

**FIFTY YEARS OF “DEPUTY GANGS” IN THE  
LOS ANGELES COUNTY SHERIFF’S DEPARTMENT:  
Identifying Root Causes and Effects to Advocate for Meaningful Reforms**

A Report by the Center for Juvenile Law and Policy  
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DRAFT

## **I. Introduction**

The Center for Juvenile Law and Policy (CJLP) is a free legal clinic on the Loyola Law School campus that trains law students to holistically represent at-risk youth in delinquency proceedings. Many of the teens whom we represent are gang-involved and have been charged with gang enhancements. They sometimes tell us that the sheriff's deputies who arrested them are gang members themselves. They may be right. Los Angeles County Sheriff's Department (LASD) has a long history of deputy sheriffs forming secret subgroups at stations in minority communities. These subgroups have tattoos, hand signals, and rituals that are similar to a criminal street gang. They foster a culture that resists police reforms, such as community policing, instead encouraging and even celebrating aggressive tactics and uses of force against minority communities.

This report analyzes how LASD "deputy gangs" have negatively impacted policing in Los Angeles and infected the fairness of legal proceedings in Los Angeles Superior Court. Section II discusses the debate over how to refer to the LASD internal subgroups, ultimately concluding that no one term applies to all of the different subgroups. Section III catalogues all known deputy subgroups, highlighting where they are based, what their tattoos look like, and whatever is known about their gang-like behaviors. Section IV discusses how successive sheriffs have facilitated the proliferation of deputy subgroups by turning a blind eye to internal subgroups, even when they engaged in gang-like behaviors. Section V discusses how the subgroups have contributed to LASD resisting important police reforms, as well as compromising the integrity and fairness of the legal system in Los Angeles. Section VI explores using the recommendations of President Obama's task force on twenty-first century policing as a blueprint for how to eradicate deputy gangs in the nation's largest sheriff's department.

## **II. Debates over Nomenclature: Are the LASD Subgroups "Deputy Gangs"?**

Reporters, oversight bodies, and stakeholders have struggled for years about how to refer to the LASD internal subgroups. Many LASD leaders refer to the subgroups as "drinking groups," "intramural sports teams," or "social clubs."<sup>1</sup> Many community members, however, insist that the subgroups be called "gangs"

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<sup>1</sup> Seth Mydans, *Los Angeles's sheriff also under fire*, N.Y. Times (Sept. 17, 1991) ("Critics say these are white supremacist gangs with their own tattoos, hand signals and even graffiti, but the department spokesmen call the organizations harmless sporting or social clubs.").

because the deputies who belong to them engage in gang-like behaviors. LASD members vehemently object to this nomenclature, arguing that the subgroups fail to qualify as a “criminal street gang” under the STEP Act because their “primary purpose” is to promote comradery, not criminal activities.<sup>2</sup> Oversight bodies have attempted to resolve the debate by creating their own terms, such as “deputy cliques” or “secret societies.” Many stakeholders object to these terms as well, asserting that euphemisms obscure the nature and extent of the threat posed by deputy sheriffs who act like gang members.

There is no need to adopt a one-size-fits-all approach. When a particular subgroup’s members engage in gang-like behaviors, it is appropriate refer to that subgroup as a deputy gang. This is true regardless of whether the subgroup falls within the technical definition of a “criminal street gang” set forth in the STEP Act. The common understanding of “gangs” is much broader than a legalistic definition established by a criminal statute.<sup>3</sup> Where the evidence of gang-like behaviors is lacking, however, it is appropriate to use a more neutral term, such as “clique” or “subgroup.”

### **III. Known LASD Deputy Gangs or Cliques**

The press has been reporting about various LASD cliques or gangs for decades. The press accounts focus on different subgroups depending upon the latest lawsuit or scandal as well as the time of the reporting. There is no single comprehensive compilation of all known subgroups, their common tattoos and other identifiers, and their specific gang-like activities.

This section attempts to catalogue all the subgroups and give as full an accounting as possible of their tattoos and gang-like activities. The CJLP has unearthed evidence of at least seventeen subgroups within the LASD. Some are

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<sup>2</sup> CALCRIM no. 1401 defines a “criminal street gang” as “any ongoing organization, association, or group of three or more persons, whether formal or informal: 1) that has a common name or common identifying sign or symbol; 2) that has, as one or more of its primary activities, the commission of [any crime listed in Penal Code § 1866.22(e)(1)-(25) and (31)-(33)]; and 3) whose members, whether acting alone or together, engage in or have engaged in a pattern of criminal activity.” It further states: “In order to qualify as a primary activity, the crime must be one of the group’s chief or principal activities rather than an occasional act committed by one or more persons who happen to be members of the group.”

<sup>3</sup> The *Oxford English Dictionary* defines a “gang” as “an organized group of criminals” or, in the alternative, as “a group of young people who spend a lot of time together and often cause trouble or fight against other groups.”

historical with no evidence of ongoing activities; others are clearly active right now. Likely even more deputy gangs and cliques exist that have not yet been discovered due to the culture of denial and secrecy within the LASD.

While problematic subgroups are certainly not unique to the LASD, the CJLP could not find any other law enforcement organization in the United States with so many subgroups engaging in gang-like behaviors for such a long period. The sheer number of deputy gangs and cliques distinguishes the LASD as an outlier and betrays a longstanding, broad institutional problem in need of serious reforms.

The subgroups identified to date are as follows:

### **Banditos**

The “Banditos” is a current deputy gang based in the East Los Angeles Station. Banditos have a common tattoo on the leg that is sequentially numbered. The tattoo depicts a skeleton with a bushy mustache (*brocha*) wearing a sombrero and bandolier and holding a pistol. Banditos Members have gang monikers, use gang slang, and dress in gang attire while off duty.

Several lawsuits against the County allege that Banditos members exercise de facto control over the East Los Angeles station and violate the rights of community members and other sheriff’s deputies with impunity. The alleged civil-rights violations include racial profiling, unconstitutional searches, planting evidence, excessive use of force, and sexual harassment.

On September 28, 2018, four Banditos members beat up several sheriff’s deputies outside an off-duty celebration of the completion of training held at Kennedy Hall.<sup>4</sup> Two of the victims were taken in an ambulance to a hospital for treatment. The District Attorney conducted an investigation but declined to prosecute, citing a lack of evidence. Eight sheriff’s deputies filed a civil-rights suit against the County, alleging that LASD management has tolerated and even tacitly approved of the Banditos’ acts of violence and misconduct.

Banditos members also harass female deputies at the station and in the field and demand “sexual favors” from female trainees. They retaliate against women who resist for “not going with the program.” For example, after Guadalupe Lopez,

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<sup>4</sup> Celeste Fremon, *What is the LA County Sheriff’s Department doing about its big, bad deputy gang problem?*, Witness L.A. (Oct. 30, 2018).

a female deputy in the East Los Angeles station, reported their misconduct in 2014, she was allegedly run off the road by another deputy, slammed into a wall, and a dead rat was placed near her car to intimidate her.

### **Buffalo Soldiers**

The “Buffalo Soldiers” is a deputy subgroup within LASD that allegedly only admits African American deputies. Historically, the term “buffalo soldier” referred to an African-American soldier in the U.S. Army, serving in one of a number of segregated units under white officers, in the period after the US Civil War up to the final racial integration of the US military, at the end of the Korean War. While LASD members occasionally mention Buffalo Soldiers on social media, there is dearth of reporting on this subgroup.

There is insufficient information about members of Buffalo Soldiers engaging in gang-like behaviors or any other misconduct to justify referring to it as a deputy gang or a deputy clique.

### **Cavemen**

The “Cavemen” was a deputy clique within LASD based in the East Los Angeles station in Boyle Heights. It is unknown whether Cavemen members have a common tattoo, but a logo of a cartoon caveman associated with the East Los Angeles stations exists. For many years, there was a Cavemen mural on a wall in the conference room of the East Los Angeles station.

Sheriff Alex Villanueva has claimed that when he worked at the East Los Angeles station other deputies invited him to join the Cavemen, but that he declined.

There is insufficient information about the Cavemen engaging in gang-like behaviors to justify referring to them as a deputy gang.

### **Cowboys**

The “Cowboys” is a deputy clique that appears to operate out of multiple locations, including Century and Palmdale stations. Cowboys members have a common tattoo on the leg that is sequentially numbered. The tattoo depicts a skull in a cowboy hat. In 2018 Oleg Polissky, a sheriff’s deputy in the Palmdale station, testified that he received a Cowboys tattoo while accompanied by several deputies and was then celebrated at a gathering of at least 20 deputies, some of whom had

the same tattoo.<sup>5</sup> Polissky claimed the Cowboys tattoo signified “that no person has less rights than any other person” and that “you treat the public equally and without bias.”<sup>6</sup>

There is insufficient evidence of Cowboys members engaging in gang-like behaviors to justify calling the Cowboys a deputy gang.

### **Executioners**

The “Executioners” is a current deputy gang based in the Compton station. Executioners members have a common tattoo on the leg that is sequentially numbered. The tattoo depicts a skull wearing a Nazi helmet with “CPT” on front and rifle encircled by flames.

On August 25, 2016, Samuel Aldama, a sheriff’s deputy from the Compton station with an Executioner’s tattoo, and his partner fatally shot Donta Taylor, an African American man walking on the sidewalk dressed in red.<sup>7</sup> Both deputies claimed they saw a gun in Taylor’s waistband, but no gun was found. Taylor’s survivors filed a federal civil rights suit, alleging unconstitutional excessive use of force. Aldama admitted in a 2019 deposition that he harbored “ill will” against African Americans, but he later retracted his statement, claiming that he hadn’t understood the question. Aldama testified that he received his tattoo two months before the shooting and that up to 20 other deputies had the same tattoo. After a judge ordered that the names of the other deputies with a matching Executioners tattoo be given to the plaintiff in discovery, the County settled the suit for \$7 million. The plaintiffs’ counsel stated publicly that he believed the County settled for such a large amount in order to avoid releasing the names of more Executioners members.<sup>8</sup>

### **Grim Reapers**

The “Grim Reapers” or “Reapers” was a deputy gang originally based in the Lennox station, which closed in 2010 when the South Los Angeles station opened. Grim Reapers members have a common tattoo on the leg that is sequentially

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<sup>5</sup> Maya Lau, *Inked with a skull in a cowboy hat, L.A. County sheriff’s deputy describes exclusive society of lawmen at California station*, L.A. Times (Aug. 4 2018)

<sup>6</sup> *Id.*

<sup>7</sup> Maya Lau, *Cop group with matching skull tattoos costs taxpayers \$7 million in fatal shooting*, L.A. Times (June 18, 2019).

<sup>8</sup> *Id.*

numbered. The tattoo depicts a black-hooded skeleton holding a scythe, reminiscent of the medieval symbol of death.

The Grim Reapers came under heightened public scrutiny after Sheriff Villanueva reinstated Caren Carl Mandoyan, a former sheriff's deputy with a no. 98 Grim Reaper tattoo. The previous administration fired Mandoyan in 2016 because he had committed acts of domestic violence against a female deputy, stalked her, and tried to break into her apartment, and then lied about all of this conduct.<sup>9</sup> The victim testified that Mandoyan used his status as a deputy gang member to try to dissuade her from reporting the offense, stating that, as a Reaper, he had "influential friends who could ruin careers in the department."<sup>10</sup>

### **Jump Out Boys**

The "Jump Out Boys" was a deputy gang formed in 2005 within the Operation Safe Streets Bureau's specialized gang suppression unit, Gang Enforcement Team (GET). Jump Out Boys members have a tattoo on the right ankle that is sequentially numbered. That tattoo depicts a red-eyed skull wearing a bandana with the letters "O.S.S." and holding a revolver next to an ace of spades and an 8 of spades cards, the so-called "dead man's hand" in poker.

In 2012, LASD management obtained a pamphlet that described the creed, mission, initiation rites, and the meaning of the common tattoo for the Jump Out Boys. One section of the pamphlet states, "We are not afraid to get our hands dirty without any disgrace, dishonor, or hesitation."<sup>11</sup> It went on to state that members understand when the line needs to be crossed, and crossed back" and that "sometimes [members] need to do things they don't want to in order to get where they want to be."<sup>12</sup> The pamphlet directs that a "black book" containing all member information and dates of shootings be kept "off site."<sup>13</sup>

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<sup>9</sup> Office of Inspector General County of Los Angeles, *Initial Implementation by Los Angeles County Sheriff's Department of the Truth and Reconciliation Process* (July 2019) at pp 4-8.

<sup>10</sup> *Id.* at \_\_; see also Maya Lau and Matt Stiles, *Deputy reinstated by Sheriff Villanueva admitted to having a tattoo linked to secret society*, L.A. Times (Mar. 28, 2019).

<sup>11</sup> Copy of Jump Out Boys Creed produced by the LASD to the Los Angeles County Sheriff Civilian Oversight Commission, on file at CJLP, Loyola Law School-Los Angeles.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

The Bureau of Internal Affairs conducted an investigation of the Jump Out Boys and identified seven deputies as members. All seven were fired.<sup>14</sup> Some were reinstated through civil service protection proceedings.

### **Little Devils**

The “Little Devils” or “Red Devils” was a deputy clique based in the East Los Angeles station as far back as 1970, making it one of the earliest known deputy gangs. Little Devils members have a common tattoo on the left calf that is sequentially numbered. The tattoo depicts a little red devil. In 1973, LASD management learned of the Little Devils during an investigation of alleged misconduct by two deputies affiliated with the clique.<sup>15</sup> Captain R.D. Campbell investigated and compiled a list of all known tattooed Little Devils, which totaled 47 members. It is unknown if any discipline or consequences were imposed.

The rise of the Little Devils appears to coincide with the East L.A. station adopting the controversial “Fort Apache” seal<sup>16</sup> as its de facto station logo. The logo is widely viewed as a celebration of police violence against war protestors during the 1970 Chicano Moratorium.

### **Pirates**

The “Pirates” was a deputy clique based in the Firestone station, which closed in 1993. Pirates members have a common tattoo on the leg, but it is unknown if that tattoo is sequentially numbered. The tattoo depicts a pirate skull-and-bones. Det. Ron Hernandez, the current president of the Association of Los Angeles Deputy Sheriffs (ALADS), appears to have a Pirates tattoo near his ankle. In 2019, Hernandez publicly admitted having a tattoo “associated with the now-shuttered Firestone station,” but he claimed “it signified a fellowship of hard

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<sup>14</sup> Mike Roe, *L.A. County Sheriff’s Department to fire 7 deputies from ‘Jump Out Boys’ clique*, L.A. Times (Feb. 6, 2013).

<sup>15</sup> Dec. 3, 19973 LASD Memo from Capt. R.D. Campbell to Chief T.H. Von Minden, on file at the Center for Juvenile Law and Policy, Loyola Law School-Los Angeles.

<sup>16</sup> The Fort Apache logo depicts a police riot-helmet on top of boot within a circle surrounded by mottos. The inner motto reads “*siempre una patada en los pantalones*,” which translates to “always a kick in the pants.” The other motto reads “Fort Apache East Los Angeles ... Low Profile.” The “Fort Apache” reference harkens back to the 1948 John Ford western of the same name, in which a remote U.S. cavalry outpost is surrounded by enemies whom the white officers regard as dangerous “savages.” The reference to “low profile” appears to be a mocking criticism of Sheriff Pitchess’s instructions at the time for East Los Angeles deputies to reduce their use of force against the protestors, thereby maintaining a “low profile.”

workers, not a rogue clique.”<sup>17</sup> Other deputies from the Firestone station have represented that the Pirates were an “intramural sports team.”<sup>18</sup>

There is insufficient information about Pirates members engaging in gang-like behaviors to justify referring to it as a deputy gang.

### **Rattlesnakes**

The “Rattlesnakes” is a deputy clique based in both Antelope Valley LASD stations. Rattlesnakes members share a common tattoo of a skull and a snake, but it is unknown if the tattoo is sequentially numbered. The existence of the clique is corroborated by a 2013 U.S. Department of Justice report<sup>19</sup> finding that the Palmdale and Lancaster stations engaged in unconstitutional discrimination against African Americans in a variety of law enforcement contexts, including targeting those living in federally subsidized housing. The DOJ report notes: “Some Antelope Valley deputies wear tattoos or share paraphernalia with an intimidating skull and snake symbol as a mark of their affiliation with the Antelope Valley stations. Though there are varying interpretations of what these tattoos symbolize, they provide an undeniable visual representation of a gulf between deputies and the community and are an unfortunate reminder of LASD’s history of symbols associated with problematic deputy behavior.”<sup>20</sup>

While this comment certainly suggests that the Rattlesnakes are committing misconduct in the Antelope Valley community, there is insufficient specific information about members engaging in gang-like behaviors to just referring to it as a deputy gang.

### **Regulators**

The “Regulators” was a deputy gang based in the Century Station in Lynwood. “Regulators” is a slang term for a prisoner who controls other prisoners.<sup>21</sup> Regulators members have a common tattoo on the leg that is

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<sup>17</sup> Maya Lau, *Deputy gangs have survived decades of lawsuits and probes. Can the FBI stop them?* L.A. Times (July 14, 2019).

<sup>18</sup> Penelope McMillan and Louis Sahagun, *Lynwood deputies’ reported gang-style activity investigated*, L.A. Times (Dec. 4, 1990).

<sup>19</sup> June 28, 2013 Letter from Asst. U.S. Atty Gen. Thomas E. Perez to Sheriff Lee Baca, on file at CJLP, Loyola Law School.

<sup>20</sup> *Id.* at 44.

<sup>21</sup> The *Urban Dictionary* defines “regulators” as “any individuals who take care of problematic people through violence.”

sequentially numbered. The tattoo depicts a skull-faced man holding a shotgun, with fire coming out of the barrels.

The Regulators dominated the Century station from 1999 until at least 2007, holding their meetings there and maintaining what has been described as a “shrine” or “monument” to the gang on the premises. Both LASD leaders and line deputies repeatedly complained that the Regulators had undue influence over station managerial decisions, such as overtime assignments and promotions. Regulators members refused to talk to IAB investigators and they collected “donations” or “taxes” to support deputies placed on unpaid leave for misconduct.

There is substantial evidence that LASD management knew about the Regulators, but did nothing. In 2003, anonymous deputies reported various acts of misconduct by Regulators members and compared them to the Mexican Mafia, an infamous prison gang. In 2004, Sheriff Baca was advised by Undersheriff Stonich about the “unhealthy climate” at the Century station, which included Regulators members refusing to be interviewed during investigations of alleged misconduct and allegations of “in-house extortion.”<sup>22</sup> In 2007, Commander Willie Miller raised similar concerns, noting that the Regulators’ philosophy is to “run the station as a subculture faction ... and not respect rank.”<sup>23</sup>

Charles McDaniel, a lieutenant in the custody division, admitted in a 2013 deposition that he had a Regulators tattoo, but he claimed the tattoo signified “friendship,” not membership in a deputy clique.<sup>24</sup> McDaniel denied knowing about any deputy gang or clique in the custody division that celebrated breaking inmates’ bones. However, in 2009 McDaniel supervised deputies who were accused of repeatedly beating up and shocking inmate Tyler Willis with a stun gun, leaving him with a fractured leg and extensive injuries. A jury found McDaniel negligent for failing to supervise the custody deputies who assaulted Willis and awarded Willis \$290,000.

## **Spartans**

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<sup>22</sup> *Report of the Citizens Commission on Jail Violence* (Sept. 2012) at 67.

<sup>23</sup> *Id.*

<sup>24</sup> Maya Lau, *L.A. County Sheriff’s Department pays a price as clandestine deputy cliques persist*, L.A. Times (Oct. 27, 2018).

The “Spartans” is a deputy clique based in the Century Station. In 2019, the Los Angeles Times reported that the FBI was conducting an investigation of several LASD deputy gangs, including the Spartans.

There is insufficient information about Spartans members engaging in gang-like behaviors to justify calling them a deputy gang, although the FBI generally only investigates alleged criminal activities.

### **Tasmanian Devils**

The “Tasmanian Devils” was a deputy clique based in the Temple City Station. The Tasmanian Devils are not mentioned in any of the myriad press articles about LASD deputy gangs or cliques. LASD members occasionally mention the Tasmanian Devils in social media postings about LASD subgroups.

### **Three-Thousand Boys**

The “Three-Thousand Boys” was a deputy gang based on the 3,000 bloc of Men’s Central Jail in downtown Los Angeles. Three-Thousand Boys members have a common tattoo on the calf depicting the Roman numeral “III.” They earned their tattoo by beating inmates and then filing false reports to cover up the abuse. The walls of the booth in which only 3,000 bloc deputies were allowed was full of graffiti and derogatory writings, including a bumper sticker that read, “Please don’t feed the animals.”

On December 10, 2010, six Three-Thousand Boys members assaulted two deputies from the reception center after a party for jail employees at the Quiet Cannon restaurant.<sup>25</sup> The victims, Chris Vasquez and Elizario Perez, were assaulted because they had criticized the Three-Thousand Boys for deliberately delaying bringing inmates from their floor to visit elderly family members. Vasquez and Perez filed a civil-rights suit alleging that the LASD was “inadequate” in disciplining and controlling deputies, “particularly with respect to illegal acts and acts of excessive force.” The deputies who committed the assault were photographed at the party making gang-like hand signals indicating the number 3.

### **Two-Thousand Boys**

The “Two-Thousand Boys” was a deputy gang based on the 2,000 bloc of Men’s Central Jail in downtown Los Angeles. Two-Thousand Boys members have

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<sup>25</sup> Citizens Commission on Jail Violence report (2012) at 103-04.

a common tattoo on the calf depicting the Roman numeral “II.” They earned their tattoo by beating inmates in their custody and then filing false reports to cover up the abuse. For example, one custody deputy on the 2,000 block fractured the orbital bone of a non-combative inmate to “earn” his II tattoo, signifying his acceptance into the Two-Thousand Boys.<sup>26</sup>

## Vikings

The “Vikings” is perhaps LASD’s most infamous deputy gang. It was based in the now-shuttered Lynwood Station during the 1980s and 1990s. Vikings members had a common tattoo on the ankle. The tattoo depicted a blond Viking head, sometimes with the number “998,” which is the code for “officer-involved shooting.” Vikings members engaged in numerous gang-like behaviors, such as throwing gang signals, speaking gang jargon, and spray-painting “LVS25” over other street gang *placas* in Lynwood.<sup>27</sup> There is evidence that the Vikings embraced a white supremacist world-view. Numerous declarants in two suits, *Thomas v. Los Angeles County* and *ALADS v. Los Angeles County* referred to alleged racist activities and comments by Vikings members. There was also a map of Lynwood in the shape of the African continent on display in the station, and members distributed literature containing a “virulently racist joke against African Americans.”<sup>28</sup>

In 1990, over seventy-five minority residents of Lynwood, represented by the NAACP Legal Defense Fund, filed a class action civil-rights suit, alleging that the LASD tolerated the Vikings’ racially motivated violence against community members. The suit alleged that Vikings members shot, killed, beat, racially profiled, and illegally searched African Americans and Latinos in order to intimidate and terrorize the entire minority community near Lynwood station. In granting a preliminary injunction, U.S. District Judge Terry Hatter characterized the Vikings as “a neo-Nazi, white supremacist gang” that operated under leaders who “tacitly authorize deputies’ unconstitutional behavior.”<sup>29</sup> A divided panel of the Ninth Circuit reversed and remanded because Judge Hatter had granted the preliminary injunction without holding an evidentiary hearing on disputed facts.

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<sup>26</sup> Citizens Commission of Jail Violence report (2012) at 102.

<sup>27</sup> *The Los Angeles County Sheriff’s Department: Report by Special Counsel James G. Kolts & Staff* (July 1992) at 325.

<sup>28</sup> *Id.* at 327

<sup>29</sup> *Thomas v. County of Los Angeles*, 978 F.2d 504, 511 (9th Cir. 1992).

After the reversal and remand, the County settled with the minority plaintiffs for \$9 million.

The most prominent Viking is Paul Tanaka, who served as undersheriff from 2011 to 2013, when he resigned due to publicity regarding an FBI investigation of him for obstruction of justice. He was subsequently convicted of obstruction of justice and sentenced to serve five years in federal prison.

### **Wayside Whities**

The “Wayside Whities” was a deputy gang based in Peter J. Pitchess Honor Rancho (previously called “Wayside Honor Rancho”), a detention facility north of Los Angeles. It is unknown whether Wayside Whities members had a common tattoo, but some did employ “W” hand signals to signify their membership.

In 1990, Clydell Crawford, an African American former inmate, sued Los Angeles County<sup>30</sup> for civil-rights violations, alleging that he was beaten in custody by Wayside Whities members, who deliberately broke his leg.<sup>31</sup> Clydell and three other African American former inmates alleged that they were assaulted because of their race. The complaint alleged that the Wayside Whities were “a Ku Klux Klan-type organization espousing white supremacy and having as one of its objectives the subjugation, intimidation and terrorization” of African American inmates.<sup>32</sup> Clydell’s lawyer publicly stated that the Wayside Whities’ activities were likely “related to other white supremacist deputy groups at other county jail facilities,” but he did not elaborate.<sup>33</sup>

The IAB investigated and concluded that the group did not exist, and that “Wayside Whities” was a perjorative name that African American inmates called

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<sup>30</sup> The suit named Sheriff Sherman Block and LASD deputies Frank La Flame, Ernesto De Armas, and John Bones as individual defendants. In 2013, Bones, fatally shot Eugene Mallory, an 80-year-old man in his bed during the execution of a no-knock warrant in Littlerock, CA; the post-shooting investigation revealed that an informant had falsely claimed that Mallory, a retired engineer, was involved in manufacturing methamphetamine. The Los Angeles District Attorney found that Bones acted in self-defense and declined to prosecute him.

<sup>31</sup> Michael Connelly, *Suit accuses deputies of other racial attack: prisons: an injured inmate says jailer beat him at the Peter J. Pitchess Honor Rancho, which he says is run by a white supremacist group*, L.A. Times (May 25, 1990).

<sup>32</sup> Michael Connelly, *Sheriff denies guards formed gang to beat up black inmates: Castaic: a six-month inquiry finds that ‘Wayside Whities’ was just a mocking name for white guards. But a former prisoner who says they broke his leg has sued*, L.A. Times (Dec. 11, 1990).

<sup>33</sup> *Supra* at n. 15. (may change)

some white custody deputies. The County, nevertheless, settled Crawford's suit for \$40,000.

#### **IV. Successive Sheriffs Resist Acknowledging and Addressing Deputy Gangs**

The deputy gangs and cliques have persisted over the course of six different sheriff administrations. Each elected sheriff has denied or downplayed the existence of the subgroups until deputies' gang-like behavior caused a scandal. In response to public pressure, each sheriff has also pledged to clamp down on deputy gangs and cliques, but then failed to follow through with meaningful investigation and reforms. The result is an entrenched culture of tolerating and even tacitly supporting deputy gangs and cliques within LASD.

Peter Pitchess was the Los Angeles county sheriff from 1958 through 1981. During his tenure, LASD management learned about the Little Devils and, in 1973, they investigated the clique extensively, including compiling a list of 47 employees who had the sequentially numbered devil tattoos. The contemporaneous LASD records do not reflect whether those employees suffered any discipline or consequences. But Pitchess was known for his "tough, military approach," which included "promptly investigating charges of officer misconduct and disciplining or dismissing officer who broke the law or his rules."<sup>34</sup>

Pitchess resisted all "interference from the outside"<sup>35</sup> and fought hard to prevent the release of any documented misconduct in a deputy's personnel file, including refusing to comply with subpoenas for such information. In the landmark case *Pitchess v. Superior Court*,<sup>36</sup> the California Supreme Court unanimously held that a defendant in a criminal trial could discover misconduct in the confidential personnel file of a deputy sheriff if was relevant to his defense.

Sherman Block succeeded Pitchess, serving as the Los Angeles county sheriff from 1982 until his death in 1998. In 1990, a reporter asked Block whether deputies who had tattoos, used gang slang, threw hand signals, and sprayed graffiti were any different from street gang members. Block defended his deputies' right to associate together in this manner adding, "The fact that a group of people with a

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<sup>34</sup> Myrna Oliver, *Peter Pitchess, Sheriff who modernized agency, dies*, L.A. Times (April 5, 1999).

<sup>35</sup> *Id.* ("[Pitchess] retained his salty belief in the independence of his department throughout his life, advising Baca at his swearing-in ceremony: 'You are the sheriff. You and your colleagues will run this department [without] interference from the outside.'").

<sup>36</sup> 11 Cal.3d 531 (1974).

particular assignment band together in a sort of brotherhood could be a very positive thing.”<sup>37</sup> He even trivialized sheriff’s deputies throwing gang signs stating, “The fact that they flash an L sign, L for Lynwood 25 (the number of the Lynwood station), that in itself is meaningless. . . . Gangs get a kick out of the fact the deputies have their own sign.”<sup>38</sup>

In 1992, Judge James Kolts published a report identifying various problems that contributed to LASD deputies’ use of excessive force against community members and proposing specific reforms.<sup>39</sup> The Kolts report discussed the problems associated with deputy gangs, such as the Vikings, and concluded that some members “appeared at least in times past to have engaged in behavior that is brutal and intolerable and is typically associated with street gangs.”<sup>40</sup> Kolts recommended that LASD officials promptly investigate and discipline deputies engaging in gang-like behaviors.<sup>41</sup> Block refused to investigate, stating: “The department is confident there are no racist deputy gangs or cliques within the organization and therefore disagrees that an internal investigation is appropriate.”<sup>42</sup>

Lee Baca served as Los Angeles County sheriff from 1998 until his resignation in 2014 under the cloud of an FBI investigation that ultimately led to his conviction for obstruction of justice.

Baca responded to clique-related scandals with mixed messages: sometimes pledging to clamp down on deputy gangs, other times arguing that his hands were tied by the First Amendment.

In 2005, Baca implemented an official tattoo policy requiring that on-duty employees cover any visible tattoos with “a skin-toned patch, long-sleeved uniformed shirt, or other material which may be formally approved by the Department.”<sup>43</sup> This policy did not purport to discourage or regulate clique tattoos

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<sup>37</sup> Penelope McMillan and Louis Sahagun, *Lynwood deputies’ reported gang-style activity investigated*, L.A. Times (Dec. 4, 1990).

<sup>38</sup> *Id.*

<sup>39</sup> The Los Angeles County Sheriff’s Department: Report by Special Counsel James G. Kolts & Staff (July 1992) at 325

<sup>40</sup> *Id.* at \_\_\_.

<sup>41</sup> *Id.* at \_\_\_.

<sup>42</sup> LASD, A Response to the Kolts Report at p. 256.

<sup>43</sup> Frank Stolze, *LA Sheriff watchdog: the First Amendment should shield deputy cliques, tattoos from scrutiny*, LAist (Apr. 23, 2019).

in any substantive manner; it only directed that all visible tattoos be covered while on duty.

In 2011, Baca appointed Paul Tanka as his second in command. Tanaka, an admitted member of the Vikings, received his tattoo after shooting a man under circumstances that prompted a fellow police officer present at the fatal shooting to refer to it as “an execution.”<sup>44</sup>

After the Jump Out Boys scandal broke in 2012, Baca questioned whether deputy gangs were even real. He stated, “We’re going to be looking at this right now, but it really could be a fantasy, something that’s not true but right now we’re going to find out exactly what is and what isn’t and that will determine what our next step is.”<sup>45</sup> But after the Citizens Commission on Jail Violence published its report that same year confirming the existence of deputy gangs inside Men’s Central Jail, Baca attempted to promulgate a new policy banning all tattoos—even those that were not visible in uniform—that compromised the “professional image” of the LASD.<sup>46</sup> The policy explicitly prohibited deputies from getting tattoos “that suggest street justice or vigilantism, or that are associated with gang culture.”<sup>47</sup> The 2012 policy was withdrawn and the 2005 policy was reinstated by a subsequent administration after ALADS objected that the 2012 policy violated deputies’ First Amendment rights.

In 2014, the Los Angeles County Board of Supervisors appointed John Scott to serve as interim Sheriff for one year. Scott pledged to investigate deputy gangs, including bullying by the Banditos, and share the results of the investigation with the public. Despite this, Scott never released any information about his investigation of the deputy gangs, not has the LASD ever produced such a report in response to numerous public records requests.

James McDonnell served as Los Angeles county sheriff from 2014 through 2018. He was the first person from outside LASD to be elected as sheriff in over 100 years. McDonnell originally resisted investigating deputy gangs by claiming

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<sup>44</sup> John Lee, *Family of Korean man killed by deputies accepts \$999,999 settlement*, L.A. Times (April 18, 1990)

<sup>45</sup> Robert Faturechi, *Secret clique in L.A. County Sheriff’s gang unit probed*, L.A. Times (Apr. 20, 2012).

<sup>46</sup> Frank Stolze, *LA Sheriff watchdog: the First Amendment shouldn’t shield deputy cliques, tattoos from scrutiny*, LAist (Apr. 23, 2019) (writing that \_\_\_\_\_).

<sup>47</sup> LASD Policy 3-0.1/050.80 Grooming and Dress Standards, available at [shq.lasdnews.net/content/uoa/PSD/3-01.pdf](http://shq.lasdnews.net/content/uoa/PSD/3-01.pdf).

they were a relic of the past. When asked about an Executions tattoo in 2016, McDonnell stated that it “does not in any way reflect the LASD of today.” Because allegations about new “clique tattoos” and related gang-related activities continued to surface throughout his tenure, McDonnell was eventually forced to concede that deputy gangs remained a problem within the LASD. During a 2017 sheriff candidates’ debate, McDonnell stated: “Looking at gangs and cliques, did we see them; do we have them? We absolutely see and have them.” During his last year in office, McDonnell pledged to conduct a “comprehensive study” of the deputy gangs. However, it does not appear that an investigation was underway by the time he was voted out of office.

Alex Villanueva is the current Los Angeles county sheriff. During the election campaign, Villanueva stated, “I worked with many people with these tattoos at different stations, and they were the most honorable, ethical people I have ever worked with.”

After taking office, Villanueva, like his predecessors, initially resisted requests by stakeholders and oversight bodies to investigate whether internal subgroups were engaging in gang-like behaviors. He reframed the discussion about deputy gangs or cliques at a civilian oversight commission hearing by speaking of benign “intergenerational rivalry” within the force and relatively harmless “hazing” rituals, such as asking a rookie to buy lunch for an entire station or to work overtime without a jacket.<sup>48</sup> Villanueva also asserted that asking deputies about gang tattoos would violate their First Amendment right to free speech and freedom of association, as well their due process rights.

After decades of doing nothing about deputy gangs, LASD in 2020 promulgated a policy entitled “employee groups which violate rights of other employees or members of the public.”<sup>49</sup> The policy reads:

Department personnel shall not participate or join in any group of Department employees which promotes conduct that violates the rights of other employees or members of the public. Participation in these illicit groups, herein referred to as “deputy cliques” or “subgroups” which often include an associated symbol and/or tattoo, harms morale and erodes public trust. These groups undermine the Department’s

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<sup>48</sup> Frank Stolze, *LA Sheriff Villanueva toughens his policy on deputy cliques. Will it solve the problem?*, LAist (June 26, 2019).

<sup>49</sup> *Id.*

goals and can create a negative public perception of the Department, increasing the risk of civil liability to the Department and involved personnel. Any employee engaging in misconduct of any kind, including but not limited to, the use of excessive force or mistreating or harassing others, will be subject to discipline. If the misconduct involves criminal allegations, the matter may be referred to the District Attorney's Office for possible prosecution.<sup>50</sup>

This policy is certainly a step in the right direction, but it will only be meaningful through actual enforcement. Despite the policy, the LASD management continues to refuse to address the systemic problem of deputy gangs, stressing that it only investigates individual acts of misconduct. Villanueva fought tooth and nail to rehire Mandoyan, the Grim Reapers member who was previously fired for lying about abusing a female deputy and using his status as a gang member to threaten her not to report him. Banditos members who severely beat other deputies outside an off-duty event have since been rewarded with transfers to highly coveted assignments in the robbery-homicide unit. None of this bodes well for meaningful enforcement of the new anti-clique policy.

## **V. The Negative Effects of Fifty Years of Unchecked Deputy Gangs**

### **A. Escalation of Uses of Force: The High Cost of Lives Lost and Multi-Million Dollar Settlements**

In 2016, the Police Executive Research Forum (PERF) issued thirty guiding principles on the use of force. PERF's no. 1 principle states: "The sanctity of human life should be at the heart of everything an agency does."<sup>51</sup> The commentary that immediately follows explains that "agency mission statements, policies, and training curricula should emphasize the sanctity of all human life—the general public, police officers, and criminal suspects—and the importance of treating all people with dignity and respect."<sup>52</sup>

By glorifying shootings and other uses of force against community members, LASD deputy gangs and cliques negate the sanctity of human life and deny the dignity and respect owed to all people. For example, several deputy gangs reward members who shoot somebody by allowing them to "enhance" their

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<sup>50</sup> Los Angeles Sheriff's County Department Manual, section 3-01/050.83.

<sup>51</sup> Police Executive Research Forum, *Guiding Principles in the Use of Force* (Mar. 2016).

<sup>52</sup> *Id.*

common tattoo with additional symbols or “embellishments,” such as adding smoke coming out of the firearm. At least one deputy gang memorialized shootings by entering the deputy’s name, tattoo number, and the date of the shooting in a ceremonial black book. These rituals create a culture of celebrating the use of lethal force in the line of duty.

GET member Jason Zabala exemplifies the connection between membership in a deputy gang and a pattern or escalating uses of force. Zabala has one of the cowboy-related numbered tattoos—a skeleton wearing a star-shaped badge and cowboy hat and holding a pistol next to a tombstone that displays Century station logo. Zabala also has a history of escalating use of force. On May 18, 2013, Zabala and his partner became involved in a confrontation with Terry Laffitte after attempting to stop him for riding a bike without lights. Zabala fatally shot Laffitte in the back of the head. The county settled the Laffitte family’s civil rights suit for \$1.5 million. In 2014, Zabala was one of several deputies who fired 34 rounds at Johnny Martinez, a man suffering from schizophrenia who was wielding knife. The county settled that civil rights suit for \$2.5 million. Zabala also ran into Sonya Benton, causing her serious injury, while running a red light as he drove his patrol car to the scene of an investigation. The county settled that case for \$80,000.<sup>53</sup> Thus the county has spent over \$4 million settling cases related to a single deputy with a clique tattoo.

The problem is not limited to Zabala. A 2018 *Los Angeles Times* study concluded that for a ten-year period Los Angeles County paid more than \$7 million in settlements related to alleged deputy gang members’ misconduct, such as excessive uses of force and sexual harassment.<sup>54</sup> The Office of Inspector General estimates that since 1990 the County has spent \$50 million on settlements and judgments related use of force and misconduct by deputies known to have a clique tattoo. The actual settlement costs are likely even much higher than this because LASD management has refused to investigate whether any deputy involved in a shooting is affiliated with a deputy gang.<sup>55</sup> A comprehensive independent study

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<sup>53</sup> [Verdictsearch.com/verdict/deputy-caused-crash-by-failing-to-clear-intersection-plaintiff/](https://www.verdictsearch.com/verdict/deputy-caused-crash-by-failing-to-clear-intersection-plaintiff/).

<sup>54</sup> Maya Lau, *Cop group with matching skull tattoos costs taxpayers \$7 million in fatal shooting*, L.A. Times (June 18, 2019).

<sup>55</sup> After the *Los Angeles Times* published its study, in April of 2019 the Los Angeles County Board of Supervisors directed County Counsel to prepare a list of all cases against the county involving allegations of secret deputy cliques since 1990, as well as the amount the county paid out in each case. Supervisors Hilda Solis and Sheila Kuehl specifically mentioned the need to let the public know what we are spending on alleged deputy gang members’ misconduct. Brian

will likely reveal that the costs of deputy gang misconduct—in terms of lives lost and settlements paid—are staggering.

## **B. Deputy Gangs Undermine Constitutional Policing**

In the wake of several controversial fatal police shootings of African Americans, President Obama convened in 2015 a task force of law enforcement officers, scholars, and community activists to study police uses of force and propose reforms. The President’s Task Force on Twenty-First Century Policing concluded that the best way to reduce uses of force would be to build meaningful, lasting partnerships between law enforcement and the communities they police. The task force stressed that any successful law enforcement-community partnership required a genuine commitment to constitutional policing, community policing, and procedural justice.

This section focuses on constitutional policing, which emphasizes law enforcement following the Bill of Rights and upholding people’s civil rights.<sup>56</sup> Adhering to the Constitution ensures that law enforcement officers treat everybody fairly and impartially. Constitutional policing requires more than complying with court opinions to ensure the admissibility of evidence or the viability of prosecutions. Law enforcement organizations should continuously examine their policies and practices to make sure they “advance the broad constitutional goals of protecting everyone’s rights and providing equal protection under the law.”<sup>57</sup>

The history and demography of the spread of deputy gangs throughout the LASD reveals how they utterly violate equal protection under the law. The first wave of deputy gangs originated at stations in East Los Angeles<sup>58</sup> and in and around Lynwood.<sup>59</sup> Each of these stations originally had a mostly white force policing communities with a high percentage of minorities. Later, deputy gangs

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Frank, *LA County leaders say “violent, gang-like” cliques are a huge liability—and they want names*, LAist (April 30, 2019). Despite this, County Counsel’s list has never been made available to the public for unknown reasons.

<sup>56</sup> *Constitutional Policing as a Cornerstone of Community Policing, a Report by the Police Executive Research Forum* (Apr. 2015).

<sup>57</sup> *Id.* at 2

<sup>58</sup> According to census records, East Los Angeles is 96% Latino, 0% African American, 2% white, and 1% Asian. See [censusreporter.org/profile/16000US062082-east-los-angeles-ca/](https://censusreporter.org/profile/16000US062082-east-los-angeles-ca/).

<sup>59</sup> Lynwood is 88% Latino, 8% African American, 2% white, and 1% Asian. See [censusreporter.org/profiles/1600US644574-lynwood-ca/](https://censusreporter.org/profiles/1600US644574-lynwood-ca/).

arose in Compton<sup>60</sup> and, most recently, in the Antelope Valley stations.<sup>61</sup> The current rise of deputy gangs at the Palmdale and Lancaster stations is not happenstance. The Antelope Valley was a majority-white community that has become increasingly diverse over the past two decades. Conversely, stations in majority white, higher income areas, such as Malibu, have never had any known deputy gangs or cliques.

The common characteristic regarding all the LASD deputy gangs, past and present, is that they originate and thrive in low-income, high-minority communities.<sup>62</sup> The inevitable result is that people of color living in the deputy gang “turf” experience an inordinate amount of heavy-handed, aggressive policing, including racial profiling and excessive use of force. This creates a rift between community and the LASD, which leads to poor relations and distrust.

Deputy gang members rationalize excessive force, unconstitutional searches, perjury, and other illegal tactics as necessary components of effective policing. They rely on extreme loyalty and a strict code of silence to hide each other’s acts of violence and misconduct. As such, they promote internal loyalty over adherence to state law or LASD policy. These practices inevitably lead to an “us-against-them” view of policing. Nowhere is this truer than at the East Los Angeles station, which to this day displays a “Fort Apache” logo despite years of complaints from community members who find the logo demeaning and offensive. The East Los Angeles station has also generated more problematic subgroups than any other station.

The various internal cliques and gangs present themselves as an elite, invitation-only group that recruits only the most talented, skilled, and committed

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<sup>60</sup> LASD took over policing Compton after the Compton City Council defunded the Compton Police Department on September 16, 2000. Compton is 68% Latino, 29% African American, 1% white, and 1% Asian. [Censusreporter.com/profiles/16000US0615044-compton-ca/](https://www.censusreporter.com/profiles/16000US0615044-compton-ca/).

<sup>61</sup> The most recent census records reflect that Palmdale and Lynwood are much more diverse than they were a generation ago. Palmdale is currently 58% Latino, 21% white, 13% African American, and 5% Asian. [Censusreporter.org/profiles/16000US0655156-palmdale-ca/](https://www.censusreporter.org/profiles/16000US0655156-palmdale-ca/). Lancaster is currently 44% Latino, 29% white, 20% African American, and 4% Asian. [Censusreporter.org/profiles/16000US0640130-lancaster-ca/](https://www.censusreporter.org/profiles/16000US0640130-lancaster-ca/).

<sup>62</sup> The Kolts Commission independently reached the same conclusion in 1992, noting that “these cliques are found particularly at stations in areas heavily populated by minorities—the so-called “ghetto” stations.” *Kolts Report* at 327; *see also*, Anne Marie O’Connor and Tina Daunt, *The Secret Society among Lawmen*, L.A. Times (Mar. 24, 1999)(“Membership [in the deputy gangs] swelled in the 1980s at the overwhelmingly white sheriff’s stations that were islands in black and Latino immigrant communities.”).

deputies. This creates a culture in which affiliation with one of the subgroups stands as evidence of one's value as a law enforcement officer. Unfortunately, in the eyes of deputy gang members that value arises from being ready and willing to use violence against community members and to violate their civil rights. A culture that has evolved in this manner for five decades will inherently resist all efforts to implement constitutional policing.

### **C. LASD Members Make False and Misleading Statements to Hide the Existence and True Nature of Deputy Gangs**

When the LASD leaders are questioned about the deputy gangs, they do whatever they can to distance themselves from them and claim their hands are tied. Sheriffs—after they can no longer plausibly deny that deputy gangs exist—consistently claim that the First Amendment prohibits them from investigating if deputies are involved in a deputy gang or clique. This is a serious mischaracterization of First Amendment law. Public employers can and do restrict their employees' First Amendment rights when such restriction is necessary to effectuate a government agency's mission.<sup>63</sup> This is particularly true of law enforcement agencies.<sup>64</sup> Moreover, historical documents during Sheriff Pitchess's tenure reflect that his administration *did* investigate tattooed deputy gangs and cliques, including asking individual members if they had a clique tattoo.<sup>65</sup>

Stakeholders who seek to learn more about the deputy gangs--including CJLP—have filed public records requests for all documents reflecting LASD management's "knowledge of and efforts to address the problems caused by deputy gangs." LASD officials responsible for disclosing records subject to the California Public Records Act have stated that the department has no responsive

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<sup>63</sup> *Garcetti v. Ceballos*, 547 U.S. 410, 418 (2006) ("When a citizen enters government service, the citizen by necessity must accept certain limitations on his or her freedom."); *Pickering v. Board of Education*, 391 U.S. 563, 573 (1968) (government employer may restrict an employee's free speech if that speech is likely to impact the efficiency of providing its services or otherwise undermine its mission).

<sup>64</sup> *Pappas v. Giuliani*, 290 F.3d 143, 146 (2d Cir. 2002) (Police department's restriction of officer's racist speech did not violate the First Amendment because "[t]he effectiveness of a city police department depends importantly on the respect and trust of the community and in the perception in the community that it enforces the law fairly, evenhandedly, and without bias.").

<sup>65</sup> Dec. 3, 19973 LASD Memo from Capt. R.D. Campbell to Chief T.H. Von Minden, on file at the Center for Juvenile Law and Policy, Loyola Law School-Los Angeles.

documents. Yet, internal records reflecting that management has known about the gangs for decades continue to surface, impeaching their claim that no records exist.

During depositions or IAB investigations, sheriff's deputies known to have a common tattoo deny that they are in a clique or gang, and offer tortured explanations for the tattoos, which usually depict skeletons, firearms, and symbols of death. Some have claimed that their menacing tattoo represents equality under the law.<sup>66</sup> Others have claimed that their tattoo represents their integrity and work ethic.<sup>67</sup> None has been able to credibly explain why flaming skulls and instruments of death were selected to depict such virtues.

Deputies engage in the same false narratives about deputy gangs during IAB investigations. For example, a deputy who was shown the Jump Out Boys' creed during an IAB investigation denied that references to them "doing what we have to" and "crossing the line" were evidence of misconduct. Instead, he claimed the quoted language was evidence of commitment, stating: "It shows they're looking for some highly motivated deputies who are willing to step up and go where most deputies are not willing to do. They're looking for deputies to step up, be leaders, and take bad guys to jail on their own turf."<sup>68</sup>

#### **D. Deputy Gangs Infect the Fairness of the Justice System**

The harm caused by unchecked deputy gangs and cliques is not limited to unconstitutional policing on the streets; it spills over into our justice system, where willful non-disclosure and false statements infect the fairness of criminal and civil proceedings.

##### **1. Criminal Justice: Brady Violations Lead to Wrongful Convictions**

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<sup>66</sup> During his deposition Oleg Pollisky, a deputy in the Palmdale station, claimed that his clique tattoo signified that "no one person has any less rights than any other person" and that "you treat public equally and without bias." Maya Lau, *Inked with a skull in a cowboy hat, L.A. County sheriff's deputy describes exclusive society of lawmen at California station*, L.A. Times (Aug. 4 2018).

<sup>67</sup> During his deposition Samuel Aldama, a deputy in the Compton Station, claimed that his clique tattoo signified "working hard." Maya Lau, *L.A. Sheriff watchdogs alarmed about new claims of secret deputy clique at Compton station*, L.A. Times (July 13, 2018).

<sup>68</sup> LASD Bureau of Investigative Affairs report on the Jump Out Boys at p. 40, on file at the Center for Juvenile Law and Policy, Loyola Law School.

Under *Brady v. Maryland*, prosecutors have a constitutional obligation to disclose material, exculpatory evidence to defense prior to trial. Exculpatory evidence includes evidence that impeaches the testimony of prosecution witnesses,<sup>69</sup> including law enforcement witnesses. Because both the prosecutor and the investigating officers are members of the same prosecution team, the prosecutor has a duty to learn about all impeaching information known by the police.<sup>70</sup>

The U.S. Supreme Court held in *United States v. Abel*<sup>71</sup> that the prosecution may impeach a defense witness based upon the witness's reputed membership in a secret prison gang. Likewise, a defendant in a criminal trial should be able to impeach a prosecution witness based on the witness's reputed membership in a secret police gang. Membership in a deputy gang is particularly impeaching because there is substantial evidence that deputies are bound to cover up misconduct and lie on behalf of fellow deputies.<sup>72</sup>

Reading *Brady* and *Abel* in tandem compels the conclusion that the prosecution has a constitutional obligation to disclose if a deputy who will testify as a prosecution witness belongs to a deputy gang. Joining a deputy gang is a fundamentally dishonest act. Deputy gang members present as ordinary law enforcement officers, but in actuality, they are committing acts of violence and violating the civil rights of others under color of law. It is the height of hypocrisy for an "inked" sheriff's deputy acting as a prosecution gang expert<sup>73</sup> to opine that a

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<sup>69</sup> *Giglio v. United States*, 405 U.S. 150 (1972).

<sup>70</sup> *Kyles v. Whitley*, 514 U.S. 419 (1995).

<sup>71</sup> 416 U.S. 45 (1984).

<sup>72</sup> See *United States v. Tanaka*, 707 Fed. Appx. 488, \_\_\_ (2017) (holding that the trial court properly allowed the prosecution to question a sheriff's deputy about his participation in a "deputy clique" or "deputy gang" because "evidence of his involvement in the Vikings [was] relevant to assessing the veracity" of his statements about being a law abiding law enforcement officer); *Osborne v. City of Long Beach*, no. 87-6262. 1988 WL 141 (9<sup>th</sup> Cir. Dec. 20, 1988); see also Gabrielle J. Chon and Scott C. Wells, *The "Blue Wall of Silence" as Evidence of Bias and Motive to Lie: a New Approach to Police Perjury*, 59 U. Pitt. L. Rev. 233, 278 (1988) ("The *Osborne* court's application of *Abel* [to a police department] is sound. It dovetails with the many cases holding that defendants may introduce evidence that police officers have some motive to lie in a particular case.").

<sup>73</sup> See *People v. Sanchez*, 63 Cal. 4th 665, 671 (2016) (describing qualifications of and preparation for a police gang expert to testify whether the defendant committed the crime for the benefit of, at the direction of, or in association with criminal street gang members).

juvenile is a gang member who committed a crime for the benefit of his criminal street gang while withholding that he himself is a member of an illicit deputy gang.

Because LASD management refuses to investigate whether its employees belong to such deputy gangs, it does not disclose *Brady* information about deputy gang-affiliation to the prosecutor. Consequently, deputies who belong to a deputy gang testify in hearings and trials without disclosure of their affiliation even though that affiliation would impeach their credibility as a witness at hearings and trial.

The case of *People v. Francisco Carrillo* reveals the human cost of the prosecution's failure to disclose that a testifying deputy belongs to an LASD deputy gang. Carrillo, a 16-year-old high school student from Maywood, was arrested and prosecuted as an adult for a gang drive-by shooting in Lynwood. Six juvenile witnesses identified Carrillo as the shooter. The first trial ended in a hung jury, but after a retrial Carrillo was convicted of homicide and sentenced to life. A pro bono legal team took Carrillo's habeas and interviewed the eyewitnesses, who were now adults. The witnesses admitted that they had been coached by LASD deputy Craig Ditsch to identify Carrillo even though their view of the shooter had been insufficient to make an identification. The habeas team also uncovered evidence that Ditsch was an inked member of the Lynwood Vikings—a fact not disclosed to the defense before trial. The habeas court vacated Carrillo's conviction, the District Attorney elected not to retry him, and he was released from prison after serving 20 years due to wrongful conviction.<sup>74</sup>

*Brady* violations arising from non-disclosure of deputy gang affiliation have occurred even in capital cases. Jose Luis Orozco was convicted and sentenced to death for the fatal shooting of Jerry Ortiz, a sheriff's deputy in the anti-gang unit. The trial prosecutor elicited evidence about Orozco's gang affiliation and argued that his status as a gang member who shot a law enforcement officer justified imposing the death penalty. It was later revealed that Ortiz himself was an inked member of the Regulators. The prosecution's failure to disclose prior to trial Ortiz's affiliation with a deputy gang risks reversal of the conviction and death sentence based on a *Brady* violation.

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<sup>74</sup> Celeste Fremon, *L.A. County pays \$10.1 million because L.A. deputy allegedly influenced witnesses causing a 16-year-old go to prison for 20 years*, Witness LA (July 25, 2016).

It is particularly important to enforce the prosecution's *Brady* obligation to disclose if law enforcement witnesses belong to a deputy gang because the defense is unlikely to independently learn that information on its own. California has the most restrictive access to police personnel files in the nation.<sup>75</sup> While a defendant may file a "*Pitchess* motion" to discover findings of misconduct in deputy's personnel file, the defense must first demonstrate "good cause"—a difficult showing given that usually nobody knows what is inside a deputy's confidential personnel file. Moreover, the prospect of discovering information about deputy gang membership in a personnel file is particularly low because LASD management refuses to investigate "inked" members.

## **2. Civil Justice: Structuring Settlements to Hide Deputy Gangs and Cliques from the Public**

The deputy gangs have also infected the Los Angeles civil justice system. The County's civil lawyers negotiate settlements in civil rights cases in order to prevent the dissemination of information about the deputy gangs. For example, after a judge ordered the LASD to disclose the names of all known Executioners members in a wrongful death case, County Counsel negotiated a \$7 million settlement that mooted the discovery order.

County counsel also requires non-disclosure agreements as a condition of settling with plaintiffs who sue LASD in connection with deputy gang members' misconduct. For example, in 2015 Rosa Gonzalez, a female deputy in the East Los Angeles station, filed a gender discrimination and retaliation suit against Los Angeles County alleging that LASD supervisors ignored her complaints that she was "subjected to sexual harassment and retaliation by male deputies."<sup>76</sup> Gonzalez linked the gender discrimination and retaliation to the "highly misogynistic" culture at the East Los Angeles station, which was "essentially run by a gang of deputies known as the 'Banditos'" who "us[ed] female deputies as their 'women' and den[ied] them promotional opportunities."<sup>77</sup> The parties negotiated a pretrial settlement for \$1 million<sup>78</sup> that subjected Gonzalez to a non-disclosure agreement.

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<sup>75</sup> Jonathan Abel, *Brady's Blind Spot: Impeachment Evidence in Police Personnel Files and the Battle Splitting the Prosecution Team*, 67 *Stanford L. Rev.* 743, \_\_ (2015).

<sup>76</sup> Complaint in *Gonzalez v. County of Los Angeles*, No. BC591056, 2015 WL 13844629.

<sup>77</sup> *Id.* at 4.

<sup>78</sup> Cty of L.A. Claims Bd., Minutes of Regular Meeting (May 6, 2019), at 3 (noting that "the Claims Board recommended to the Board of Supervisors the settlement of [*Gonzalez v. County of Los Angeles*] in the amount of \$1,000,000.").

Consequently, Gonzalez cannot discuss the gender discrimination and retaliation she was subjected to by the Banditos.

The use of non-disclosure agreements to silence female deputies harassed by deputy gang members is particularly troubling where, as in the Gonzales suit, all of the harassment occurred within a public agency, all parties were public employees, and the offered settlement was paid with public funds. The non-disclosure agreements facilitate further gender discrimination and harassment by deputy gang members and violates public policy. Indeed, the Legislature in 2018 enacted SB-820, which was codified as California Code of Civil Procedure section 1001(a). Section 1001(a) makes any “provision in a settlement agreement that prevents the disclosure of factual information related to [a claim of sexual harassment] ... void as a matter of law and against public policy.”

## **VI. Moving Forward: Implementing the Recommendations of the President’s Task Force on Twenty-First Century Policing**

The proliferation of deputy gangs and cliques within LASD for nearly fifty years is not happenstance. The LASD has consistently embraced a warrior model of policing in which deputies act like an occupying force over the communities they police. Consistent with this model, LASD management resists transparency, oversight, and collaboration with community partners. The predictable result of this approach to policing is a secretive, violent, us-against-them police culture where internal gangs and cliques continue to sprout and attract new members.

The report of the President’s task force on twenty-first century policing contains 59 recommendations that stand as blueprint for culture change in law enforcement organizations.<sup>79</sup> The heart of these collective recommendations is that law enforcement move away from viewing themselves as at war with the communities they police, and towards a model of policing that values and implements constitutional policing, community policing, and procedural justice. The task force wrote:

Law enforcement culture should embrace a guardian—rather than a warrior—mindset to build trust and legitimacy both within agencies and with the public. Toward that end, law enforcement agencies should adopt procedural justice as the guiding principle for internal and

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<sup>79</sup> *President’s Task Force on 21<sup>st</sup> Century Policing, Final Report* (2015).

external policies and practices to guide their interactions with rank and file officers and with the citizens they serve.<sup>80</sup>

The Twenty-First Century Policing model emphasizes public transparency, meaningful engagement with oversight bodies, collaboration with community-based organizations, and true accountability for deputy misconduct. Implementing this model of constitutional and community policing provides the best path forward for culture change and the eradication of deputy gangs and cliques within the LASD.

### SPECIFIC RECOMMENDATIONS

- The LASD should enforce its new policy (3-01/050.83) prohibiting deputies from participating in subgroups that violate the rights of others;
- The LASD should acknowledge the existence of all known deputy gangs and cliques and disclose all internal documents about the gangs and cliques pursuant to the Public Records Act.
- Los Angeles deputy district attorneys should affirmatively ask sheriff's deputies expected to testify as prosecution witnesses whether they belong to a deputy gang or clique and, if they do, disclose this affiliation to the defense prior to trial pursuant to *Brady v. Maryland*;
- Defense counsel should move pursuant to *Pitchess v. Superior Court* to discover if any sheriff's deputies involved in the investigation of the charged offenses is affiliated with a deputy gang or clique;
- The Los Angeles Sheriff Civilian Oversight Commission (COC) should host town halls in East Los Angeles, South Los Angeles, Compton, and the Antelope Valley to solicit community input about deputy gangs or cliques operating in these areas;
- The COC should direct the Office of Inspector General to investigate all current deputy gangs and, if necessary, use its subpoena power to obtain testimony and documents regarding the deputy gangs;
- The Sheriff should regularly attend COC public hearings in order to engage with the commission and community members about how to address the longstanding problem of deputy gangs and cliques within the department;
- An institutional defender or non-profit organization should create and maintain a database of all deputies known to be affiliated with a deputy gang

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<sup>80</sup> *Id.* at 1.

or clique and catalogue specific acts of misconduct associated with the gang or clique;

- The Los Angeles County Board of Supervisors should direct its counsel to stop seeking non-disclosure agreements as a condition of settlement in civil suits where the NDA facilitates hiding deputy gang misconduct from the public.

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