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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH BENZA III,

Defendant.

CR No. 2:24-CR-00751-MWC

I N F O R M A T I O N

[18 U.S.C. § 242: Deprivation of
Rights Under Color of Law]

The United States Attorney charges:

[18 U.S.C. § 242]

A. INTRODUCTORY ALLEGATIONS

At times relevant to this Information:

(1) General Background

1. The Los Angeles Sheriff's Department ("LASD") was a state law enforcement agency within the Central District of California. Among other responsibilities, LASD provided municipal police services within Los Angeles County, California, through its thousands of sworn officers.

2. Defendant JOSEPH BENZA III was a sworn law enforcement officer and LASD deputy assigned to work at LASD's Norwalk Station in

1 Norwalk, California. Defendant BENZA was approximately 5'6" and 225
2 pounds.

3 3. Victim E.B. was a 23-year-old transgender man and high
4 school teacher. Victim E.B. was approximately 5'4" and 115 pounds.

5 4. Sergeant 1 was a sworn law enforcement officer and LASD
6 sergeant assigned to work at LASD's Norwalk Station. Sergeant 1 was
7 defendant BENZA's direct supervisor and was responsible for, among
8 other things, reviewing and approving defendant BENZA's incident
9 reports.

10 5. Sergeant 2 was a sworn law enforcement officer and LASD
11 sergeant assigned to work at LASD's Norwalk Station.

12 6. Sergeant 3 was a sworn law enforcement officer and LASD
13 sergeant assigned to work at LASD's Norwalk Station.

14 7. Deputy A was a sworn law enforcement officer and LASD
15 deputy assigned to work at LASD's Norwalk Station.

16 8. Deputy B was a sworn law enforcement officer and LASD
17 deputy assigned to work at LASD's Norwalk Station. Deputy B was
18 assigned to the same team as defendant BENZA and was also under the
19 supervision of Sergeant 1.

20 9. Deputy C was a sworn law enforcement officer and LASD
21 deputy assigned to work at LASD's Norwalk Station.

22 10. Deputy D a sworn law enforcement officer and LASD deputy
23 assigned to work at LASD's Norwalk Station.

24 11. The Federal Bureau of Investigation ("FBI") was a component
25 of the United States Department of Justice, a department within the
26 executive branch of the United States government, whose jurisdiction
27 included, among other things, investigation of criminal violations of
28

1 federal civil rights laws, including Title 18, United States Code,
2 Section 242.

3 **(2) Defendant BENZA's Use of Excessive Force Against**
4 **Victim E.B. in Retaliation for Victim E.B.'s First**
5 **Amendment-Protected Activity**

6 12. On or about February 10, 2023, defendant BENZA was
7 responding to calls for service in Whittier, California as part of
8 his official duties for LASD. Defendant BENZA was wearing his full
9 LASD uniform and driving a marked LASD sports utility vehicle (the
10 "SUV").

11 13. At approximately 12:20 p.m. that day, defendant BENZA
12 confirmed he was en route to respond to a call for service regarding
13 a potential domestic violence disturbance.

14 14. Thereafter, defendant BENZA encountered Victim E.B., who
15 had left the school where he worked in a black Honda Civic, and was
16 driving through the residential area of Mystic Street and Guilford
17 Avenue in Whittier.

18 15. As Victim E.B. drove past defendant BENZA, defendant BENZA
19 saw Victim E.B. extend his middle finger at defendant BENZA. The
20 gesture of extending one's middle finger at, colloquially known as
21 "flipping off" or a "flip off," a law enforcement officer is an
22 activity protected by the First Amendment of the Constitution of the
23 United States.

24 16. In response to seeing Victim E.B.'s gesture, defendant
25 BENZA abandoned the call for service he had confirmed and instead
26 began closely following Victim E.B. In pursuing Victim E.B.,
27 defendant BENZA drove through the residential neighborhood, at
28 certain points reaching speeds over 50 miles per hour. Defendant

1 BENZA followed Victim E.B. for approximately 1.8 miles without
2 attempting to stop or pull over Victim E.B.

3 17. As defendant BENZA chased after Victim E.B., defendant
4 BENZA called Deputy A. During the call, defendant BENZA told Deputy
5 A that someone had just flipped him off and that defendant BENZA was
6 going to conduct a traffic stop of that person. Because defendant
7 BENZA intended to use force against Victim E.B., defendant BENZA
8 further asked Deputy A to start driving towards defendant BENZA's
9 location.

10 18. While defendant BENZA pursued Victim E.B., Victim E.B.
11 called 911 to report that he was being followed. Victim E.B. advised
12 the operator that he had not been stopped or ordered to pull over and
13 asked the operator to verify whether the car that was following him
14 was a real police car.

15 19. Victim E.B. eventually pulled into the parking lot of a
16 convenience store near the intersection of Mulberry Drive and Mills
17 Avenue and parked his car in a designated parking spot. Defendant
18 BENZA followed Victim E.B. into the parking lot, parked his SUV
19 behind Victim E.B.'s car, and then activated the SUV's overhead
20 lights.

21 20. Defendant BENZA approached Victim E.B., who was exiting
22 Victim E.B.'s car. Defendant BENZA told Victim E.B. that defendant
23 BENZA had stopped Victim E.B. Victim E.B. denied that defendant
24 BENZA had stopped Victim E.B. Without giving any commands to Victim
25 E.B., defendant BENZA then grabbed Victim E.B. Victim E.B. pulled
26 away from defendant BENZA and said, "Don't touch me." Defendant
27 BENZA then violently body slammed Victim E.B. onto the ground. Once
28 Victim E.B. was on the ground, defendant BENZA mounted Victim E.B.,

1 punched Victim E.B.'s head and face multiple times, and pressed
2 Victim E.B.'s face into the pavement. Victim E.B. repeatedly
3 screamed for help and shouted, "You're going to kill me!"; "I can't
4 breathe!"; and "Please stop!"

5 21. As a result of defendant BENZA's assault of Victim E.B.,
6 Victim E.B. sustained a concussion, contusions, and abrasions, and
7 experienced vomiting and head pain.

8 **(3) Defendant BENZA's Falsification of His Incident Report**
9 **to Conceal His Retaliation and Excessive Force Against**
10 **Victim E.B.**

11 22. On or about February 10, 2023, at the Norwalk Station,
12 defendant BENZA began preparing his LASD incident report regarding
13 his traffic stop of, and use of force against, Victim E.B. (the
14 "Incident Report"). Defendant BENZA discussed with Deputy B and
15 Sergeant 1 whether to include in the Incident Report why defendant
16 began following Victim E.B., that is, because Victim E.B. flipped off
17 defendant BENZA. Sergeant 1 counseled defendant BENZA to omit that
18 fact from the Incident Report.

19 23. Between February 10 and February 11, 2023, defendant BENZA,
20 aided and abetted by Sergeant 1, prepared the final version of the
21 Incident Report, which was assigned Uniform Report Number ("URN")
22 023-01746-0492-057.

23 24. To conceal defendant BENZA's violations of Victim E.B.'s
24 constitutional rights and to create the misleading impression that
25 defendant BENZA's use of force was justified, defendant BENZA, aided
26 and abetted by Sergeant 1, prepared a false and misleading Incident
27 Report that (a) omitted any reference to Victim E.B.'s flip-off;
28 (b) misleadingly stated that defendant BENZA conducted the traffic

1 stop of Victim E.B. for obstructed driver view, in violation of the
2 California Vehicle Code, based on a tree-shaped air freshener hanging
3 from the rearview mirror of Victim E.B.'s car; and (c) cited Victim
4 E.B. with mayhem, in violation of California Penal Code section 203,
5 by falsely claiming, among other things, that Victim E.B. had bitten
6 defendant BENZA's hand, clenched Victim E.B.'s teeth down with enough
7 force to puncture defendant BENZA's skin, and attempted to rip
8 defendant BENZA's skin from his hand.

9 25. In addition to disclosing to Sergeant 1 that defendant
10 BENZA had seen the flip-off, defendant BENZA also disclosed that fact
11 to Sergeant 2 and Sergeant 3. Sergeant 2 and Sergeant 3 counseled
12 defendant BENZA to omit that fact from the Incident Report.

13 **(4) Defendant BENZA's Additional Obstructionist Conduct**

14 26. On February 13 and 14, 2023, defendant BENZA and Sergeant 1
15 discussed whether Victim E.B. had recorded the flip-off on Victim
16 E.B.'s cellphone. Defendant BENZA reassured Sergeant 1 that he had
17 looked at Victim E.B.'s cellphone after his use of force and did not
18 see a recording of the flip-off.

19 27. In July 2023, various media outlets reported on defendant
20 BENZA's use of force against Victim E.B.

21 28. On July 23, 2023, defendant BENZA exchanged group text
22 messages with Deputy C and Deputy D about the media reports and the
23 anticipated federal investigation of defendant BENZA. Defendant
24 BENZA, Deputy C, and Deputy D discussed the need to delete text
25 messages on their personal cellphones in light of the anticipated
26 federal investigation.

27 29. Three days later, on July 26, 2023, Deputy C sent a text
28 message to the same group to relay Sergeant 1's instruction for

1 defendant BENZA to "toss the phone," a directive to delete data from
2 defendant BENZA's personal cellphone.

3 30. Before Deputy C's interview with the FBI and the United
4 States Attorney's Office ("USAO") in September 2024, Deputy C and
5 defendant BENZA discussed lying to federal authorities in order to
6 provide an innocuous explanation for their text messages about
7 Sergeant 1's directive to "dump" the cellphone, including to falsely
8 characterize the message as an instruction to "dump" the cellphone
9 into the cloud to preserve the data. Deputy C later confirmed to
10 defendant BENZA that Deputy C planned to adopt that false explanation
11 when speaking with federal authorities.

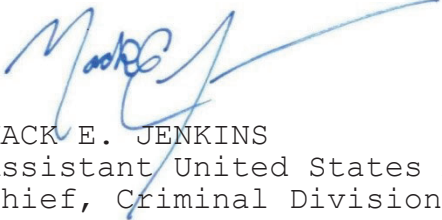
12 **(5) Defendant BENZA's False Statements**

13 31. On January 30, 2024, during an interview with the FBI and
14 the USAO, during which defendant BENZA was advised, in the presence
15 of counsel, that making materially false statements to the government
16 was a crime, defendant BENZA falsely stated that: (a) he had not seen
17 Victim E.B. or anyone else flip him off; (b) Victim E.B. had bitten
18 him; and (c) he had not discussed substantively the contents of the
19 Incident Report with anyone as he drafted it. In fact, as defendant
20 BENZA then knew, (a) defendant BENZA had seen Victim E.B. flip him
21 off and had retaliated against Victim E.B. with excessive force
22 because of it; (b) defendant BENZA knew Victim E.B. had not bitten
23 him; and (c) defendant BENZA had substantively discussed the Incident
24 Report with others, including with Sergeant 1, and specifically
25 discussed the decision to omit from the Incident Report the fact that
26 Victim E.B. had flipped off defendant BNEZA and to charge Victim E.B.
27 with mayhem. Defendant BENZA also knew that Sergeant 1 had drafted
28 substantive portions of the incident report for defendant BENZA.

1 B. DEPRIVATION OF RIGHTS UNDER COLOR OF LAW

2 32. On or about February 10, 2023, in Los Angeles County,
3 within the Central District of California, defendant JOSEPH BENZA
4 III, a sworn law enforcement officer employed by LASD, while acting
5 under color of law, assaulted Victim E.B., which resulted in bodily
6 injury to Victim E.B., in retaliation for Victim E.B. extending his
7 middle finger at defendant BENZA, and thereby willfully deprived
8 Victim E.B. of the rights secured and protected by the Constitution
9 and laws of the United States, namely: (1) the right to be free from
10 retaliation based on activity protected by the First Amendment, and
11 (2) the right to be free from the use of unreasonable and unnecessary
12 force by a law enforcement officer.

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