1, 2019, Deputy 6 was on patrol the night of the party. He stopped by while on duty to say hello to his training officer, Deputy 7. He did not see any part of the fight but heard about it the next day. Deputy 6 was asked by ICIB Investigator 1, "are you aware of any tension between the newer generation of deputies and the older generation of deputies." Deputy 6 stated that there were tensions such that "a lot of us are, you know, don't even want to go to work at our station and contemplating changing stations." Deputy 6 confirmed to ICIB Investigator 1 that Deputy 2 had made a "race remark" about him. Deputy 6 was not asked by ICIB about the exact words of the comments and he did not volunteer that information. Deputy 6 also confirmed that Deputy 8 told him that he was not working hard enough and said that Deputy 8 further stated that if he didn't listen to Deputy 8 he would be "kicked out of the station." Deputy 8 further told Deputy 6 he needed to do the work for other deputies if he wanted to be put on the "future list for **Banditos**." Deputy 6 did not directly identify Deputy 8 as a member of the Banditos. He did not identify any other Banditos. Deputy 6 was asked no follow up questions by ICIB about this statement. He was not asked anything about the Banditos list or the Banditos. ICIB told him that they would notify the POE unit and that a POE investigator would be contacting him. The entire interview lasted less than six minutes. In the ICIB report, Deputy 6 was stated to have not provided anything of evidentiary value.

Below is a transcript segment of the Deputy 6 interview with ICIB:

**ICIB INTERVIEW – DEPUTY 6
EXCERPT 1**

ICIB Investigator 1: Okay, alright and are you aware of any tension between the newer generation deputies and the older generation deputies?

Deputy 6: Yes, there is a lot tension the point where a lot of us are, you know don't even want to go to work at our station and contemplating changing stations.

ICIB Investigator 1: Okay. And are you part of the newer generation?

Deputy 6: Yes sir

ICIB Investigator 1: And, I was aware that [Deputy 7] informed me that possible POE violation involving [Deputy 2] who works ELA station regarding race remark and then also Deputy 8 who is also a Deputy at ELA station made a comment to you about you not working hard enough and if you don't work hard enough or do their work that you would be move out of the station. Is that correct?

Deputy 6: Yeah, I would be kicked out of the station if I don't do other deputies work for them to show that I want to be part of the future list for Bandidos [sic].

ICIB Investigator 1: Okay, what I am going to do is I'm going to inform you that, I will be notifying the POE Policy Quality Unit. I will send them the notification in an email form and then you should be being contacted by a representative from the POE unit, okay. Do you have any questions for me?

Deputy 6: Okay, no sir.

ICIB Investigator 1: Okay, I going to go off tape, [Deputy 6] stay on the line, okay

Deputy 6: Alright

ICIB Investigator 1: Going off tape at 1359²⁰

ICIB Investigator 1 asked the following people about tensions between young and old deputies with no follow up about Bandidos.

- On January 9, 2019, Deputy 9 told ICIB about reading an article about shot callers at the station. There was no follow up about Bandidos.
- Deputy 10 was asked by ICIB "Is there any tension between older and younger deputies." He did not know if there was any. No follow up questions were asked about the Bandidos.
- On October 18, 2018, Deputy 2 talked to ICIB about rumors about the fight. He was not asked what the rumors were, and he was not asked about the Bandidos.

²⁰ This transcript was prepared by the Office of Inspector General from an ICIB recording of Deputy 6 interview.

- On November 14, 2018, Deputy 11 was asked by ICIB about “social groups.” She stated she had read about societies and tattoos but had no personal knowledge. No follow up questions were asked.

On October 2, 2018, Law Enforcement Technician 1 was asked by ICIB if she knew about “rifts between older and younger generations.” She answered she did not know. No questions were asked about Banditos or subcultures. Law Enforcement Technician 1 was asked by ICIB investigators about text messages sent the night of the incident:

ICIB INTERVIEW – LAW ENFORCEMENT TECHNICIAN 1 EXCERPT 1

ICIB Investigator 3: Yeah. In the blue. All right. It says okay. Good. What the hell were they fighting about? [Deputy 12] text, texts back. Who, I have no idea.

Law Enforcement Technician 1: Uh-huh.

ICIB Investigator 3: You text back. It was that new guy, [Victim Deputy C], and [Suspect Deputy X] and [Suspect Sergeant Z]. So we're talking about [Suspect Deputy X] and [Suspect Sergeant Z]?

Law Enforcement Technician 1: Uh-huh.

ICIB Investigator 3: The **OG** guys versus the new guys. Yup and G. Rod. Is that G. -- is that [Suspect Deputy W]?

Law Enforcement Technician 1: Uh-huh.

ICIB Investigator 3: And then you text I've never seen [Suspect Deputy X] so drunk. [Deputy 12] says I haven't either. And you text, reply G. Rod is **OG** now. [Suspect Deputy W]. [Deputy 12] says damn, and [Suspect Deputy Y]. He took [Suspect Deputy X].

Law Enforcement Technician 1: Yeah.

ICIB Investigator 3: What does that mean? He gave [Suspect Deputy X] a ride?

Law Enforcement Technician 1: That was -- yeah. I guess after I left. I don't know. [Deputy 12] thinks he took him –

ICIB Investigator 3: Okay.

Law Enforcement Technician 1: -- home. Or I don't know where.

Despite the obvious gang reference “OG” and the gang behavior of going out looking for victims, ICIB asked no follow up questions.

- On January 10, 2019, Deputy 13 was asked about “tension between older and younger deputies.” He did not know if there were any. No follow up questions were asked about the Banditos.
- On October 30, 2018, Deputy 7 stated that he heard “rumors” about the cause of the fight. He heard that four deputies were relieved of duty because of how they treat other deputies. No questions were asked about the Banditos.
- On October 2, 2018, Deputy 12 was asked about “tension between older and younger deputies.” She did not know if there were any. No follow up questions were asked about the Banditos. ICIB asked her about text messages sent or received after the fight. She said she deleted the text she got from Suspect Deputy Y. She did have one text she sent to Law Enforcement Technician 1: “Dammit what happened? You guys are going to wake up to regret it.” A subpoena was issued for the text messages on her phone. There was nothing of evidentiary value in the text messages.
- On January 23, 2019, Deputy 14 was asked about “tension between older and younger deputies.” He did not know if there were any. No follow up questions were asked about the Banditos.
- On January 11, 2019, Deputy 15 was asked about “tension between older and younger deputies.” He did not know if there were any. No follow up questions were asked about the Banditos.
- On January 17, 2019, Deputy 16 was asked about “tension between older and younger deputies.” She stated she did not want to talk about it. No follow up questions were asked about the Banditos.
- On October 30, 2018, Deputy 17 was asked about “tension between older and younger deputies.” She did not know if there were any. No follow up questions were asked about the Banditos.

- On November 11, 2018, Deputy 18 was asked about “tension between older and younger deputies.” He stated that there was tension about certain “work standards.” No follow up questions were asked about the Banditos.
- On January 9, 2019, Detective 2 was asked about “tension between older and younger deputies.” He did not know if there were any. No follow up questions were asked about the Banditos.
- On October 25, 2018, Deputy 19 was asked about “tension between older and younger deputies.” He did not know if there were any. No follow up questions were asked about the Banditos.
- On March 29, 2018, Deputy 20 stated that she had “heard about the fight” at a briefing. The deputies at the morning briefing were told that an investigation was to be done. She had also heard about a cell phone video but had not seen it. No questions were asked about the Banditos
- On January 15, 2018, Deputy 21 was asked about any “rifts” between older and younger deputies. He stated he had no such knowledge.
- On January 9, 2019, Deputy 22 was asked if he was aware of any “tension between older and younger deputies.” He stated he was not.
- On October 2, 2018, Detective 3 was asked if she was aware of any “tension between older and younger deputies.” She stated he was not.

The following twelve witnesses were interviewed without any questioning about tension between older and younger deputies, gangs, subcultures, or the Banditos.

- Civilian 1 on October 2, 2018
- Clerk 1 on October 26, 2018
- Deputy 23 on October 29, 2018
- Deputy 24 on October 29, 2018
- Deputy 25 on October 29, 2018
- Deputy 26 on October 30, 2018
- Deputy 27 on October 30, 2018
- Deputy 28 on November 6, 2018
- Deputy 29 on December 19, 2018
- Deputy 30 on November 6, 2018

- Civilian 2 on February 5, 2019
- Secretary 1 on October 26, 2019

ICIB Investigation

On September 28, 2018, ICIB initiated a criminal investigation. ICIB Investigator 1 was assigned to this investigation. The ICIB consisted of the following interviews:

- ICIB identified seventy-three witness to be interviewed.
- Twenty-seven out of seventy-three witnesses declined to be interviewed; four of those who declined to be interviewed were identified as suspects, the remaining twenty-three were not so identified. None of the twenty-three deputies who declined to be interviewed were compelled to provide a statement. It should be noted that several of the deputies who declined to be interviewed have been alleged to be members of the Banditos. At least one of these deputies has been promoted to a coveted position in the Sheriff's Department.
- None of the deputies who declined to be interviewed, including the suspect deputies, invoked their right against self-incrimination.
- ICIB conducted recorded interviews of fifty-three deputies. Ten of the interviews were declinations. Of the remaining forty-three recorded interviews twenty-six were deemed by LASD to have provided no evidentiary value in this case.
- The deputies who agreed to be interviewed provided fairly consistent versions of the incident. Witnesses identified the four named suspect deputies as the instigators. The suspect deputies were described by some witnesses as engaging in a pattern and practice of bullying and ostracizing younger deputies who they felt were not performing their duties up to the standards of the older deputies. Some of the veteran deputies were described by some witnesses as being associated with the Banditos deputy clique.
- A number of other witness interviews were deemed by LASD to lack any evidentiary value; however, the lack of questioning about subgroups by ICIB is glaring given that ICIB had the opportunity to explore the motive for the attack as well as the presence of a subgroup, the members of whom were engaging in behavior that was at a minimum in violation of LASD's disciplinary standards.

- Seven interviewees used the term “gang” or Bandito.
- Of those seven, ICIB asked two of the interviewees follow up questions about the Banditos.
- Of all seventy-three witnesses identified by ICIB, only one was questioned about the Banditos by ICIB without that witness bringing it up first.

ICIB also canvassed the area for cameras and obtained surveillance footage from multiple sources. All videos are of poor quality and/or do not provide clear views of any part of the incidents described in the ICIB report. Several witnesses stated that there was a rumor that a cell phone video of the incident was taken but none of the witnesses indicated that they saw such footage, nor could they add any further information about the video. No such video was ever located by the investigators. Search warrants were issued for the cell phones of Deputy 12 and Deputy 30. No other warrants were issued. No video was located on either phone.

The investigation culminated with an incident report dated June 14, 2019, that listed the charges as: Assault with a deadly weapon Penal Code section 245(a)(1)²¹, battery with injury Penal Code section 243(d), and criminal threats Penal Code section 422. Despite the fact that Victim Deputy A had two lacerations, one requiring sutures, there was no mention of Great Bodily Injury as a charge or enhancement.²² Further, Victim Deputy B was choked to the point of losing consciousness which could also be considered great bodily injury.²³

On June 19, 2019, ICIB submitted its investigation to the Justice System Integrity Division unit of the LADA’s Office.

Concerns with ICIB Investigation

²¹ None of the ICIB investigative reports indicate a weapon was used. The incident report lists the “weapon” as “other weapon: bodily force.” The appropriate charge would therefore be a violation of Penal Code section 245(a)(4) assault “by means of force likely to produce great bodily injury.”

²² “An examination of California case law reveals that some physical pain or damage, such as lacerations, bruises, or abrasions is sufficient for a finding of ‘great bodily injury.’ ” (People v. Washington (2012) 210 Cal.App.4th 1042, 1047, italics added.)

²³ The term “serious bodily injury” “means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.” (Cal. Pen. Code section 243(f)(4).) The terms “serious bodily injury” in section 243 and “great bodily injury” in Pen. Code section 12022.7 have substantially the same meaning. (People v. Hawkins (1993) [15 Cal. App. 4th 1373](#)).

It is of concern that despite gleaning information from five deputies about East LA station's veteran deputies' association with a group known as the Banditos, witnesses were not thoroughly questioned about the group and some witnesses were not questioned at all regarding their knowledge of the Banditos. Even without thorough investigation, the evidence establishes the motive for these assaults was intimidation and enforcement of standards of policing established by the veteran deputies who identified as Banditos.

ICIB only asked one witness if the suspects were Banditos. They did not ask if the bullying described was ordered by Banditos or whether this was a common practice of Banditos. Further, after ICIB asked numerous witnesses about tensions between older and younger deputies, which was clearly a central aspect of this case, there were no follow up questions about any association the older deputies have with Banditos or any subgroup. Sergeant 2 told investigators that the tensions were not between older and younger deputies but rather between those deputies who associated with the Banditos and those who did not. Sergeant 2 further described the behavior of the Banditos by stating that the Banditos ostracized lazy deputies, clearly suggesting that this subgroup engaged in other behavior of the sort demonstrated at Kennedy Hall. By not fully exploring the Banditos connection to this incident, ICIB did not fully investigate the motive of the assaults. That failure to investigate directly led to footnote five of the District Attorney memorandum which downplayed the Banditos element of the investigation as motive and will be discussed further below.

District Attorney Charge Evaluation

On February 6, 2020, the LADA's office declined to file charges against the four suspect deputies. The charges considered by the LADA's Office were violations of Penal Code sections 242, 243, and 422: battery, battery with serious bodily injury and criminal threats respectively.²⁴ The LADA's rationale for declining to file a case against the four suspects was as follows: alcohol was involved, the area in question was dark and thus the video did not sufficiently capture the incident, contradictory statements were made by witnesses and parties involved, and all of the suspects and victims were all potentially biased. Therefore, the LADA's Office concluded that there was insufficient evidence to prove beyond a reasonable doubt that any of the suspects committed any crime.

²⁴ While the charges listed in the incident report included Penal Code section 245(a), it is common for the LADA when declining charges to list lesser included or lesser related charges. The charges considered by LADA fall within the category of lesser charges related to a violation of Penal Code section 245(a). As previously noted, the appropriate Penal Code section 245(a) subsection would be (4), assault by means of force likely to produce great bodily injury. Both Penal Code section 242 and 243(d) are related charges.

The majority of the LADA memorandum focused on inconsistencies in accounts by percipient witnesses. Most of these inconsistencies were minor and of the type inherent in criminal investigations with multiple witnesses. The witnesses to the assaults at Kennedy Hall identified the suspects and described what each of them did on the night in question. Further, the memorandum focused on how prior instances of bullying had the potential of resulting in bias on the part of the victim deputies rather than how the bullying and ostracism were motives in the assault. To fully examine this motive, a discussion of the pattern and practice at the East LA Station of allowing veteran deputies to enforce a code of conduct among younger deputies needed to take place. Oddly, the LADA memorandum included footnote five which downplayed the involvement of the Banditos in enforcing this code. The footnote states:

“Although there was some mention of a subculture “Banditos” existing at the ELA station, the Banditos were not a focus of this investigation nor were the suspects identified as being part of this subculture. Furthermore, whenever mentioned, the Banditos were simply associated with a group of older, more senior deputies that simply ostracized younger deputies they felt were lazy. At no point in this investigation did any witnesses indicate that the Banditos were equivalent to a gang or any type of criminal enterprise.”

This footnote is concerning for several reasons. First, the motive of the assault was the senior deputies imposing their standard on younger deputies. Motive is a central element of every criminal case and requires detailed analysis.²⁵ Second, the LADA seems to validate the existence and purpose of the Banditos in saying that they were “simply associated with a group of older, more senior deputies that simply ostracize younger deputies they felt were lazy.” Finally, stating that no witnesses indicated that the Banditos were equivalent to a gang suggests a lack of thoroughness in reading the statements provided by ICIB or lack of familiarity with Penal Code section 186.22, or both.²⁶ Deputy 1 clearly stated that Deputy 3, Suspect Deputy W, and Suspect Deputy X manipulated people “like a gang,” and an analysis of the totality of the statements provided to ICIB clearly shows that a gang

²⁵ See Judicial Council of California. Criminal Jury Instructions, 2020-1 Edition, Volume 1, CALCRIM 370. See also California Jury Instructions: Criminal, 2020-1 Edition, Volume 1, CALJIC 2.51, which reads in part “Presence of motive may tend to establish the defendant is guilty. Absence of motive may tend to show the defendant is not guilty.”

²⁶ California Penal Code section 186.22(f) reads: “As used in this chapter, “criminal street gang” means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in [this section], having a common name or common identifying sign or symbol, and whose members individually or collectively engage in, or have engaged in, a pattern of criminal gang activity.” Among the criminal acts enumerated in [this section] which may form the necessary pattern of criminal activity are assaults by means of force likely to produce great bodily injury, witness intimidation and threats to commit acts likely to produce great bodily injury.

type culture existed at the East LA Station and the Banditos were the group that exhibited that behavior.

Conclusion

The motive of the Kennedy Hall incident appears to have been an effort by a group of veteran deputies to impose their will on younger deputies as part of an ongoing pattern and practice. These older deputies were reportedly members of, or in some cases associated with, the Banditos. Substantial evidence exists to support the conclusion that the Banditos are gang-like and their influence has resulted in favoritism, sexism, racism, and violence. Despite all this, the majority of the witnesses interviewed in the ICIB investigation were not asked any questions about the Banditos. Even when the witnesses brought up the Banditos there was little or no follow up by ICIB investigators. It appears from the interviews that ICIB did not want to delve into the Banditos involvement in the fight or their control over the East LA Station. The District Attorney memorandum failed to analyze the involvement of the Banditos and implied a lack of credibility on the part of the alleged victims with little evidence while giving no consideration to evidence that would cause a jury to strongly question the credibility of the suspects. Finally, the criminal investigation failed to obtain statements from multiple witness deputies, some allegedly members of the same secret society as the suspects. Although such statements are required by LASD policy, by procedure and in practice deputies are told that they are not required to provide statements in criminal investigations.²⁷

Recommendations

Recommendation 1: LASD should thoroughly investigate internal criminal allegations. A thorough investigation includes investigating possible motives of the suspects as well asking questions that would elicit information as to a witness's potential bias. Investigators should follow all LASD policies and procedures and should apply the same investigative practices to investigations relating to alleged gang behavior of deputies as would be employed in the investigation of a serious crime by a suspect who is not an employee of LASD.

Recommendation 2: LASD should compel statements from all witness deputies who do not invoke their right against self-incrimination. Our review shows no basis for the assertion of a Fifth Amendment privilege as to many of these deputies. In

²⁷ See MPP 3 01/040.85 COOPERATION DURING CRIMINAL INVESTIGATIONS; but see also Internal Criminal Investigations Bureau Unit Order 2-12, January 3, 2003, Representative Rights of Sworn Employees; memorandum from Captain, Internal Criminal Investigations Bureau to ICIB investigators, dated April 8, 2014, Internal Interviews of Employees and Relevant Admonitions, April 8, 2014; and Internal Criminal Investigations Bureau Unit Order 2-24, March 19, 2018, Compelled Employee Witness Interview Protocol (procedures in the latter unit order have not been fully implemented by LASD and were not followed in this investigation).

fact, none of the deputies who declined to be interviewed asserted the Fifth Amendment right against self-incrimination. In those cases in which a witness employee invokes the Fifth Amendment but is not a subject of the criminal investigation LASD should compel a statement when appropriate.