

# CHECK THE SHERIFF

June 12, 2023

TO: District Attorney George Gascón  
211 W Temple St #1200  
Los Angeles, CA 90012

Via Email

RE: Your Office's Duty to Investigate Deputy Gang Allegations in the Killing of Andres Guardado

Dear District Attorney Gascón,

Check the Sheriff (CTS), a coalition of community and labor organizations led by individuals and families directly impacted by Los Angeles County Sheriff Department's (LASD) violence and misconduct, has worked tirelessly to strengthen civilian oversight and accountability of LASD through policy and legal change in partnership with the ACLU of Southern California. In recent years, our advocacy has uplifted the murders of community members by suspected members of deputy gangs within LASD. We have seen LASD continuously prioritize the protection of its personnel over the safety of Angelenos by refusing to disclose relevant information or comply with investigations into these deputy gangs.

Importantly, CTS developed the first sheriff-related Los Angeles County charter amendment in 20 years, which became Measure A and passed with a resounding 72 percent of the vote, finally establishing meaningful civilian checks and balances of the paramilitary office of the sheriff. Our overwhelming community-driven victory in Measure A, following Measures J and R, is a clear mandate — a clarion call — from voters not only for real sheriff accountability but also for a new vision for public safety. Accordingly, county stakeholders, including your office, possess the political capital to leverage these important victories and take decisive actions to finally address the scourge of deputy gangs and the conditions that lead to LASD's unchecked hostility and violence towards communities, particularly Black and Latine communities.

At the Sheriff Civilian Oversight Commission (COC) meeting on May 18, 2023, we were troubled to learn that your office solely relied on LASD's investigation when deciding to not prosecute Deputies Miguel Vega and Chris Hernandez for the killing of 18-year-old Andres Guardado. From an objective standpoint, LASD's investigation was riddled with issues. Witness reports held that LASD personnel took security footage and destroyed cameras following Andres Guardado's killing.<sup>1</sup> Former Sheriff Alex Villanueva placed a security hold on

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<sup>1</sup> Nicole Levin, [LA Sheriff's Department Attacks Protesters in Compton](https://knock-la.com/la-sheriffs-department-attacks-protesters-compton-732bcd93c0c8/), KNOCK L.A., (June 23, 2020), <https://knock-la.com/la-sheriffs-department-attacks-protesters-compton-732bcd93c0c8/>.

Andres Guardado's autopsy, leading to the Medical Examiner-Coroner's breaking with the sheriff and initiating the first coroner's inquest in nearly 40 years.<sup>2</sup> During the coroner's inquest, Mike Davis and Joseph Valencia, the detectives leading the homicide investigation, pleaded the Fifth Amendment. The retired justice presiding over the inquest, COC Chair Sean Kennedy, and Inspector General Max Huntsman have all highlighted that this behavior is not only unheard of, but legally unwarranted, also raising serious concerns about the professionalism and integrity of LASD's investigation.<sup>3</sup> These same detectives, who remained in charge of the investigation, never asked Deputies Vega and Hernandez if they were affiliated with a deputy gang, despite an LASD whistleblower's report under oath that both deputies were seeking initiation into the "Executioners" deputy gang in the LASD Compton station.<sup>4</sup>

Time and time again, LASD has proven the truth that the police can't police themselves. Hence, we are not surprised that LASD's investigation of its own was marred by self-serving gaps. What deeply concerns us, however, is that your office did not supplement LASD's at-best shoddy investigation or possible cover-up before using it as the basis for declining to prosecute Deputies Vega and Hernandez. Your office never investigated the allegations that these deputies were prospects of the "Executioners" deputy gang, despite sworn testimony that these deputies were motivated to kill Andres Guardado because of their desire to be initiated into this violent deputy gang. Your office's own Justice System Integrity Division memo states that "allegations that Vega was seeking to become a member of the Executioners are concerning and arguably provide a motive to use unreasonable force." This course of action directly ignores the motion passed by the Board of Supervisors (Board) on July 27, 2021, which requested that your office investigate all allegations of criminal conduct by LASD.<sup>5</sup> Your office was even given the opportunity to report back on additional funding needed to ensure you could meet this request.

As the elected District Attorney, you have the responsibility to ensure the investigations you base prosecutorial decisions on are thorough and conducted with integrity. And you were elected largely on your promise to hold law enforcement officers accountable for their actions — which your predecessor notoriously failed to do. Yet, when given the authority and responsibility to properly investigate Andres Guardado's killing and ask whether these deputies were affiliated with a deputy gang, your office chose instead to accept LASD's self-serving and incomplete version of events rather than put your own resources to work. Given LASD's handling of this investigation and the department's well-established culture of secrecy and obstinance, we have no confidence in either LASD's findings or your office's.

As we approach Andres Guardado's three-year Angelversary on June 18, 2023, the community is still yearning for answers and accountability. We urge you to fully investigate the

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<sup>2</sup> Frank Stoltze, [L.A. Coroner Uses Rare Inquest to Probe Deputy's Killing of Andres Guardado](https://laist.com/news/la-prepares-for-rare-coroners-inquest-into-the-killing-of-andres-guardado), LAIST, (Nov. 23, 2020 at 12:54 PM), <https://laist.com/news/la-prepares-for-rare-coroners-inquest-into-the-killing-of-andres-guardado>.

<sup>3</sup> Letter from Sean Kennedy, COC Chair, to Sheriff Luna (May 10, 2023), *available at* <https://file.lacounty.gov/SDSInter/bos/supdocs/ChairLettertoLunareGuardado5.10.2023.pdf>.

<sup>4</sup> Kate Cagle, [Whistleblower Testifies Deputy Who Shot Gardena Teen Was "Chasing Ink"](https://spectrumnews1.com/ca/la-west/public-safety/2020/08/30/whistleblower-testifies-deputy-who-shot-gardena-teen-was--chasing-ink--), SPECTRUM NEWS 1, (Aug. 30, 2020, 9:03 AM), <https://spectrumnews1.com/ca/la-west/public-safety/2020/08/30/whistleblower-testifies-deputy-who-shot-gardena-teen-was--chasing-ink-->.

<sup>5</sup> Motion by Supervisors Hilda L. Solis and Holly J. Mitchell, *Taking Action: Further Protections for Surviving Families From Law Enforcement Harassment and Retaliation* (July 27, 2021), *available at* <http://file.lacounty.gov/SDSInter/bos/supdocs/160300.pdf>.

allegations of deputy gangs in the killing of Andres Guardado. We would also like to know what your office has done to respond to the Board's July 27, 2021 motion. We were deeply disappointed to learn that you recently declined to attend the upcoming COC meeting in Compton on Thursday, June 15, 2023. As you know, Deputies Vega and Hernandez were part of the Compton station. We strongly encourage you to reconsider and attend this meeting to answer questions from the community.

Sincerely,

Check the Sheriff Coalition