



AUGUST 10, 2021

TO: Los Angeles Civil Grand Jury

FROM: Lynne Lyman, on behalf of Reform L.A. Jails
Waunette Cullors
Ruth Sanchez

RE: Citizen's Complaint

Concerned citizens Lynne Lyman on behalf of Reform L.A. Jails, Waunette Cullors, in her personal capacity, and Ruth Sanchez, in her personal capacity (collectively, "Concerned Citizens") through their undersigned counsel, submit this Citizen Complaint requesting that the Los Angeles Civil Grand Jury open an investigation into Los Angeles Sheriff Alex Villanueva for willful or corrupt misconduct in office pursuant to Government Code, § 3060.

Pursuant to Government Code, § 3060, we request that at the conclusion of the investigation, the foreperson of the Grand Jury deliver an accusation to the Los Angeles District Attorney, who must then conduct a jury trial of Sheriff Villanueva.

I. INTRODUCTION

In California, elected officials may be removed from office if they have committed "willful or corrupt misconduct in office." (Gov. Code, § 3060.) When a citizen submits a complaint about an elected official's willful or corrupt misconduct, the Civil Grand Jury conducts its own investigation. If the Civil Grand Jury determines that there is probable cause that the elected official has engaged in willful or corrupt misconduct, it issues an accusation—similar to an indictment—and delivers it to the



District Attorney, who must prosecute the action. If found liable, the official is removed from office.

Concerned Citizens submit that Sheriff Villanueva’s short tenure in office has been characterized by willful and corrupt misconduct. As set forth below, for the last two and a half years, Sheriff Villanueva has exhibited a pattern of abuse of power, corrupt cronyism, and obstruction of oversight and justice efforts. He has knowingly permitted deputies within his department to abuse, harass, attack, and kill Los Angelenos, with a clear disregard for their civil rights. Deputies responsible for this unlawful conduct are rarely disciplined and certainly not arrested. When oversight bodies or other county officials have attempted to investigate LASD for its numerous transgressions, Sheriff Villanueva has thwarted those efforts at every turn. He has harassed and threatened his political enemies with criminal prosecution—in one instance driving an official into early retirement, at great cost to the County. This conduct is unacceptable from any elected official, but particularly the Sheriff, who is entrusted with securing the safety and well-being of the entirety of Los Angeles County.

Sheriff Villanueva’s conduct in office warrants an investigation by the Civil Grand Jury into whether he has committed willful or corrupt misconduct in office under Government Code, § 3060. Below, Concerned Citizens summarize the transgressions that likely amount to willful or corrupt misconduct in office. We also provide an appendix of exhibits that offers further detail about the concerning conduct Sheriff Villanueva has exhibited while in office, to assist the Civil Grand Jury in its investigation.

II. ACCUSATIONS UNDER GOVERNMENT CODE, § 3060

California Government Code § 3060 permits citizens to complain to the Grand Jury about willful or corrupt misconduct of an elected official. In Los Angeles, the Civil Grand Jury is the proper forum for a § 3060 Complaint, because it is the body responsible for the examination of all aspects of county government. (<http://grandjury.co.la.ca.us/>, last accessed May 12, 2021.) The Grand Jury investigates



the complaint, and if it determines that the official has committed willful or corrupt misconduct in office, it issues an accusation to the District Attorney, who must prosecute the action in the same manner as the trial of an indictment. (Gov. Code, § 3062 [“The accusation shall be delivered by the foreman of the grand jury to the district attorney of the county, unless he is the officer accused.”]; Gov. Code, § 3070 [“The trial shall be by a jury, and conducted in all respects in the same manner as the trial of an indictment.”].)

If found liable under Government Code § 3060, the elected official is removed from office. (Gov. Code, § 3072 [“Upon a conviction and at the time appointed by the court it shall pronounce judgment that the defendant be removed from office.”].) There is no civil or criminal penalty. (*Stark v. Superior Court* (2011) 52 Cal.4th 368, 410 [Gov. Code, § 3060 “is not a criminal prosecution; i.e., its object is not to convict the defendant of a crime but merely to remove him or her from office, no other punishment being authorized.”].)

III. WILLFUL OR CORRUPT MISCONDUCT IN OFFICE

A crime committed in a defendant’s official capacity amounts to willful or corrupt misconduct under Gov. Code, § 3060. (*Stark, supra*, 52 Cal.4th at p. 410.) Moreover, the “acts which can be punished under Government Code section 3060 are broader than behavior subject to criminal charges.” (*Ibid.*) “[M]isconduct in office’ is broad enough to include any willful malfeasance, misfeasance, or nonfeasance in office,” even without any ‘criminal intention.’” (*Id.* at p. 411, citing *Coffey v. Superior Court* (1905) 147 Cal. 525, 529].)

Violation of a municipal ordinance can constitute willful misconduct if it “betrays, in the heart of the malefactor, a contempt for the law.” (*People v. Harby* (1942) 51 Cal. App. 2d 759, 767.) Although mere negligence is not sufficient for liability under Government Code § 3060, government officials do not have to act with the intent to commit misconduct to have a “corrupt or malicious motive.” (*Coffey, supra*, 147 Cal. 525 at p. 529.)



Misconduct for which accusations have been issued include (but are not limited to): willful failure to investigate a crime (*People v. Mullin* (1961) 197 Cal. App. 2d 479, 486); misuse and mishandling of public funds and public property (*Harby, supra*, 51 Cal. App. 2d at p. 767); using an official position to influence a political campaign and solicit campaign contributions while on duty (*People v. Hulburt* (1997) 75 Cal.App.3d 404); and illegal violation of conflict-of-interest laws (*People v. Elliott* (1953) 115 Cal.App.2d 410; *People v. Becker* (1952) 112 Cal.App.2d 334).

It is appropriate to issue an accusation where, like here, a sheriff has engaged in willful or corrupt misconduct while acting in his official capacity. An accusation was issued against a Humboldt County deputy sheriff for misconduct related to the re-election campaign of his supervisor. (*Hulburt, supra*, 75 Cal.App.3d at p. 404.) An accusation was issued against Tuolumne County's sheriff for failure to investigate an alleged instance of a father molesting his daughter. (*Mullin, supra*, 197 Cal. App. 2d at p. 482-83.) An accusation was issued against L.A. County Sheriff John Casper Cline for misuse of public funds.

IV. VILLANUEVA'S RISE TO POWER

In November 2018, Alex Villanueva became the first challenger in 100 years to unseat an incumbent L.A. County Sheriff, running on a message of reform, transparency, and public integrity.

Before his election, Villanueva was a little-known lieutenant from La Habra Heights who had overseen, at most, approximately 40 deputies at the height of his career. Upon taking office, he was suddenly tasked with running the largest sheriff's department in the world, including managing approximately 10,000 deputies and 8,000 civilian employees, providing law enforcement to all of unincorporated L.A. County and 44 cities, and overseeing an average daily population of 17,000 incarcerated individuals in L.A. County jails.

Villanueva styled himself as a reformer, focused on ridding LASD of corruption from the top down and restoring communities' faith in law enforcement. As a candidate, Villanueva promised to "[r]eform the LASD by cleaning house, top to



bottom, and raising standards across the board; [r]ebuild the organization around the principles of community policing; [and] [r]estore trust that has been lost between the community and the LASD, and within the LASD itself.” He emphasized that the sheriff “wields enormous power in shaping the future leadership of the [LASD],” and warned that his predecessor “misused [that power] to support nepotism and cronyism.” Villanueva promised to create “[a] reformed, fully-staffed LASD working hand in hand with the community as equal partners to ensure the safety of all who set foot in Los Angeles County.”¹

Villanueva also assured supporters that he would seek to improve relations between LASD and the communities it polices, particularly communities of color. At his swearing in, Sheriff Villanueva announced his intent to “empower communities of color” and focus on community- based policing, pledging that his deputies would work for those communities and not the “powers that be.” (Ex. A.3.) The new sheriff swore that “[t]hose days are over.” (Ex. A.3, C.3.) During the last two years, it has become clear that Sheriff Villanueva is unwilling to enact meaningful reforms in his Department, or even cooperate with County officials trying to enact oversight.

V. PROLIFERATION OF DEPUTY GANG MISCONDUCT

For decades, secretive subgroups of deputies within LASD, known as deputy gangs, have terrorized both the communities of color they police and LASD employees. The gangs are well- known and widely feared for their shootings, beatings, racial profiling, and illegal searches, and for creating a culture of violence, harassment, and intimidation within the Department.

After taking office, Sheriff Villanueva publicly claimed he banned deputy gangs and promised to investigate gang activity. In reality, Sheriff Villanueva has resisted appeals by stakeholders and oversight bodies urging him to investigate deputy gangs. He has dismissed concerns about the gangs, referring to them as benign “intergenerational rival[ies],” and characterizing their abuses as harmless “hazing”

¹ All quotes in this paragraph are from Sheriff Villanueva’s responses to a candidate survey. See Ballotpedia’s Candidate Survey: Alex Villanueva’s Responses, Ballotpedia (May 30, 2018), [https://ballotpedia.org/Alex_Villanueva_\(California\)](https://ballotpedia.org/Alex_Villanueva_(California)).



rituals. (Ex. B.1.) Sheriff Villanueva has confirmed that no deputy has been disciplined for joining a gang since the so-called ban went into effect and he announced that association with a gang does not violate department rules and cannot lead to disciplinary action.

Worse still, the Sheriff has rewarded and even encouraged members of deputy gangs. For example, Sheriff Villanueva aggressively pursued the rehiring of Caren Mandoyan, a known gang member who had been fired for stalking and committing domestic violence against a female deputy, then breaking into her home and using his status as a gang member to threaten her not to report him. Additionally, Sheriff Villanueva has rewarded members of the Banditos gang who severely beat other deputies with transfers to highly coveted assignments within the homicide unit.

As a result, deputy gangs have proliferated under Sheriff Villanueva's watch. The proliferation of these gangs has created an "us versus them" (deputies versus community members) culture that pervades LASD. (Ex. D.23, F.2.) That culture "embrac[es] a warrior model of policing in which the deputies behave like an occupying force of the communities they police." (Ex. D.23.)

On April 15, 2021, the Los Angeles Sheriff Civilian Oversight Commission ("the Commission"), a body created to improve public transparency and accountability with respect to LASD, called on Sheriff Villanueva to impose an outright ban on deputy gangs. Commissioners lamented that Sheriff Villanueva's current policy is weak and ineffectual. Sheriff Villanueva did not attend the meeting at which the Commission adopted the policy, and there is no indication that he will follow its recommendation.

By publicly vowing to ban deputy gangs yet refusing to enforce the ban or discipline deputies for gang involvement, Sheriff Villanueva is shielding deputy gangs from repercussions for their wrongdoing. As set forth more fully herein, permitting the proliferation of deputy gangs has led to deputies regularly acting with conscious disregard or outright hostility towards Los Angelenos' civil rights. Sheriff Villanueva's refusal to curb deputy gangs—and his actions to outright reward gang members—may amount to willful or corrupt misconduct in office, and warrants an investigation by the Grand Jury. The problems posed by LASD deputy gangs and Sheriff Villanueva's refusal to meaningfully combat them are detailed in Appendix B.



VI. ATTEMPTED REINSTATEMENT OF DEPUTIES FIRED FOR CAUSE

After his election, Sheriff Villanueva created a process to consider rehiring as many as 400 deputies and civilian employees previously fired for reasons including unreasonable use of force, lying to investigators, and domestic violence.

A particularly alarming example is Caren Carl Mandoyan. Mandoyan is Sheriff Villanueva's close friend and staffed his 2018 campaign for LA County Sheriff. Mandoyan is a former deputy and member of the Grim Reaper gang. Former Sheriff McDonnell fired Mandoyan in 2016 after he committed acts of domestic violence against a female deputy, stalked her, tried to break into her residence, and then lied to investigators. Yet Sheriff Villanueva chose to staff Mandoyan on his campaign, and the two are so close that Mandoyan was on stage during Villanueva's swearing in, holding the gold pins that would be set on the uniform collars of Sheriff Villanueva and his new officers.

Upon taking office, Sheriff Villanueva personally selected three members of his executive staff to reconsider Mandoyan's firing. Unsurprisingly, they recommended reinstating Mandoyan, dismissing the allegations against him despite video evidence of him attempting to break into his accuser's apartment. Sheriff Villanueva then attempted to reinstate Mandoyan—awarding him \$200,000 in backpay and recharacterizing his misconduct as “a private relationship between two consenting adults that went bad”—but did so without the necessary approval from county officials. (Ex. A.2.) Oversight bodies sought to intervene, but Sheriff Villanueva vehemently resisted. The Inspector General (“IG”) began an investigation into the rehiring, but Sheriff Villanueva restricted Office of Inspector General's (“OIG”) access to all internal personnel records, impeding the investigation—and any future investigations into deputy misconduct.² The Board of Supervisors issued a unanimous rebuke of the Sheriff, and when Sheriff Villanueva refused to reconsider, the Board cut off Mandoyan's pay and sued to prevent the rehiring. A judge ultimately ruled that Sheriff Villanueva exceeded his authority and engaged in “unlawful” acts by rehiring

² This incident and many of the other incidents outlined in the Citizen Complaint are recounted in the OIG Report, Appendix A, Ex. A.1. Concerned Citizens submit that the resources in Appendix A—and particularly the OIG Report—are a recommended starting point for the Grand Jury's investigation into Sheriff Villanueva's willful or corrupt misconduct in office. The resources in Appendix A provide an overview of the Sheriff's misconduct.



Mandoyan. (Exs. C.1, C.2, [Holding that the Board of Supervisors had to approve the settlement that gave Mandoyan backpay and benefits because “[n]o statute grants the Sheriff the authority to control litigation or enter into settlement agreements on behalf of the County”; and that “Mandoyan was not rehired from a properly certified eligibility list,” therefore, “the Sheriff’s action to rehire Mandoyan was unlawful.”].)

While Sheriff Villanueva’s effort to bring Caren Mandoyan back to LASD ultimately failed, this incident demonstrates how he has run the Department over the last two and a half years. He values rewarding and protecting those loyal to him over the public interest, and he does not respect oversight efforts. Sheriff Villanueva’s attempt to rehire LASD employees terminated for- cause including Caren Mandoyan, and his resistance to oversight efforts, warrants an investigation into whether such conduct amounts to willful or corrupt misconduct in office. Further information about this topic may be found in Appendix C.

VII. DEPUTY USE-OF-FORCE AND ON-DUTY KILLINGS

During Sheriff Villanueva’s tenure, deputy shootings have significantly increased. Troublingly, Black and Hispanic individuals are disproportionately more likely to be subjected to force by deputies relative to their proportion of the population. By the county’s own admission, in 2020, Sheriff’s deputies shot a five-year-high of at least 32 victims, killing at least 17 people. To make matters worse, in most instances, it does not appear that the Department disciplines or prosecutes the responsible deputies.³ (See California Penal Code § 335 [mandating that “every . . . sheriff . . . must inform against and diligently prosecute persons whom they have reasonable cause to believe offenders against the provisions of this chapter” and noting that neglecting to do so constitutes a misdemeanor].)

³ It has widely been reported that most deputies responsible for on-duty shootings have faced very little (if any) discipline and have not been prosecuted. It is impossible to know for certain, however, because Sheriff Villanueva has refused to release the names of deputies involved in shootings, in violation of state law. (See *Long Beach Police Officers Assn. v. City of Long Beach* (2014) 59 Cal.4th 59, 72 [holding that police department was required to disclose the names of officers involved in a 2010 police shooting under the California Public Records Act].)



Those killed by sheriff's deputies in 2020 include Raymundo Ceja, Richard Lugo, Robert Avitia, Robert Colvin, Jarrid Hurst, Michael Thomas, Tony Rocha Lugo, Terron Jammal Boone, Andres Guardado, Dijon Kizzee, Samuel Herrera, Jr., Dana Young, Fred Williams III, Nicholas Burgos, Jr., Sam Conner, Saul Salgado, Christian Sotelo Juarez, Moises Arreola.⁴ In the first few months of 2021, sheriff's deputies have killed Allen Mirzayan, David Ordaz, Jr., and Alfredo Aceves.⁵

An example of an unprovoked, unreasonable, and tragic deputy killing is that of Michael Thomas, a 61-year-old disabled Black man. In the early morning of June 11, 2020, Mr. Thomas' girlfriend dialed 9-1-1 accidentally; the operator heard what they considered a domestic violence incident, and five LASD deputies arrived at Mr. Thomas' home. When the deputies knocked on Mr. Thomas' door, he said he did not want to let them in—he said he was fearful they would kill him because he is Black, and specifically invoked George Floyd's murder. The deputies kept insisting that he open the door. When he did, he stepped back and put his arms up to show that he was unarmed. Despite this, deputies forced the door open, grabbed Mr. Thomas, and began to restrain him. While one deputy was attempting to restrain Mr. Thomas' left arm, he jerked forward or to the side, due to his disability. At that moment, another deputy, in very close range, shot Mr. Thomas in the chest. The entire incident—from the time the deputies barged through the door to the shooting—lasted mere seconds. After the killing, the deputies left Mr. Thomas to die, sitting in a pool of his own blood. Deputies turned their guns toward his girlfriend and brother who tried to rush to his aid and forced them out the back door. None of the deputies attempted to render aid for approximately 15 minutes, when EMTs arrived on the scene, but by that point, it was too late. Mr. Thomas meant the world to his family—he was a beloved father, brother, and community member. Mr. Thomas' family has attempted to learn more information about his killing, but Sheriff Villanueva has rebuked every attempt. He has

⁴ This may be an incomplete list.

⁵ This is an incomplete list. There have been additional killings, but the names of all the victims have not been released.



not provided the family with the police report and refuses to provide the names of the deputies responsible for Mr. Thomas' killing.⁶

The killing of people of color by sheriff's deputies has led to public outcry, demands for justice, and calls for reform. Other victims who were tragically shot dead by LASD deputies and whose deaths have received significant media coverage include Dijon Kizzee, a 29-year-old Black man; Dana Young, a 47-year-old Black man; Paul Rea, an 18-year-old Latino man; Andres Guardado, an 18-year-old Latino man; and Fred Williams III, a 25-year-old Black man. Among those who were shot by LASD and suffered a permanent disability include Isaias Cervantes, a 25-year-old deaf, autistic Latino man. These men's stories are recounted in Appendix D.

Due to the alarmingly high incidences of deputy killings under Sheriff Villanueva's watch, as well as LASD's other civil rights violations (which are outlined herein), in 2020, then-Attorney General Xavier Becerra opened a civil rights investigation into LASD. The AG's office stated about the investigation: "The California Department of Justice (DOJ) investigation comes on the heels of allegations of excessive force, retaliation, and other misconduct, as well as a number of recent reported incidents involving LASD management and personnel." (Ex. D.24.)

LASD's deputy shootings, which are often unprovoked and unlawful, may amount to criminal conduct on the part of the deputies, and in many instances violate the victims' rights under the Fourth Amendment to the United States Constitution and California law. (*Graham v. Connor* (1989) 490 U.S. 386, 387 ["Claims that law enforcement officials have used excessive force in the course of an arrest, investigatory stop, or other 'seizure' of a free citizen are most properly characterized as invoking the protections of the Fourth Amendment, which guarantees citizens the right "to be secure in their persons ... against unreasonable seizures[.]"; *Susag v. City of Lake Forest* (2002) 94 Cal. App. 4th 1401, 1412-13 [holding that California courts evaluate battery by police officer using excessive force standard]; Bane Civil Rights

⁶ Confusingly, Sheriff Villanueva has cited Gov. Code § 6254, subd. (f) as his basis for failing to provide the names, but that is one of the provisions the Long Beach Police Officers Assn. court cited as usually requiring disclosure of names of deputies involved in on-duty shootings: "Under that statute [Gov. Code § 6254, subd. (f)], when a shooting by a peace officer occurs during an arrest (Gov. Code, § 6254, subd. (f)(1)) or in the course of responding to a complaint or request for assistance (id., § 6254, subd. (f)(2)), and when the officer's name is recorded as one of the "factual circumstances" of the incident, disclosure of the officer's name is generally required." (Long Beach Police Officers Assn., supra, 59 Cal.4th at 72.)



Act, Calif. Fair Housing and Public Accommodations § 14:5 [The Bane Act [Civ. Code, § 52.1] “provides protection whenever a person . . . whether or not acting under color of law, interferes by threats, intimidation, or coercion, or attempts to interfere by threats, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of state or federal statutory or constitutional rights.”].)

As the head of LASD, Sheriff Villanueva sets the culture, tone, policies, practices, and customs of the Department. He also oversees deputy training and discipline policies. The fact that deputy shootings are apparently commonplace in the Department—and very little effective action has been taken to curb them or discipline the responsible deputies—is directly attributable to Sheriff Villanueva. Further, as set forth below, Sheriff Villanueva took a number of steps to block investigations into several deputy shootings. These events likely amount to willful or corrupt misconduct in office and warrant an investigation.

VIII. HARASSMENT OF LASD VICTIMS’ FAMILY MEMBERS

When family members of the victims of LASD deputy killings have spoken out, LASD has retaliated against them with harassment and intimidation, causing them to suffer at the hands of the very Department that killed their loved ones. Two examples are the family members of Paul Rea and Anthony Vargas—both of whom were shot and killed by LASD deputies. After their family members spoke out against LASD police brutality, deputies targeted them for harassment and intimidation. According to a report authored by the ACLU and other advocacy groups, the intimidation tactics include “slowly driving by memorial sites; damaging items at memorial sites; taunting family members with rude comments, gestures, smirks, and laughter; following family members while they are driving; parking outside family members’ workplaces; and taking pictures of or recording family members.” (Ex. D.23.) “Deputies have also engaged in more serious and often illegal forms of harassment on a number of occasions, including targeting family members for arrest and detention without probable cause, frequently pulling over family members and searching their vehicles, and harassing family members of minor age.” (*Ibid.*)



LASD deputies' retaliation against victims' families for exercising their freedom of speech and assembly and speaking out against LASD misconduct likely amounts to violations of the First Amendment, Fourth Amendment, and the California Constitution. (See *Florida v. Royer* (1983) 460 U.S. 491, 500; *Michigan v. Long* (1983) 463 U.S. 1032, 1049-50; *Carroll v. United States* (1925) 267 U.S. 132, 149; *Terry v. Ohio* (1968) 382 U.S. 1, 15; *Hartman v. Moore* (2006) 547 U.S. 250, 256 ["[T]he law is settled that as a general matter the First Amendment prohibits government officials from subjecting an individual to retaliatory actions . . . for speaking out."]; Cal. Const., art. I, § 2 [guaranteeing the right to freedom of speech and press].) It is evident that Sheriff Villanueva is aware of many of these incidents—in fact, some of them occurred at or directly after town halls he hosted. Despite this, he has not taken any meaningful steps to stop this activity and has never apologized to the families.

Sheriff Villanueva's failure to curb LASD's targeted harassment of victims' family members likely amounts to Villanueva's willful or corrupt misconduct in office and warrants an investigation. Additional details about the pain and suffering endured by the families of Paul Rea, Anthony Vargas, and others is provided in Appendix D.

IX. OBSTRUCTION OF INVESTIGATIONS INTO DEPUTY SHOOTINGS

As discussed above, Sheriff Villanueva has fostered an environment within LASD in which deputies can expect to face little or no consequences for killing the people they are sworn to protect. To make matters worse, Sheriff Villanueva and his department have gone even further to shield deputies from discipline for unlawful use of force. Under Sheriff Villanueva's command, LASD has actively impeded investigations by oversight entities into deputy shootings, and has continually defended his department's obstruction.

Sheriff Villanueva has repeatedly placed "security holds" on the coroner's reports of victims of shootings by deputies, an action that prevents the coroner from publicly disclosing autopsy results that would otherwise reveal damning evidence against deputy-shooters. For example, after killing Andres Guardado, LASD placed a security hold on autopsy results that would have revealed deputies shot the 18-year-old five times in the back while he was fleeing. After killing Dijon Kizsee, who



was stopped on his bike for allegedly riding on the wrong side of the road, LASD placed a security hold on autopsy results that would have revealed he had been shot 16 times while running from deputies. In a rare move, the coroner's office overrode one of Sheriff Villanueva's security holds in the interest of transparency, stating that "the administration of justice, as well as the public's right to know" require that law enforcement be "more transparent in sharing information that the public demands and has a right to see." (Ex. D.4.) Sheriff Villanueva responded by attacking the coroner for "sacrific[ing] the integrity of the investigation in a bid to satisfy public curiosity." (Ex. D.4.)

Sheriff Villanueva then announced that going forward he would direct LASD to seek court orders forcing the coroner to seal autopsy results in deputy killings. After deputies killed Dana Young, LASD officials complied with Villanueva's command and surreptitiously obtained a court order barring the coroner from releasing Young's autopsy report. The coroner objected and county lawyers—who usually defend LASD in litigation—intervened to fight the order, claiming it reflected LASD's attempt to "make an end run" around the coroner's office. (Ex. D.12.) A court vacated the order noting that it would have required the coroner to violate state law requiring the release of an autopsy report absent a demonstration of heightened interest in delaying disclosure. The judge added that LASD's actions—following through on Sheriff Villanueva's public pledge to seek such an order, and doing so in secret, without consulting county counsel or the coroner—were a "*shock to the conscience*." (Ex. A.1; emphasis added.)

Sheriff Villanueva's pattern of obstruction has also led the coroner to call for the first two coroner's inquests in Los Angeles in over thirty years. Government Code section 27491.6 gives coroners discretion to hold inquests, public investigations to determine the circumstances and manner of death, but they are exceptionally rare in L.A. County. Sheriff Villanueva criticized these coroner's inquests as a "circus stunt" (Ex. A.1), and LASD deputies and investigators have refused to testify or answer questions at these proceedings, invoking the Fifth Amendment right against self-incrimination, even when entirely inapplicable.

The above allegations only scratch the surface. Sheriff Villanueva has largely failed to release the names of deputies involved in shootings or comply with records



requests seeking such information, citing potential threats to the safety of those deputies, despite a Supreme Court ruling requiring such disclosure.⁷ The situation reached a boiling point recently. On May 18, 2021, in response to the Sheriff’s unlawful withholding of such information, the Board of Supervisors directed its attorneys to draft an ordinance requiring the Sheriff’s Department to publish the names of involved deputies within 48 hours of a shooting. Rather than comply, the next day Sheriff Villanueva announced that he had adopted a new policy of releasing deputies’ names 30 days after a shooting. This promise is illusory: the Sheriff will only release a name after 30 days if *his investigators* determine that no threat exists against the deputy; however, he previously withheld the names of nearly every deputy involved in a shooting based on perceived threats. Appendix D provides further information on this subject, and more, including the Sheriff’s decision to block the IG’s request to witness an autopsy of the victim of a particularly high-profile deputy killing.

Sheriff Villanueva’s efforts to block and delay investigations into potentially unlawful killings by deputies may amount to obstruction of justice. (18 U.S.C. § 1503 [defining “obstruction of justice” as an act that “corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice.”].) Sheriff Villanueva’s actions warrant an investigation into whether such conduct amounts to willful or corrupt misconduct in office.

X. RETALIATORY ARRESTS OF JOURNALISTS AND PROTESTORS

In response to LASD’s terrorizing communities of color and victims’ families, as well as the Sheriff’s refusal to implement reforms and obstruction of oversight efforts, LASD and Sheriff Villanueva have been the subject of a number of critical news articles and citizen protests. LASD has responded to the criticism by attacking and arresting journalists and protestors. These attacks and arrests, taken in retaliation for

⁷ See *Long Beach Police Officers Assn. v. City of Long Beach*, (2014) 59 Cal. 4th 59, 74 [“In a case such as this one, which concerns officer-involved shootings, the public’s interest in the conduct of its peace officers is particularly great because such shootings often lead to severe injury or death. Here, therefore, in weighing the competing interests, the balance tips strongly in favor of identity disclosure and against the personal privacy interests of the officers involved.”]



the journalists and protestors exercising their freedoms of speech and assembly, likely violate a number of constitutional rights and criminal laws, including the First Amendment, Fourth Amendment, provisions of the California Constitution, and the California Penal Code. (*See, e.g., supra*; Cal. Pen. Code, § 146 [“Every public officer, or person pretending to be a public officer, who, under the pretense or color of any process or other legal authority, does any of the following, without a regular process or other lawful authority, is guilty of a misdemeanor . . . Arrests any person or detains that person against his or her will.”].) Several of these incidents are outlined below; however, these examples are merely some of the many cases of officers retaliating—sometimes violently—against protestors and journalists who dare to question LASD’s troubling pattern of unreasonable use of force against Los Angelenos and, in particular, people of color.

One of the most egregious examples of a retaliatory arrest against a journalist is that of Pablo Unzueta. On September 8, 2020, Mr. Unzueta, a student journalist, was photographing a protest of the LASD killing of Dijon Kizzee, when he was arrested by deputies who trapped him and others in a narrow street. Mr. Unzueta held his hands up and identified himself as a photojournalist to deputies. He was wearing student press credentials and carrying a College Media Association badge. He pleaded with the deputies to call his journalism advisors at Cal State Long Beach, but they did not permit him to make a call. Mr. Unzueta was arrested, handcuffed for two hours and then transported to the South Los Angeles Sheriff’s Station. Then he was transferred to the Twin Towers Correctional Facility, where he was held on suspicion of a misdemeanor, forced to wear an L.A. County inmate uniform, and placed in a cell. After spending the night in jail, he was released the next day. No charges were filed against Mr. Unzueta by the District Attorney’s Office. During the course of the arrest, police seized Mr. Unzueta’s camera—which had a memory card inside with photos of the day’s police brutality, in addition to two years’ worth of freelance photography—and his cell phone. Initially, none of Mr. Unzueta’s property was returned to him. When Mr. Unzueta’s counsel contacted LASD to retrieve the seized property, deputies returned only his camera, but they had removed the memory card with incriminating photos of deputies’ violence against protestors. LASD’s treatment of Mr. Unzueta raises significant concerns, and likely violates the First and Fourth Amendments, the California Constitution, and California and federal civil and criminal statutes. (*See, e.g., Adkins v. Limtiaco* (2013) 537 F. App’x. 721, 722 [holding plaintiff



adequately pled First and Fourth Amendment violations where police officers seized his cell phone, which he used to photograph police activity]; Penal Code, § 1524(g) [prohibiting law enforcement from obtaining a search warrant for the content of reporter’s devices]; 42 U.S.C. § 2000aa(a), (b) [Privacy Protection Act of 1980, making it illegal for a government officer or employee “to search for or seize any work product materials” or documentary materials, related to the prosecution or investigation of a criminal offense, “possessed by a person reasonably believed to have a purpose to disseminate to the public a newspaper, . . . broadcast, or other similar form of public communication.”]; *see also* Cal. Evid. Code § 107 & Cal. Const. art. 1, § 2(b) [protecting reporters from being held in contempt of court if they refuse to reveal “unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public.”].)

There were several other instances of deputy violence against journalists and protestors in 2020. For example, on September 11, 2020, deputies in riot gear converged on a press conference related to protests against the fatal shooting of Dijon Kizzee. At one point, a member of the National Lawyers Guild was grabbed by deputies while filming. LASD defended the action by stating that they were removing the public from the parking lot of a local business at the request of the manager. LASD refused to cooperate with an OIG investigation, which ultimately determined that this claim was false: the event took place in a parking lot that belongs to the Department of Probation and is open to the public.

On September 12, 2020, deputies violently arrested reporter Josie Huang while she was attempting to film the arrest of a protester. (Exs. E.5, E.6.) Despite video confirming that Ms. Huang clearly identified herself as a reporter and was understood by deputies, LASD transported her to jail, cited her for obstructing a public officer, and conducted a follow-up investigation intended to persuade the District Attorney to prosecute her. Sheriff Villanueva has gone to the press to deliberately spread misinformation, falsely claiming that Ms. Huang failed to identify herself as a reporter and neglected to comply with deputies’ instructions. Sheriff Villanueva defended the deputies, claiming that Ms. Huang moved too close to the deputies during the protestor’s arrest, which he believes is “where she crossed the line from journalism to activism.” (Ex. E.8.) The District Attorney declined to prosecute Ms. Huang, citing video evidence contradicting the Sheriff’s claims.



An incident involving protestor Emanuel Padilla further demonstrates how LASD targets the Sheriff's political enemies for particular abuse. On November 15, 2020, Emanuel Padilla, a 34-year-old toy-maker, attended a peaceful protest in Compton demanding justice for Andres Guardado. A police report describing activity at the protest noted two suspects (neither of which were Mr. Padilla) dragging and dropping a coil barricade across a train track. Yet, three days later, deputies arrested Mr. Padilla while he attended a different protest at Sheriff Villanueva's home, demanding justice for Dijon Kizzee and Fred Williams. Mr. Padilla was charged with attempted derailment of a train, held on \$1-million bail, and faced life without parole. On the day of Mr. Padilla's arrest, deputies supplemented their initial report to claim that a detective immediately recognized Mr. Padilla helping move the coil and struggle with deputies, despite video evidence refuting LASD's new description of events. The IG and others have repeatedly accused LASD of trumping up the charges in retaliation for Mr. Padilla's political activity—he was arrested while attending a protest at Villanueva's home based on a retroactively modified police report, he had previously been arrested at *another* protest at Sheriff Villanueva's home, and he was part of a pending class action lawsuit against LASD for unlawful arrests and excessive use of force at BLM protests. The D.A. ultimately dropped the charges against Mr. Padilla after reviewing video evidence and determining that "there was not felonious conduct." (Ex. E.10.) In another instance of harassing LASD victims' family members, deputies pulled over and arrested Mr. Padilla's wife (for suspicion of engaging in misconduct related to motor vehicle documentation) while she was driving to visit Mr. Padilla in jail the night he was arrested; deputies did not release her until the next day.

Sheriff Villanueva has fostered a culture within LASD that condones and may even encourage unlawfully arresting and abusing journalists and protestors, particularly those who criticize the Sheriff and his leadership of the Department. Rather than investigating these instances of wrongdoing, he has defended the deputies, downplayed their wrongful conduct, and blamed the victims. Sheriff Villanueva's conduct with regard to LASD's treatment of journalists and protestors merits an investigation, as it may constitute willful or corrupt misconduct in office. Appendix E provides further information about LASD's retaliation, harassment, and use of force against journalists and protestors.



XI. MISTREATMENT OF INCARCERATED INDIVIDUALS

As Sheriff of L.A. County, Sheriff Villanueva is directly responsible for the well-being of an average daily population of 17,000 individuals incarcerated in L.A. County jails. During his tenure as Sheriff, Villanueva has rolled back much-needed jail reforms, in-custody deaths have skyrocketed, and incarcerated people are being held for far longer than the law permits. To make matters worse, conditions have further deteriorated during the COVID-19 pandemic—with an outsized impact on incarcerated people of color—due to Sheriff Villanueva’s failed leadership.

In 2015, after years of lawsuits to combat uninhabitable conditions, unconstitutional inmate abuse, and inadequate care for the mentally ill dating back to the 1970s, the County entered into a settlement agreement with the United States Department of Justice that required a number of reforms, ranging from reduced use of force against inmates to improved mental health care for incarcerated populations. After the settlement, some improvements were made, including the installation of hundreds of cameras in jails to act as a deterrent to excessive force by deputies.

Unfortunately, since Sheriff Villanueva’s ascension to office, conditions have worsened again, in large part, due to his concerted effort to discredit and roll back reforms. As Sheriff, Villanueva has publicly dismissed court-ordered reforms as an unsuccessful “social experiment.” (Exs. A.2, C.3.)

Incarcerated individuals are suffering as a result of Sheriff Villanueva’s regressive actions on jail reform. Even accounting for the COVID-19 pandemic, in-custody deaths in L.A. County jails skyrocketed in 2020. Forty-one in-custody deaths occurred in 2020, more than double the 2016 total. 2020 also saw an increase in injuries from excessive use of force in county jails.

Incarcerated individuals have faced particular difficulty in the wake of the COVID-19 pandemic. As of December 2020, North County jail in L.A. County had the third largest outbreak of *any jail in the country*, reaching more than 1,500 cases. Yet Sheriff Villanueva claims that conditions are far better in jail than in the general public, stating, “[o]verwhelmingly, it’s far more dangerous outside We’re kind of an island of



relatively low infection rates compared with the community at large.” (Ex. F.7.) Civilian Oversight Commissioners disagree, saying the Sheriff’s data is inaccurate because of inconsistent testing within prisons—which appears *designed* to report low COVID-19 rates. Incarcerated individuals are tested when booked into the system but are not tested again unless they are symptomatic or medically vulnerable—this method of testing, of course, leads to underreporting and lower positivity rates. It also likely leads to a number of undiagnosed COVID cases, which further perpetuates its spread within the jails.

In addition to inadequate treatment of COVID-19 patients, there are widespread reports about the terrible conditions in Sheriff Villanueva’s jails. COVID-19 safety protocols are not meaningfully enforced, and incarcerated populations lack ventilation, soap, or water, have no room to social distance, and lack proper PPE.

One of the few officials who has dared to speak out publicly about the state of the jails paints a scary picture of life in LASD jails during the pandemic. Ahmanise Sanati, the Mental Health Clinical Supervisor for the Twin Towers Correctional Facility, stated in December 2020 that the facility was “operating in squalor.” (Ex. F.8.) She continued, “The inmates cannot socially distance. We cannot socially distance. We don’t have windows, we don’t have ventilation.” (Ex. F.8.) Ms. Sanati said that her colleagues had a credible “fear of retaliation” if they came forward about the conditions in the jails. (Ex. F.8.)

Moreover, people incarcerated in L.A. County jails are spending more time in custody now than they were before the COVID-19 pandemic and have decreased access to courts and their attorneys. The average number of days in custody of someone currently in pretrial detention is 221 days—over 7 months—and it is impossible to know how much longer those individuals will be held. There is also racial disparity; Black people are more likely to suffer increased lengths of pre-trial detention during the pandemic.

The increased jail time is directly attributable to LASD’s approach to addressing COVID-19 in the jails. Any time a single person is believed to have been exposed to COVID-19, their entire housing unit is placed in quarantine. When this happens, they cannot attend court hearings, be transported to medical appointments, cannot be



released from custody, and are often prevented from meeting with their lawyers. Inmates' right to a speedy trial may also be implicated—L.A. County held no trials between March and September 2020. (Cal. Const., art. I, § 1 ["The defendant in a criminal case has the right to a speedy public trial . . ."]; Penal Code, § 1382 [California Speedy Trial Act]; 18 U.S.C. §§ 3161–3174 [federal Speedy Trial Act].)

Gabriel Lopez's story is one example of the negative impacts LASD's misguided and mismanaged COVID-19 restrictions have had on the rights of incarcerated persons. Mr. Lopez has been in the Men's Central Jail since April 2020. He has been in quarantine lockdowns—in a six- by-twelve foot cell with three bunkmates—for nearly all of his 5 month stay in jail. The lockdowns meant that Mr. Lopez was unable to appear in court until 12 weeks after his arraignment. Proceedings like preliminary hearings—which are usually held within 10 days of arraignment— had to be rescheduled eight times.

In light of the terrible conditions in county jails, there have been numerous calls for the Sheriff to grant early release to incarcerated individuals in order to lessen overcrowding and save inmates from unjust exposure to a deadly virus. However, to the extent Sheriff Villanueva has granted early release, he has done so in a way that exacerbates racial disparity in prisons: relative to their representation in the jail population, a higher proportion of white and Latino inmates, and a lower proportion of Black inmates, were granted early release. As a result, by August 2020, white prisoners made up 12 percent of the jail population, down from 15 percent pre-pandemic. Despite comprising only 8.1 percent of L.A. county's population, in August 2020, Black individuals made up 31 percent of those in jail by summer 2020, up from 29 percent pre-pandemic. Additionally, Black people with mental health needs were released at much lower rates than their white counterparts during the pandemic.

The inhumane conditions of confinement in the L.A. County jails and jail officials' deliberate indifference towards the COVID-19 medical needs of incarcerated individuals raise significant Eighth and Fourteenth Amendment concerns. (*See Farmer v. Brennan* (1994) 511 U.S. 825, 832 [the Eighth Amendment applies to inmate medical treatment because it requires that prisoners be afforded "humane conditions of confinement," so that prison officials "ensure that inmates receive adequate food,



clothing, shelter, and medical care.”]; *Jett v. Penner* (9th Cir. 2006) 439 F.3d 1091, 1096 [explaining standard for establishing an Eighth Amendment claim based on prison medical treatment.] [citations omitted]; *Estate of Prasad ex rel. Prasad v. County of Sutter* (E.D. Cal. 2013) 958 F.Supp.2d 1101, 1112 [“Deliberate indifference to a pretrial detainee’s serious medical needs violates the Fourteenth Amendment[.]”] [citing *Erickson v. Pardus* (2007) 551 U.S. 89, 90 [per curiam]; see also *Lapachet v. California Forensic Medical Group, Inc.* (E.D. Cal. 2018) 313 F.Supp.3d 1183, 1195 [“Plaintiffs bringing Bane Act claims for deliberate indifference to serious medical needs must only allege prison officials knowingly deprived [them] of a constitutional right or protection through acts that are inherently coercive and threatening, such as housing a prisoner in an inappropriate cell, failing to provide treatment plans or adequate mental health care, and failing to provide sufficient observations.”] [citation omitted].)⁸

Further information about Sheriff Villanueva and LASD’s mistreatment of incarcerated individuals may be found in Appendix F.

XII. DESTRUCTION OF EVIDENCE IN HIGH-PROFILE CASE

After the January 26, 2020 Calabasas, CA helicopter crash that killed NBA legend Kobe Bryant, his daughter Gianna, and seven others, LASD deputies took gruesome photographs of the scene of the crash for non-investigative purposes and shared the photographs with members of the public. According to a lawsuit filed by Bryant’s widow, as many as 66 county employees had knowledge of the photos, and at least 18 had either taken or shared the pictures directly. One deputy, later identified as Joey Cruz, was caught showing the photos to members of the public at a bar—he was reportedly bragging about his access to the crash site in an attempt to impress a fellow bar patron. Normally, the chain of command would require a formal inquiry and an internal affairs investigation in response to such misconduct; instead, after learning

⁸ Further, Sheriff Villanueva’s decision to grant compassionate release in a manner that benefits white and Latino inmates over Black inmates may raise Equal Protection Clause concerns. (*Wolff v. McDonnell* (1974) 418 U.S. 539, 556 [“Prisoners are protected under the Equal Protection Clause of the Fourteenth Amendment from invidious discrimination based on race.”] [citing *Lee v. Washington* (1968) 390 U.S. 333] [per curiam].)



about the incident at the bar and other similar events, Sheriff Villanueva ordered deputies to destroy evidence of their misconduct and delete the photos.

LASD launched an investigation into the deputies' conduct only *after* news reports broke that deputies were ordered to delete the photos. Sheriff Villanueva later admitted that he had ordered the destruction of the images, stating, "That was my No. 1 priority, was to make sure those photos no longer exist," despite recognizing that the "original, usual routine, . . . was relieve everybody of duty " (Exs. G.4, G.8.) Sheriff Villanueva purported to invite the OIG to monitor LASD's internal investigation, but their oversight was heavily restricted; the IG was only permitted to review redacted documents and was not allowed to keep any copies. Nevertheless, the IG determined LASD was neglecting to investigate Sheriff Villanueva's role in covering up the incident and opened an independent inquiry into the Sheriff for directing the destruction of evidence and suppressing an administrative investigation to avoid negative publicity.

Bryant's widow sued LASD deputies for invasion of privacy. However, she was initially unable to even name the appropriate defendants in her suit because Sheriff Villanueva refused to release the names of the deputies who had taken and shared photos of the crash (his ostensible reason was the risk of public backlash). In March 2021, a federal judge ruled that Sheriff Villanueva could not legally prevent the public disclosure of the deputy's names.

Sheriff Villanueva's instruction that the deputies delete photographs related to the lawsuit may violate the Penal Code. (Penal Code, § 135 ["[a] person who, knowing that any book, paper, record, instrument in writing, digital image, video recording owned by another, or other matter or thing, is about to be produced in evidence upon a trial, inquiry, or investigation, authorized by law, willfully destroys, erases, or conceals the same, with the intent to prevent it or its content from being produced, is guilty of a misdemeanor."].)

Sheriff Villanueva's conduct related to the aftermath of the Kobe Bryant helicopter crash warrants an investigation into whether his actions constitute willful or corrupt misconduct in office. Further information about the Bryant lawsuits, photograph destruction, and related OIG investigation are included in Appendix G.



XIII. COVERT ATTEMPTED SEIZURE OF PRIVATE LAND

In an act that can only be described as a breathtaking abuse of power, in August 2020, Sheriff Villanueva secretly schemed to seize private property to build a helicopter landing pad next door to his house, then lied about it to the public.

LASD performed a “threat assessment” on Sheriff Villanueva’s home and, as a result, decided to build a private helicopter landing pad for Sheriff Villanueva near his house. However, the piece of land that officials sought to use for construction is private property, owned by the utility company Southern California Gas Co. (“SoCalGas”).

Sheriff Villanueva purports to have gotten permission to build the helipad from SoCalGas, but evidence demonstrates otherwise. Sheriff’s officials privately contacted former sheriff’s deputy J. Isaac Gonzalez, who now works for SoCalGas’s parent company, and pressured him to secure SoCalGas’s approval to build the helipad. However, SoCalGas denied the request. Nevertheless, LASD continued to pursue construction and hired a contractor, who sent in a work crew between January and February 2021 and began work on the project on SoCalGas’s private property.

After SoCalGas learned of the planned construction, it sent a cease-and-desist letter, demanding that the unauthorized activity stop. Mr. Gonzalez and Sheriff’s aides tried to cover up their tracks—on one occasion, Mr. Gonzalez texted a Sheriff’s lieutenant, “[i]f anyone asks why you were at our meeting that day, I invited you to see review [sic] the newly installed chain link fence and efforts we took to better secure our site from trespassers and vandals.” (Ex. H.1.) Moreover, Sheriff Villanueva continues to publicly insist that he had the company’s blessing for the construction—even though the documents showing that SoCalGas denied the request are now public—and he has criticized journalists who reported on the scandal.

The Grand Jury should investigate Sheriff Villanueva’s clandestine, unauthorized attempt to use SoCalGas’s private property for his own purposes, which may amount to violation of the Penal Code and willful or corrupt misconduct in office. (See Penal Code, § 146 [making it illegal for a public officer to act under the pretense



of public law to seize property or dispossess any one of land without regular process]; Penal Code, § 424 [concerning misappropriation of public funds]; Penal Code, § 182 [prohibiting a conspiracy by two or more people to “commit any crime.”]; *see also Stark, supra*, 52 Cal.4th at 410 [“A crime committed in a defendant’s official capacity necessarily suffices to establish ‘willful or corrupt misconduct in office’ under Government Code section 3060.”.] Appendix H provides further information about this incident.

XIV. REFUSAL TO ABIDE BY COVID-19 MANDATES

On March 4, 2020, Governor Newsom declared a State of Emergency in California as a result of the threat of COVID-19. On March 19, 2020, Governor Newsom issued Executive Order N-33-20, directing all Californians to “immediately heed” State public health directives. Any violation of the Order is a misdemeanor. (Gov. Code, § 8665 [“Any person who violates any of the provisions of this chapter [the California Emergency Services Act] or who refuses or willfully neglects to obey any lawful order or regulation promulgated or issued as provided in this chapter, shall be guilty of a misdemeanor ”].) These public health directives included a statewide mask mandate, which required people to wear face covering at all times when outside of the home.

Despite the Governor’s Executive Order, LASD—one of the entities tasked with enforcing the mask mandate—violated the law on several occasions by failing to comply with mask-wearing requirements. LASD officials were often viewed performing their duties unmasked, despite interacting with members of the public or being within six feet of others. The IG raised the issue in a letter to Sheriff Villanueva, but he never responded.

In fact, the Sheriff has tweeted that he had no intention of enforcing mask or stay at home orders with the general public. On November 19, 2020, despite a dangerous surge in COVID-19 cases, the Sheriff stated that, “[s]ince the first Stay at Home Order,” his Department has relied on “voluntary compliance” rather than “criminal enforcement.” (Ex. I.2.) On December 3, 2020, Sheriff Villanueva reiterated



that he would rely only upon voluntary compliance with the orders and he would only be conducting targeted enforcement of super-spreader events.

Yet it is evident that the Sheriff did not even do that. On December 5, 2020, a super-spreader event was allowed to proceed at the direct order of the Sheriff in order to maximize arrests at the event, all in the presence of TV crew. LASD arrested more than 150 people at a gathering where a teenage girl was allegedly rescued from sex trafficking. However, it was later revealed that Sheriff Villanueva and other commanders knew about the plans for the party hours in advance and chose not to stop it from happening, despite the risk of coronavirus spread. One law enforcement source described Sheriff Villanueva's actions as "absolutely irresponsible," adding that "[a]llowing it to begin, fill up with people and then roll in and make arrests is simply grandstanding and unnecessarily exposing those attendees and your own deputies." (Ex. I. 4.)⁹

Sheriff Villanueva's refusal to enforce the Governor's COVID-19 mandates warrants an investigation into whether he has committed willful or corrupt misconduct in office. Appendix F contains more information about this topic

XV. OBSTRUCTION OF JUSTICE AND OVERSIGHT

A common theme runs throughout Sheriff Villanueva's tenure in office: he will do whatever is necessary to cover up misconduct—both his own and that of his deputies—even if that means violating state or federal law, infringing upon the constitutional rights of others, or betraying the public trust.

In light of the breadth of wrongdoing committed by LASD deputies and Sheriff Villanueva himself, a number of oversight bodies have attempted to investigate the Department. At each turn, Sheriff Villanueva has evaded and sometimes outright

⁹ Recently, the Sheriff has again demonstrated that he has no intention to enforce laws he disagrees with. He has refused to enforce the Mayor's July 2021 indoor mask mandate, stating that the "underfunded/defunded Los Angeles County Sheriff's Department will not expend our limited resources and instead ask for voluntary compliance." (Ex. I.5.)



obstructed these efforts—unilaterally reversing pre-existing transparency reforms, failing to comply with oversight investigations, and harassing those who dare to oppose him.

A. REVERSAL OF REFORM EFFORTS

Sheriff Villanueva has engaged in concerted efforts to undo pre-existing accountability and oversight reforms. For example, in the past, deputies involved in multiple on-duty shootings were automatically required to undergo a special evaluation and were subjected to possible reassignment. Since Sheriff Villanueva took office, this practice is no longer in place. Additionally, under Sheriff Villanueva's command, department supervisors are no longer required to recuse themselves from disciplinary hearings involving deputies with whom they have a personal relationship. This change may violate LASD's policies and procedures concerning conflicts of interest. (Ex. J.1.)

Sheriff Villanueva has also taken steps to inactivate and terminate internal administrative investigations. In conjunction with Villanueva's ascent to power, a Department directive was issued in mid-December 2018 instructing chiefs, directors, and captains to re-evaluate all open administrative investigations to determine whether any should be inactivated. The Department refuses to share the directive with oversight bodies. In response to the directive, in January and February 2019, 45 administrative investigations of misconduct were inactivated by LASD, compared with 10 of them in the entire fourth quarter of 2018. The misconduct alleged in these now-abandoned disciplinary investigations range from deputies sleeping on duty to deputies engaging in sexual misconduct with incarcerated individuals.

B. LACK OF COMPLIANCE WITH DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT RELATED TO UNCONSTITUTIONAL POLICING PRACTICES IN THE ANTELOPE VALLEY.



In August 2011, the U.S. Department of Justice’s Civil Rights Division launched an investigation into LASD in response to complaints from citizens in the Antelope Valley region. In 2013, the Department of Justice released the results of the investigation, finding that LASD had “engaged in a pattern or practice of discriminatory and otherwise unlawful searches and seizures, including the use of unreasonable force in violation of the Fourth Amendment, Fourteenth Amendment, and Title VI,” and that deputies had “engaged in a pattern or practice of discrimination against African Americans in violation of the Fair Housing Act.” (Ex. J.5.) The Department of Justice and LASD agreed to a settlement in April 2015 that required LASD to implement sweeping measures to remedy unconstitutional policing practices, develop new policies and training, and meet specific requirements related to stops, seizures and searches, bias-free policing, use of force, and data collection. The settlement also installed court-appointed monitors to oversee the settlement, assessing and evaluating LASD’s compliance and progress.

Unfortunately, according to monitors, Villanueva’s ascension to sheriff led to a “loss of momentum,” stalling the implementation of settlement-mandated policies and training. (Ex. J.4.) Monitors have accused the Sheriff of a “lack of attention” to “some of the most significant work” required by the settlement. (Exs. J.4, J.7.) In a June 2020 semi-annual report, the monitoring team condemned Sheriff Villanueva’s “disturbing lack of progress on key areas including use of force, complaints, crime prevention strategies, and community engagement practices” and voiced serious “concerns about a lack of accountability and follow-through at the highest levels of LASD administration.” (Ex. J.7.) At a broad level, monitors have found that community relations under Sheriff Villanueva “are more public relations in nature than genuine community engagement and community policing.” (Ex. J.7.). The report determined that LASD was out of compliance with the vast majority of settlement requirements related to stops and searches, use of force, and citizens’ complaints. For example, under Villanueva, there are vast disparities in stops and searches, especially between Black and white drivers. Further, use of force incidents in the Antelope Valley increased over 50% during Sheriff Villanueva’s first year and, among other failures, monitors found that under Villanueva’s leadership, deputies were not held accountable for uses of force that violate policy or law. Further details on Sheriff Villanueva’s failure to comply with the Antelope Valley settlement agreement may be found in Appendix J.



C. REMOVAL OF OVERSIGHT OFFICIALS FROM EXECUTIVE PLANNING COUNCIL MEETINGS

For many years, LASD has held weekly Executive Planning Council meetings that include all ranking members of LASD, including the Sheriff, Undersheriff, Assistant Sheriffs, and Chiefs. At these meetings, attendees frequently address urgent matters. From at least 2001 to 2018, representatives of the OIG (or its predecessor organization) and County Counsel were present at these meetings.

Shortly after Sheriff Villanueva took office, he disinvited the OIG and ousted County Counsel from Executive Planning Council meetings. By excluding County Counsel, Sheriff Villanueva removed an important mechanism to ensure his compliance with his statutory duty to seek counsel. By excluding the OIG, he removed a crucial means of ensuring compliance with statutory oversight requirements. Further information about this decision is included in Appendix J.

D. REFUSAL TO ATTEND CIVILIAN OVERSIGHT COMMISSION MEETINGS.

On January 12, 2016, the Board of Supervisors voted to implement the Sheriff's Civilian Oversight Commission, with the mission "to improve public transparency and accountability with respect to the Los Angeles County Sheriff's Department." County Municipal Code requires that "[t]he Sheriff, or a senior ranking member of the Sheriff's Department, selected by the Sheriff, *shall attend and participate in all meetings of the commission* " (LACC, § 3.79.070, emphasis added.) Yet, for much of his tenure, Sheriff Villanueva has failed to attend meetings or send a senior official in his place.

In a January 17, 2020 letter, the Sheriff formally announced to the Commission that neither he nor his designee would appear at future Commission meetings. After the County filed a legal action to enforce a subpoena for Sheriff Villanueva's personal attendance before the Commission, Sheriff Villanueva has occasionally sent a representative to meetings, but never one above the rank of assistant sheriff and never with orders to participate fully in all aspects of the meeting. Further information



about the Sheriff's refusal to attend and take part in Commission meetings is included in Appendix J.

E. REFUSAL TO COMPLY WITH LAWFUL SUBPOENAS

After a year of Sheriff Villanueva's refusals to provide the Commission with access to internal records necessary to fulfill its purpose of monitoring LASD, the Board of Supervisors voted unanimously in January 2020 to grant the Commission the power to direct the IG to issue subpoenas to LASD.

Shortly thereafter, in March 2020, the public voted—over Sheriff Villanueva's protests—to give the Commission even stronger oversight powers: Measure R, a ballot measure that gave the Commission further power to investigate LASD misconduct using subpoenas, passed with an overwhelming 73 percent of the vote. Governor Newsom then signed a statewide law confirming that county boards of supervisors have the power to establish sheriff oversight panels with subpoena power. (Gov. Code § 25303.7 ["The chair of the sheriff oversight board shall issue a subpoena . . . whenever the board deems it necessary or important to examine [a]ny officer of the county in relation to the discharge of their official duties on behalf of the sheriff's department."].)

In May 2020, Sheriff Villanueva refused to appear before the Commission when asked to testify about LASD's response to the urgent crisis caused by COVID-19 within L.A. County jails. In response, the Commission instructed the IG to subpoena the Sheriff for his personal appearance before the Commission. Sheriff Villanueva failed to comply with the subpoena, forcing the Commission to go to court to force the Sheriff's compliance.

On November 20, 2020, a court issued an order to show cause, holding that Sheriff Villanueva would have to appear at a contempt hearing for his refusal to comply with the Commission's lawful subpoena. (*See County v. Villanueva*, No. 20STCP02073, Super Ct. Los Angeles County, (Nov. 20, 2020).) It was only after the order to show cause that Sheriff Villanueva appeared at a Commission meeting—the first time in a year and a half—and agreed to appear again the following month.



Evidently, Sheriff Villanueva did not learn his lesson from this initial experience; he would go on to defy another subpoena in a matter of months. On February 2, 2021, the IG filed a subpoena for a 90-minute meeting with Sheriff Villanueva about LASD's handling of deputy gangs. Sheriff Villanueva refused to comply with the subpoena and his attorney filed a petition asking the superior court to quash the subpoena. Further information about Sheriff Villanueva's failure to comply with lawful subpoenas is included in Appendix J.

* * *

As a result of Sheriff Villanueva's unceasing efforts to evade oversight, no other elected or appointed official has been very successful in demanding accountability from the Sheriff. Sheriff Villanueva regularly insinuates that he is above the law, claiming, for example, that as an elected Sheriff he cannot constitutionally be subpoenaed by an oversight body, and recently suggesting that any person appointed by the Board of Supervisors to oversee LASD will be biased against him and, therefore, illegitimate. The Civil Grand Jury's role in issuing the requested accusation is especially important in light of Villanueva's pattern of circumventing accountability.

Sheriff Villanueva's decision to undo pre-existing reform efforts and hinder ongoing oversight efforts may violate municipal, civil, and potentially criminal law. (See LACC, § 3.79.070, *supra* [requiring the Sheriff or a senior ranking member his to attend and participate in Commission meetings]; LACC § 3.79.032 [permitting the Commission to direct the OIG to issue a subpoena on its behalf]; Gov. Code, § 25303 ["The board of supervisors shall supervise the official conduct of all county officers . . ."], Gov. Code, § 25170 [granting the Board of Supervisors subpoena authority]; LACC § 6.44.190(F)(5) [granting the OIG subpoena authority]; Cal. Code Civ. Proc. §§ 1991, 1209 [concerning disobedience of a subpoena]; 18 U.S.C. § 1503 [obstruction of justice statute].)

Sheriff Villanueva's actions warrant an investigation into whether such conduct amounts to willful or corrupt misconduct in office.



XVI. RETALIATION AGAINST POLITICAL ENEMIES

In addition to resisting reform and oversight efforts, Sheriff Villanueva has exhibited a troubling pattern of seeking retribution against county officials who dare to question how he runs his Department or attempt to hold he or his deputies accountable for wrongdoing.

A. CRIMINAL INVESTIGATION INTO INSPECTOR GENERAL MAX HUNTSMAN

Although the Sheriff initially promised to maintain a good relationship with the IG, the two have clashed for most of Sheriff Villanueva's time in office. On July 23, 2019, IG Max Huntsman testified before the Board of Supervisors to describe a forthcoming report on LASD's failure to comply with transparency laws. (See LACC § 6.44.190(J).) The IG warned that Sheriff Villanueva has advocated for a "bunker mentality" at LASD. (Exs. K.2, K.4.)

The OIG report (Ex. A.1), which was released publicly in August 2019, detailed the numerous ways in which Sheriff Villanueva actively stymied oversight of LASD. It states that, "[i]n spite of the Inspector General's requests and public statements by the Sheriff to the contrary, access by the Office of the Inspector General to information regarding the development, implementation and enforcement of key Department policies has been delayed, hindered, ignored and in some cases denied outright." (Exs. K.2, K.3.) The IG warned that, "[i]n the past such secrecy has resulted in a Sheriff misusing law enforcement powers in an effort to stifle critics through intimidation of an outside agency investigating the Department." (Exs. K.3, K.4.)

Less than two weeks later, Undersheriff Murakami sent a letter to the Board of Supervisors naming the IG as the target of a criminal investigation into an alleged "data breach" of personnel files and seeking to remove him from his role. LASD alleges that IG Huntsman and his office illegally accessed confidential personal files of LASD officials. There was no data breach. Mr. Huntsman's *job* as IG is to provide independent oversight of LASD by monitoring the department—including personnel and disciplinary files. In fact, a county ordinance gives the IG authority to ask for and inspect records



from any county employee. (LACC § 6.44.190 [“The Departments and their employees and all other County departments shall cooperate with the OIG and promptly provide any information or records requested by the OIG, including confidential peace officer personnel records . . .”].)

The truth is that, prior to Sheriff Villanueva’s tenure, the IG obtained LASD personnel data on alleged police misconduct *in the discharge of his official duties*, after a written request, and with the authorization of the then-sheriff. Nevertheless, Sheriff Villanueva has kept the investigation open for nearly two years in a continuing effort to intimidate Mr. Huntsman and obstruct oversight by the OIG. Further information about this retaliatory investigation is included in Appendix K.

B. FIRING AND INVESTIGATION OF OVERSIGHT ADVISORS

In 2015, then-Sheriff Jim McDonnell appointed two constitutional policing advisors, civilian attorneys who reported directly to him. The attorneys were tasked with enhancing internal accountability, ensuring LASD was in compliance with constitutional policing, and formulating internal procedures and policies to improve oversight. In particular, when deputies engaged in misconduct, the advisors were tasked with guiding the Sheriff on the disciplinary process for unconstitutional deputy conduct. Sheriff McDonnell hired Diana Teran and Sergio Perez to the advisor positions, and they received national recognition for their reform work within LASD.

After defeating McDonnell in the 2018 election, Sheriff Villanueva announced that he would remove the constitutional policing advisors, and he appointed his own hand-picked advisors with more limited roles, transferring Ms. Teran and Mr. Perez outside to the OIG, which does not report to the Sheriff. Even worse, within months of taking office, Sheriff Villanueva opened an investigation into Ms. Teran, alleging that she had improperly used deputies’ personnel files. Ms. Teran denies the accusation. The Sheriff’s investigation into Ms. Teran has lasted for nearly two years, leading to accusations that Sheriff Villanueva is keeping the investigation open in order to intimidate and maintain leverage over Ms. Teran. Further information about this incident is attached in Appendix K.



C. UNSUPPORTED RETALIATORY THREATS AGAINST COUNTY OFFICIALS

In April 2020, at a public Board of Supervisors meeting, Sheriff Villanueva threatened public officials with criminal investigations in retaliation for asking him to balance the budget.

During a Board meeting discussing the LASD budget, County Counsel Mary Wickham suggested that the Sheriff had a duty to balance the budget, and that failing to do so could amount to a misdemeanor offense. Sheriff Villanueva responded by insinuating that he could seek retribution against county officials by bringing criminal charges. He stated, “I could go on for a long, long time about the long list of felony crimes and the consequences of them and they’re done by public officials. It would be inappropriate to make that inference in any forum, much less in a budgetary debate, and so good luck with that if you’re going to scare me with the thing about a misdemeanor crime.” (Ex. K.6.)

Both Supervisor Kathryn Barger and IG Max Huntsman considered Sheriff Villanueva’s comment to be a threat. The Sheriff never retracted it or elaborated on the conduct to which he was referring. For further information about this incident, see Appendix K.

D. HARASSMENT, THREATS, AND BASELESS ACCUSATIONS AGAINST THE COUNTY CHIEF EXECUTIVE OFFICER

Since March 2020, Sheriff Villanueva has evinced an apparent vendetta against former L.A. County CEO Sachi Hamai. He has harassed her and levied demonstrably false accusations against her, which resulted in threats to her safety. His actions resulted in the County entering into a costly settlement with the County, whereby Ms. Hamai was permitted to retire early.

On March 31, 2020, the Board of Supervisors voted to remove Sheriff Villanueva as the head of L.A. county’s emergency operations center. The Board replaced the



Sheriff with Ms. Hamai. According to later private communications between litigation counsel for L.A. County and the Board, Sheriff Villanueva took this removal “as a personal affront and castigated Ms. Hamai over it.” (Exs. K.7, K.9, K.11.)

One day after his removal, on April 1, Sheriff Villanueva sent a letter to the County accusing Ms. Hamai of refusing to pay deputies who were quarantined during the pandemic. This allegation was not true. On April 3, 2020, the Board of Supervisors sent a letter to Sheriff Villanueva, demanding that he correct the record. The Supervisors wrote, “[y]our unfortunate and erroneous comments have been sowing confusion and controversy by raising doubts about pay for deputies you chose to put on leave last month. Of course, these deputies will be paid, as you are well aware. In fact, as a department head, you have the duty and responsibility to make sure this happens.” (Ex. K.3.) Sheriff Villanueva himself subsequently admitted in an internal email that he had the authority to pay his deputies as a department head, but he never withdrew the false allegation against Ms. Hamai. The IG determined that Villanueva’s allegation against Ms. Hamai in the letter was likely retaliatory given the proximity to his removal.

Ms. Hamai received a number of threats due to the Sheriff’s accusation. The Board of Supervisors told Sheriff Villanueva that his “unwarranted verbal and highly personal attacks on the CEO are inciting misinformed members of the public to share dangerous sentiments online.” (Ex. K.8.) The IG and county’s attorney confirmed that Ms. Hamai received threats as a result of Sheriff Villanueva’s actions.

Yet, the Sheriff continued his attacks against Ms. Hamai. On June 24, 2020, during a live chat on social media, the Sheriff publicly displayed a document and falsely represented that it was a directive from Ms. Hamai to lay off two thousand deputies from critical units. That claim was false, and no such document existed. Rather, the CEO’s office had previously asked all County departments, including LASD, for a proposal to balance its budget in case COVID-19 required budget cuts. It was the *Sheriff’s Department* that proposed that the cuts come from these critical units, but Sheriff Villanueva falsely attributed language from his own response to Ms. Hamai. Following the Sheriff’s live address, Ms. Hamai received renewed threats from members of the public. The Board implored the Sheriff to correct this false accusation against Ms. Hamai, but he never did.



Sheriff Villanueva did not stop there. In a July 22, 2020 public statement, he claimed that Ms. Hamai committed a felony by being on the United Way board while simultaneously working on a proposed ballot initiative supported by the United Way. The Sheriff's statement was yet again untrue. Because Ms. Hamai's position on the United Way Board was unpaid, the accusation had no basis in law, and in any event, she had resigned the position before the United Way board voted on the measure. Sheriff Villanueva received a letter from a county attorney explaining why Ms. Hamai was innocent and adding that "[t]he statements [you made] about Ms. Hamai are malicious lies, and you know it perfectly well. It's shocking and grossly irresponsible for anyone, much less the sheriff of Los Angeles County, to be publishing such defamatory falsehoods. And you're doing so about the top executive officer in the county that employs you." (Ex. K.10.) Despite the warning, the Sheriff still reported Ms. Hamai to the Attorney General's Office and has never retracted his public accusations.

Ms. Hamai accused the Sheriff of "unrelenting and brutal" harassment. (Exs. K.7, K.9, K.11.) As a result, the County offered her a settlement of \$1.5 million and full-time private security protection in exchange for retiring and agreeing not to sue the county over the Sheriff's harassment. Based on the severity of Sheriff Villanueva's harassment and false allegations, one county attorney stated that he "frankly think[s] that if we litigated her case, a jury could have hit the county for a lot more than \$1.5 million, a lot more." (Exs. K.7, K.9, K.11.) The attorney further explained the reason for the expensive settlement:

Over the past several months, the sheriff has engaged in a campaign of intimidation and harassment against the county's CEO. It was all totally unwarranted and highly inappropriate, culminating in the Sheriff slandering the CEO on Facebook by falsely saying she committed a 'felony' and then by filing a false police report accusing her of criminal activity with the state AG. These acts were done while the sheriff was in uniform and on his official letterhead, giving the county significant legal exposure. Because these are serious intentional torts, the county settled with the CEO to avoid much greater potential legal exposure and wants the sheriff to stop attacking its employees, stop exposing the county to liability and do his job properly.



(Ex. K.12.) Additional documents detailing Sheriff Villanueva’s accusations against Ms. Hamai, the threats she received in response, and the costly settlement are included in Appendix K.

E. INVESTIGATION INTO CIVILIAN OVERSIGHT COMMISSION CHAIRPERSON

In the latest instance of Sheriff Villanueva using the power of his office to intimidate individuals responsible for LASD’s oversight, he has initiated a criminal investigation into the former Chair of the Commission, Patti Giggans, apparently because she publicly criticized his leadership of LASD. On September 17, 2020, when the Commission first formally called for Sheriff Villanueva’s resignation due to many of the issues described in this Citizen Complaint, Commissioner Giggans lamented that “[t]he sheriff’s Department does not have the leader it deserves.” (Ex. K.13.) On October 15, 2020, Commissioner Giggans and the other members of the Commission voted unanimously to express no confidence in the Sheriff and ask him to leave the post, citing Sheriff Villanueva’s “failure to adequately lead the Sheriff’s Department, his efforts to block meaningful reform and his refusal to participate in the oversight efforts of the commission and others.” (Ex. K.14.)

After the Commission’s vote of no confidence in the Sheriff, LASD initiated a criminal probe into Commissioner Giggans, alleging she improperly obtained government contracts for the sexual harassment counseling nonprofit she runs, Peace Over Violence. In February 2021, Sheriff’s detectives served warrants for unspecified records at Peace Over Violence’s offices, but LASD refuses to provide any public details about the criminal investigation. Yet, counsel for Commissioner Giggans has confirmed that after searching her organization’s offices, Sheriff’s officials confirmed in writing that they do not believe Commissioner Giggans has committed a crime. Nevertheless, LASD still claims the investigation is ongoing. Commissioner Giggans’ counsel believes the sudden criminal investigation “was a form of retaliation for Ms. Giggans publicly criticizing the Sheriff in her capacity as a person on the Sheriff’s oversight commission.” (Ex. K.1.) Appendix K provides more information about the investigation into Commissioner Giggans.



F. REASSIGNMENT OF LASD'S SURVEILLANCE TEAM

In a concerning move, Sheriff Villanueva has reassigned the LASD Technical Crew to report directly to Undersheriff Tim Murakami, the Sheriff's top aide, giving Sheriff Villanueva direct control over LASD's surveillance operations and raising the concern that the Sheriff will use the Department to spy on his political enemies. LASD's Technical Crew is responsible for surveillance conducted by the Department, including video and audio recordings of subjects.

Previously, the Technical Crew was insulated from the Sheriff, operating lower in the chain of command within the Detective Division/Fraud and Cyber Crimes Bureau.

Undersheriff Murakami has had a meteoric rise within LASD under Sheriff Villanueva. Before the Sheriff's election, Murakami was a Captain at the City of Industry station. Immediately upon taking office, Sheriff Villanueva promoted Murakami three ranks to Assistant Sheriff. Sheriff Villanueva then appointed Murakami to his hand-picked panel of adjudicators tasked with re-evaluating the firing of Caren Carl Mandoyan. Murakami and the others on the panel recommended reinstating Mandoyan. Shortly thereafter, the Sheriff abruptly fired then- Undersheriff Ray Levya and promoted Murakami to the second-in-command position. Sheriff Villanueva appears to have great trust in Undersheriff Murakami and has put him in charge of the investigations into IG Max Huntsman, Commissioner Patti Giggans, and former constitutional policing advisor Diana Teran.

While this reassignment of the technical crew is not itself illegal, the IG warned that it "creates the perception, and the real possibility, that political enemies can be targeted for secret surveillance." (Ex. A.1.) It is concerning that the same person who is tasked with overseeing investigations into Sheriff Villanueva's political foes also runs LASD's surveillance operation.

* * *



Sheriff Villanueva has used his position to threaten officials with criminal prosecution and relentlessly harass them. He has abused his investigatory authority to open meritless investigations into his political enemies and has refused to close the investigations despite significant criticism. His abuse of his station merits an investigation into whether he should be removed from office for this serious misconduct. (See 18 U.S.C. § 1503, *supra* [obstruction of justice]; Penal Code, § 518 [defining “extortion” as “the obtaining of property or other consideration from another, with his or her consent, or the obtaining of an official act of a public officer, induced by a wrongful use of force or fear, or under color of official right.”]; *People v. Sales* (2004) 116 Cal. App. 4th 741, 749 [“attempted extortion” amounts to “(1) a specific intent to commit extortion and (2) a direct ineffectual act done towards its commission.”]; *New York Times Co. v. Sullivan* (1964) 376 U.S. 254, 279–280 [explaining elements of the tort of public figure defamation].)

XVII. CONTINUING TRANSGRESSIONS

For many of the above incidents, oversight officials, whistleblowers, and the press continue to reveal new information related to Sheriff Villanueva’s involvement, misconduct, or willful nonfeasance. It is likely that additional relevant material, unavailable at the time of filing this complaint, will be made public. We encourage the Civil Grand Jury to seek out such information, should it choose to investigate this complaint.

Additionally, new instances of LASD and the Sheriff’s misconduct surfaces on a frequent basis. For example, in June of 2021, the city of Compton announced a claim for damages against Los Angeles county, alleging that sheriff’s deputies defrauded the city out of millions of dollars by improperly logging their patrol hours. The alleged misconduct occurred under Sheriff Villanueva’s command and has resulted in understaffing of deputies, leading to slower response time and increased crime. For more information, see Appendix L.

In another recent example, the ACLU released a report in February 2021 detailing severe civil rights abuses of unhoused people in the Antelope Valley, alleging that LASD aggressively criminalizes homelessness, targeting unhoused community



members with citations and criminal charges that lack adequate legal basis, and using the threat of citation to banish unhoused communities beyond city limits, into the Mojave Desert. LASD's misconduct disproportionately targets Black people, who receive 52% of misdemeanor citations for camping in public. LASD's abuses of unhoused populations likely constitutes a form of state created danger and violate the First, Fourth, Eighth, and Fourteenth Amendments of the U.S. Constitution and the California Constitution, Article I §§ 2, 7, 13, 17. For more information, see Appendix L.

It is likely that additional allegations of misconduct by the Sheriff and his department will arise, and we encourage the Grand Jury to seek out such information, as well.

XVIII. ACTIONABLE NONFEASANCE

As stated, nonfeasance, or willful neglect of duty by a public officer, is a form of misconduct in office under Gov. Code § 3060. (*Coffey, supra*, 147 Cal. at 529 [analyzing the predecessor to § 3060]; *Mullin, supra*, 197 Cal.App.2d at 487 ["nonfeasance constitutes misconduct in office equally with malfeasance or misfeasance."].) In other words, the "official neglect to do an act which ought to have been done will constitute the offense," even if there "there was no corrupt or malicious motive." (*Coffey, supra*, 197 Cal.App.2d at 529.) The Grand Jury should investigate whether Sheriff Villanueva should be removed from office for his official neglect to perform acts which he should have, as outlined herein.

XIX. CONCLUSION

For the foregoing reasons, Lynne Lyman on behalf of Reform L.A. Jails, Waunette Cullors, and Ruth Sanchez request that the Civil Grand Jury conduct an investigation into whether Sheriff Villanueva has engaged in willful or corrupt misconduct in office. At the conclusion of the investigation, we request that the Civil Grand Jury issue an accusation detailing any and all acts which merit the Sheriff's



removal under Gov. Code, § 3060, and that the foreman of the Civil Grand Jury deliver the accusation to the Los Angeles District Attorney.

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Respectfully submitted,

PERKINS COIE LLP

Ezra W. Reese, D.C. Bar No. 487760
Ereese@perkinscoie.com
700 Thirteenth Street, N.W., Ste 800
Washington, D.C. 20005-3960
Telephone: 202.654.6200
Facsimile: 202.654.6211

Danielle Sivalingam, CA Bar No. 294369
DSivalingam@perkinscoie.com
1888 Century Park East, Suite 1700
Century City, CA 90067-1721
Telephone: 310.788.3900
Facsimile: 310.843.1244

*Attorneys for Lynne Lyman on behalf
of Reform L.A. Jails, Waunette Cullors,
and Ruth Sanchez*