February 18, 2021

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

THE NEED FOR AN HONEST AND OBJECTIVE INSPECTOR GENERAL

The purpose of this communication is to advise you of my grave concerns with the conduct of your appointed Inspector General (IG), Max-Gustaf Huntsman, and the publications authored by his office which directly influence the unsuspecting public’s perceptions regarding both the credibility of the Los Angeles County Sheriff’s Department (Department) and the legitimacy of our operations. His zealot-like behavior continues to create civil liability for the County and potentially endangers the life of deputies in the field, as he artificially stokes animosity between the Department and the community.

In addition to potentially endangering the lives of our deputies, his intellectual dishonesty places the public at an increased risk. After utilizing good communication and de-escalation strategies, deputies can only ultimately perform the detention or arrest of an individual one of two ways: 1) The person voluntarily submits to lawful authority; or, 2) The person resists and the deputy uses force to overcome their resistance and gain safe control. As the public continues to be misled by Mr. Huntsman as to the Department being engaged in widespread “unlawful conduct,” they are far less likely to voluntarily comply. Statistically, this in and of itself places members of the public in situations that are far less likely to have a peaceful resolution.

The expectation of the public regarding the conduct of an IG is they are dedicated to serving the public’s interest by working tirelessly to fairly assess the operations of any given organization and provide meaningful input for reforms, which may be required to adapt to an ever-changing world. Indeed, the National Association of Inspectors General posits this public expectation is best served when:
This public expectation is best served by inspectors general when they follow the basic principles of integrity, objectivity, independence, confidentiality, professionalism, competence, courage, trust, honesty, fairness, forthrightness, public accountability, and respect for others and themselves (AIG Principles and Standards, pg. 3, 2014).

Please note the first two principles outlined above, integrity and objectivity. I will provide you a brief rundown of the fundamental defects of Mr. Huntsman’s work product, starting with the most recent publications and working our way back towards the start of my administration.

The Office of Inspector General (OIG) report "Review and Analysis of Misconduct Investigations and Disciplinary Process" released in February 2021 suffers from multiple fatal defects, chief among them the fallacy of a study period (2015-2019) which encompasses two administrations without distinguishing and contrasting the data from both. Another fatal flaw is the use of individual cases in an anecdotal fashion as representative of the entire Department’s operation without providing proper context with the totality of cases investigated and discipline rendered. A select quote from the introduction:

Notwithstanding the current Sheriff’s assertions, we were not provided by the Sheriff, and in our review, we did not observe or find, any evidence of falsification of evidence or reports which resulted in the wrongful discipline of a department employee (pg. 4, 2021).

This statement is demonstrably false and illustrative of the nature of the report itself. The Department conducted an in-depth analysis of the Mandoyan case, which is now a public document, wherein it was proven that a key exculpatory witness was identified, interviewed, and the results concealed from both the Civil Service Commission and the employee fighting the discharge (see the Department’s Case Analysis, October 1, 2019).

The next production from the OIG, "Report Back on Unlawful Conduct of the Los Angeles County Sheriff’s Department" was a letter dated December 14, 2020, addressed to the Civilian Oversight Commission (COC), purportedly in response to a request from Commissioner Priscilla Ocen. The starkly sophomoric report amounted to nothing more than a rehash of current and past litigation and a torturous defense of the legal fallout from Mr. Huntsman’s oversteps in a homicide investigation.

This report was designed exclusively as a political tool to discredit the Department and does not appear to have any legitimate purpose in oversight, transparency, or accountability. Perhaps the most startling false statement is the section subtitled
"Failure to Investigate and Prohibit Deputy Secret Societies (pg.12)." Mr. Huntsman has the Department's criminal and administrative investigations of the Kennedy Hall incident from former Sheriff Jim McDonnell's tenure, and he is aware that 26 employees were disciplined, including four who were terminated as a result of that administrative investigation. Mr. Huntsman is also aware of the Department’s new policy regarding forming or participating in deputy subgroups, which was issued in February 2020 and is being vigorously enforced.

The preceding report, "The Right to Know Act: Los Angeles County Sheriff's Department Response to Police Transparency Reform" was published in November 2020, and in typical OIG fashion, deliberately used outdated information from January 2020 to make the false claim the Department was not complying with SB 1421. For the record, as of December 31, 2020, the Department achieved full compliance with SB 1421 with a 96.45 percent rate, a number Mr. Huntsman was well aware was in the making and far different than the 70 percent non-compliance rate he reported just a month earlier.

Mr. Huntsman is also aware of the issues the Department has had since the inception of SB 1421, with antiquated databases that do not communicate with each other and the severe lack of staffing to meet the new requirements (a failure of leadership by the previous administration). To wit, in a letter dated July 6, 2020, to former Board of Supervisors (BOS) Chair, Supervisor Kathryn Barger, the Department outlined six different occasions where we requested additional resources through the Chief Executive Office and were denied repeatedly. It was only through cannibalizing different functions of the Department that we were able to muster enough personnel to satisfy SB 1421 and California Privacy Rights Act requests. Comparing our operation to Los Angeles Police Department's is a dishonest comparison based on disparate funding levels, IT infrastructure, and staffing levels.

Looking through the sheer number of reports authored by the OIG, a persistent pattern emerges wherein the OIG ignores Department investigations, results of investigations, and actions taken in response to complaints from the public. The November 17, 2020, report back to the COC regarding the alleged harassment of family members after fatal deputy-involved shootings is one example of this. The report negates in its entirety the concerns of the public over impromptu memorials and gang members loitering in the vicinities of their homes, concerns which were addressed properly by the Department’s report.

Examining the OIG’s report’s table of contents alone since its inception reveals a deferential OIG during former Sheriff McDonnell’s administration, with report titles of a generic and non-inflammatory nature, unlike those published during my administration.
As a matter of fact, the OIG generated as many reports during my first two years in office as they did during all of former Sheriff McDonnell's tenure, and that includes the conspicuously "confidential" report Mr. Huntsman prepared to bury the potentially illegal actions of former Sheriff McDonnell's Assistant Sheriff, Mike Rothans, for his purchase of a stolen vehicle from a contracted tow company.

Without question, these "reports" would be rejected by any legitimate academic institution. They are filled with unproven allegations, anecdotal data, omissions, distortions, and an overall permeation of bias and intellectual dishonesty. They are truly not the level of accuracy and authenticity expected in County government. Furthermore, if my own deputies consistently authored documents at this level, they would at the very least be placed on a performance improvement plan, and in cases of deception, omission, and lack of honesty, an administrative investigation would be conducted. I believe the responsibility for performance and accountability issues with Mr. Huntsman belongs, in part, to the COC. Yet, they seem too hyper-focused on political activism and calls for my own resignation to focus on this duty.

Since taking office in December 2018, I have continued my reforms within the Department to enhance public safety and strengthen the ties within our communities. As the elected Sheriff serving the most populous county in the nation and employing nearly 18,000 employees, this is no easy task. Having inherited significant problems from past administrations, I remain committed to effecting positive change for the residents of Los Angeles County.

As the first progressive democratic sheriff, I have delivered on many of my campaign promises to bring reform and transparency to the Department. I have instituted major reforms regarding Immigration and Customs Enforcement (ICE), leadership diversity, wage theft, and the single most important commitment to transparency – body worn cameras. Although Mr. Huntsman authored multiple reports on the Department's cooperation with ICE, he became silent in light of the moratorium on all inmate transfers to ICE custody. Again, this amounts to false documentation by omission and does not serve to inform either the public or the Department.

As a result of these unethical reports, the Department is suffering irreparable damage and our standing in the community is being undermined by continual, misleading, and false attacks. It should be of great concern to all of us that his actions are eroding public trust and creating a liability for the Department. His hopelessly biased reporting will only invite future frivolous lawsuits which the hardworking taxpayers will have to waste money defending, while at the same time artificially rising tensions in the community which can endanger the lives of our deputies. This was clearly evidenced by the brutal attack on our two Compton Transit Services Bureau deputies which horrified the entire nation.
The IG serves an advisory role, just like the COC. When their efforts are driven by political agendas and not facts, they fail to serve the public's expectations of oversight and betray the reason for their existence. As a result, their work product does not inform the Department's operations and will not be considered of any value. The Department will continue, however, to provide both entities all the information they are legally entitled to receive.

As you have been advised in writing, the Department continues to investigate a data breach discovered at the beginning of 2019. The Legislature has enacted a statutory scheme defining the powers and duties of a sheriff (Government Code Sections 26600-26778). Section 26600 generally provides:

The sheriff shall preserve peace, and to accomplish this object may sponsor, supervise, or participate in any project of crime prevention, rehabilitation of persons previously convicted of a crime, or the suppression of delinquency.

A sheriff is also expressly authorized and directed to investigate public offenses that have been committed and to arrest and take before a magistrate all persons who have committed a public offense (Sections 26601-26602). There is no statutory scheme that places anyone, including members of the OIG, above the law. As such, it is with concern that I read a letter from Lawrence Middleton to County Counsel, who had retained him to purportedly provide legal guidance on this very issue. In his words:

Upon completing my analysis, I wanted to bring to Undersheriff Murakami’s attention a number of issues and concerns that cause me to counsel against a continuation or escalation of the investigation. Most notably, as detailed below, because none of the potential charges being investigated are likely to lead to a successful criminal prosecution, Department personnel involved in the investigation could place themselves in jeopardy or criminal prosecution and/or civil liability if they continue (March 6, 2020).

This letter appears to be an attempt to intimidate, coerce, or otherwise dissuade the Department from carrying out our lawful duty and is unacceptable. It should be noted neither County Counsel nor Mr. Middleton has knowledge of the scope or details of the investigation, rendering such opinions ill-informed and ill-advised. I have recused myself from this inquiry and know of its details superficially.

The Department needs an IG who is not ethically compromised and is certified by the National Association of Inspectors General. I expect the work product of the OIG to adhere to professional standards as cited in the Association of Inspectors General's book, "Principles and Standards for Offices of Inspector General," also known as the Green Book. The public, the Department, and BOS all deserve accurate reporting
which is not politically motivated. I ask the BOS to consider my concerns and replace the IG with one who is accredited, unbiased, and capable of maintaining a professional working relationship. The Department’s reputation is being unfairly tarnished by the IG in his personal attacks towards us. We need an IG who is fair and objective, not inflammatory and controversial.

The Department is a national trendsetter on many important issues, such as the relationship between local law enforcement and federal immigration enforcement, combatting the spread of COVID-19 in congregate living facilities and super spreader events, the Wage Theft Task Force, defending the community during periods of civil unrest, and transparency. Our efforts are often adopted as best practices by other law enforcement agencies throughout the nation. Our reputation is at stake. The IG’s personal vendetta should not come at the expense of our dedicated employees who put their lives on the line each and every day in service to the community.

Should you have any questions or would like to discuss further, please feel free to contact me at [Redacted]

Sincerely,

[Signature]
ALEX VILLANUEVA
SHERIFF
The Honorable Board of Supervisors

AV:JAV:ac
(Office of the Sheriff)

c: Rodrigo A. Castro-Silva, County Counsel, Office of the County Counsel