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VIA E-MAIL AND U.S. MAIL

The Honorable Rob Bonta
California Attorney General
California Department of Justice
1300 I Street
Sacramento, CA 95814

**Re: Request for the Attorney General to Assume Responsibility
for LASD Investigations of Oversight Officials**

Dear Attorney General Bonta:

On behalf of the County of Los Angeles and the Los Angeles County Sheriff Civilian Oversight Commission ("COC"), I respectfully request that you exercise your supervisory authority to assume control over intimidating, politically motivated investigations initiated or threatened by Los Angeles County Sheriff Alex Villanueva. Sheriff Villanueva has used these investigations to discourage legitimate oversight of himself and the Los Angeles County Sheriff's Department ("LASD" or "Sheriff's Department") and to retaliate against any public official who criticizes him or the Sheriff's Department. The only way to put an end to the Sheriff's abuse of power is to have the California Department of Justice supervise these investigations (including any future investigations the Sheriff may announce against oversight officials), determine whether they have merit, and end them if they do not.

Since shortly after he took office in December 2018, Sheriff Villanueva and those reporting to him have launched or threatened investigations of other County officials who oppose them or who oversee the Sheriff's Department. These investigations and threatened investigations have not resulted in any charges and do not appear to be intended to produce any. Rather, they serve to threaten, intimidate, and chill these officials in the exercise of their oversight duties, including their duty to hold the Sheriff and Sheriff's Department accountable to the public. The Attorney General, as the Sheriff's constitutional

supervisor, can end this abusive practice by supervising these purported criminal investigations and preventing the Sheriff and other Sheriff's Department officials from using the threat of investigation and prosecution to frustrate much-needed oversight from other County officials and employees. By supervising these inquiries and ending any that lack merit, the Attorney General would allow the oversight agencies to continue their vital work without the threat of prosecution and would restore the public's trust that the State and County are using their power to investigate crimes in an objective, fair, and appropriate manner.

For these reasons, I, on behalf of the County of Los Angeles and the COC, formally request the Attorney General exercise his constitutional authority to supervise Sheriff Villanueva's intimidating investigations of County and oversight officials.¹

I. The Attorney General Has the Power To Supervise LASD Investigations.

The California Constitution and California Government Code charge the Attorney General with supervising county sheriff's departments. Under this broad statutory authority, the Attorney General can (a) require the Sheriff to report to the Attorney General's office and supervise the Sheriff regarding any matter related to his duties, (b) direct the Sheriff's activities regarding criminal investigations, and (c) appoint another investigator to replace the Sheriff's Department if it is in the public interest to do so.

Article V, Section 13 of the California Constitution states:

The Attorney General shall have direct supervision over every district attorney and sheriff and over such other law enforcement officers as may be designated by law, in all matters pertaining to the duties of their respective offices, and may require any of said officers to make reports concerning the investigation, detection, prosecution, and punishment of crime in their respective jurisdictions as to the Attorney General may seem advisable.

¹ In 2021, the COC requested that County Counsel prepare this letter to the Attorney General to request that he exercise his legal authority to supervise the LASD's open investigation of oversight officials, and any future or threatened investigations.

Cal. Const. Art. V, § 13. Government Code section 12560 also provides:

Whenever [the Attorney General] deems it necessary in the public interest, the [Attorney General] *shall direct the activities of any sheriff* relative to the investigation or detection of crime within the jurisdiction of the sheriff, and may direct the service of subpoenas, warrants of arrest, or other processes of court in connection therewith.

Government Code section 12560 (emphasis added). Finally, Government Code section 12561 provides that the Attorney General can supplant the Sheriff and perform his duties with respect to a particular investigation or category of investigations:

Whenever he deems it necessary in the public interest, the Attorney General may appoint some competent person *to perform the duties of sheriff with respect to the investigation or detection of a particular crime* and cause the arrest of persons in connection therewith. Any person so appointed has all the powers of a sheriff with respect to the particular matter.

Government Code section 12561 (emphasis added). This authority empowers the Attorney General's Office to initiate, close, and supervise Sheriff's Department investigations, and to appoint another agency to handle investigations in place of the Sheriff's Department.

These statutory powers—along with the Attorney General's longstanding policy of assuming responsibility for litigation and investigations where local law enforcement officials have a clear conflict of interest—serve as a critical check against abuses of power like those Sheriff Villanueva has committed.

II. The LASD Has Opened Criminal Investigations of Oversight Officials.

As the attached exhibits demonstrate, Sheriff Villanueva and other Sheriff's Department personnel have commenced or threatened to commence criminal investigations of numerous County officials and oversight employees.²

² We have attached copies of certain documents cited in this letter as exhibits, including documents that are not readily available online. We have also included a list of the remaining cited documents along with links to online copies of them.

Many of these investigations and threats followed a direct challenge to the Sheriff, the Sheriff's authority, or to Sheriff's Department practices. None of these investigations appears to have merit, despite Sheriff Villanueva's attempts to publicize them, and none has resulted in criminal charges. That includes one case that remains "open" after more than two years. The lack of charges and the circumstances underlying the investigations strongly suggests that these criminal inquiries are designed to intimidate a watchdog agency and its employees. The Attorney General must put an end to this abuse of power.

The County understands that Sheriff Villanueva's investigations have targeted not just the individuals named here but also several employees of the County's Office of the Inspector General ("OIG"), other Sheriff's Department employees, and even members of the media.

A. *Max Huntsman and the Office of Inspector General*

In 2019, Sheriff Villanueva opened a baseless investigation against Inspector General Huntsman.³ He later took the unusual step of publicly announcing that investigation to retaliate against Mr. Huntsman for a report that he issued. Specifically, Sheriff Villanueva tasked Undersheriff Tim Murakami with supervising a criminal investigation into elected and appointed County officials, including Mr. Huntsman, for accessing LASD personnel records and data regarding police misconduct. Mr. Huntsman had accessed these records, which included personnel records for Sheriff Villanueva and other high-ranking LASD officers, as part of an inquiry conducted by the OIG and in furtherance of Mr. Huntsman's role to oversee the LASD. (Mr. Huntsman made a written request in 2018 for those records, which was approved by then-Sheriff Jim McDonnell.) Sheriff Villanueva initiated the investigation against Mr. Huntsman in apparent retaliation for the OIG's investigation of the Sheriff's decision to reinstate a former Sheriff's deputy (Caren "Carl" Mandoyan) who had been terminated by the prior Sheriff for domestic violence and stalking.⁴ During a meeting on June 17, 2019, Sheriff Villanueva threatened Mr. Huntsman, warning him that there would be "consequences" if the OIG released a report critical of

³ The Board created the OIG by ordinance in 2014. L.A. Cty. Code § 6.44.190. The OIG's duties include monitoring the LASD's investigations into deputy misconduct and investigating such misconduct. The Inspector General also serves as special counsel to the Board. On January 1, 2021, Government Code section 25303.7 became law. This section confirms the Board's authority to create oversight bodies like the OIG and COC and to give them power to subpoena testimony and documents.

⁴ Mr. Mandoyan was a key supporter for Alex Villanueva when he ran for Sheriff. See, e.g., Alene Tchekmedyan, *Judge Tosses Retaliation Lawsuit by Deputy Fired Over Domestic Abuse and Stalking Allegations*, L.A. Times, November 1, 2019.

Mr. Mandoyan's reinstatement.⁵ After the OIG released that report, Undersheriff Murakami publicly announced that the Sheriff's Department was investigating Mr. Huntsman for "conspiracy, theft of government property, unauthorized computer access, theft of confidential files, unlawful dissemination of confidential files, civil rights violations, and burglary" for accessing personnel files in the course of the OIG's investigation.⁶ Undersheriff Murakami also suggested that the Federal Bureau of Investigation was assisting with the investigation, but no representative of the FBI has ever confirmed that claim.⁷ After announcing the investigation into Mr. Huntsman, and in an apparent attempt to have him sidelined from investigating Sheriff's Department activities, Undersheriff Murakami urged the Board of Supervisors to recuse Mr. Huntsman and appoint an "interim inspector general" until the alleged investigation was concluded.⁸ The investigation has now been pending for over two years, with no charges filed.

B. *Former OIG Employee and Constitutional Policing Advisor Diana Teran*

Sheriff Villanueva also launched a criminal investigation of another oversight official, Diana Teran, who had been critical of the LASD. Ms. Teran was the LASD's Constitutional Policing Advisor from November 2015 through November 2018, and her responsibility included advising Sheriff McDonnell and other LASD executives on issues related to accountability; adherence to best practices, policies, procedures, and operations; and pending LASD personnel investigations and disciplinary matters. Before Sheriff Villanueva took office, Ms. Teran, in her oversight role for LASD, advised the Sheriff's department on the Mandoyan case.⁹ (Ms. Teran is currently a deputy district attorney and serves as a special advisor to District Attorney George Gascón.) In August 2019, when Undersheriff Murakami announced the criminal investigation of Mr. Huntsman, he also disclosed that the Sheriff's Department was investigating Ms. Teran for multiple felonies—including conspiracy, burglary, civil rights violations, and theft of government property—for downloading LASD personnel records for

⁵ 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).

⁶ Maya Lau, *L.A. County Sheriff's Top Watchdog is Under Investigation—by the L.A. County Sheriff*, L.A. Times, Aug. 4, 2019.

⁷ Sean Kennedy, COC Commissioner, to Lael Rubin, COC Chair, and Brian Williams, COC Executive Director, May 27, 2021, "Los Angeles County Sheriff Civilian Oversight Commission Memorandum."

⁸ Lau, *supra* note 6.

⁹ See, e.g., City News Service, *Judge Allows Deposition of Former Official in Mandoyan Case with Limits*, Antelope Valley Times, October 9, 2019.

Mr. Huntsman and the OIG.¹⁰ More than two years after Undersheriff Murakami announced this criminal investigation, no charges have been filed against Ms. Teran and there has been no public update on the investigation.

C. COC Commissioner Patricia Giggans and Peace Over Violence

Sheriff Villanueva also initiated a baseless investigation against a commissioner on the COC, Patricia Giggans, who had been a vocal critic of the Sheriff.¹¹ Commissioner Giggans supported a COC resolution asking Sheriff Villanueva to resign and condemned his leadership of LASD.¹² At the end of 2020, she also participated in a successful effort to secure an order to show cause from Superior Court Judge Holly Fujie why Sheriff Villanueva should not be held in contempt for refusing to honor a COC-issued subpoena.¹³

Commissioner Giggans separately served as the executive director of Peace Over Violence ("POV"), a non-profit organization "dedicated to building healthy relationships, family, and communities free from sexual, domestic and interpersonal violence."¹⁴ County Supervisor Sheila Kuehl is also an Advisory Board member. Supervisor Kuehl, like Commissioner Giggans, has clashed fiercely with Sheriff Villanueva and called for his resignation. In February 2021, LASD officials told the press that they had executed search warrants on POV and the Los Angeles County Metropolitan Transportation Authority ("LA Metro") as part of a "criminal investigation" regarding services that POV provided to subway riders who had been harassed or assaulted during transit.¹⁵ According to Commissioner Giggans's counsel, LASD officials have confirmed in writing that they do not believe Commissioner Giggans committed any crime, but that letter

¹⁰ Marco Brown & Lisa Bartley, *LASD Has 'Criminal Investigation' into Its Own Watchdog*, ABC7.com, August 14, 2019.

¹¹ The Board created the COC by ordinance in 2016. L.A. Cty. Code, Chapter 3.79. COC commissioners are volunteers who are retired or have other full-time jobs at educational institutions or non-profit organizations. COC Commissioner Biographies. <https://coc.lacounty.gov/Bios>.

¹² See, e.g., City News Service, *Sheriff Villanueva Faces Contempt Hearing for Ignoring Subpoena*, L.A. Daily News, November 20, 2020; Leila Miller & Alene Tchekmedyan, *Supervisors Join Calls for Sheriff Villanueva to Step Down*, L.A. Times, September 17, 2020; Resolution Expressing No Confidence in Sheriff's Villanueva's Leadership of the Los Angeles County Sheriff's Department and Condemning His Failure to Cooperate with Civilian Oversight, October 15, 2020; Statement of Proceedings for the Regular Meeting of the Sheriff Civilian Oversight Commission, October 15, 2020.

¹³ *Id.*

¹⁴ Peace Over Violence, <https://www.peaceoverviolence.org/about-us>.

¹⁵ Jason Henry, *L.A. County Sheriff Searches Offices of LA Metro, Oversight Board Member in Criminal Probe*, L.A. Daily News, February 19, 2021.

has never been made public.¹⁶ LASD officials nevertheless continue to assert that there is a criminal investigation pending.¹⁷ For example, on March 11, 2021, in response to an email from a third party asking about funding for POV, LASD spokesman John Satterfield stated, "We will not be renewing or renegotiating an MOU while we have an active criminal investigation."¹⁸

D. Former County CEO Sachi Hamai

On March 30, 2020, the Board of Supervisors voted to replace Sheriff Villanueva as the head of the County's emergency operations and to instead appoint Sachi Hamai, the County's then-Chief Executive Officer, putting her in charge of disaster preparedness and response.¹⁹ Sheriff Villanueva resented being replaced by Ms. Hamai; he also resented Ms. Hamai for advising LASD that, like other county agencies, it would face budget cuts as a result of the COVID-19 pandemic.²⁰ In July 2020, Sheriff Villanueva took aim at Ms. Hamai, falsely asserting during a Facebook Live session that Ms. Hamai had somehow enriched herself by granting a public contract to the United Way.²¹ Ms. Hamai had an unpaid position on the board of United Way Los Angeles, a non-profit aid organization, and she had no financial interest in the public contract with the United Way. Nevertheless, Sheriff Villanueva alleged that her involvement with the contract violated Government Code Section 1090.²² After making this accusation, the Sheriff reported Ms. Hamai in a letter to the California Attorney General.²³ When Ms. Hamai threatened to sue for defamation and a toxic work environment, the County settled with her for \$1.5 million and agreed to provide security for her and her family.²⁴

¹⁶ Frank Stoltze, *Sheriff to DA: Let's Probe Corruption Together. DA to Sheriff: No Thanks*, LAist, March 5, 2021.

¹⁷ Kennedy, *supra* note 7.

¹⁸ *Id.*

¹⁹ See Statement of Proceedings for the Regular Meeting of the Board of Supervisors of the County of Los Angeles, March 31, 2020; Alene Tchekmedyan, *L.A. Supervisors Remove Sheriff Alex Villanueva as Head of Emergency Operations Center*, L.A. Times, March 31, 2020.

²⁰ Ian Spiegelman, *Sheriff's Villanueva's Alleged Grudge Against L.A. County's CEO Results in a \$1.5 Million Settlement*, L.A. Magazine, August 27, 2020.

²¹ Alene Tchekmedyan, *Attorney for Top L.A. County Official Accuses Sheriff of Defamation Over Facebook Live Comments*, L.A. Times, July 23, 2020.

²² Kennedy, *supra* note 7.

²³ See *id.*

²⁴ Ann Skeet, senior director of leadership ethics at the Markkula Center for Applied Ethics at Santa Clara University, highlighted the retaliatory aspect of Villanueva's accusations against Ms. Hamai,

Separately, in April 2020, Sheriff Villanueva accused Ms. Hamai of refusing to pay deputies who were quarantined because of COVID-19.²⁵ Sheriff Villanueva later admitted in an internal email that, as a department head, he actually had the authority to pay his deputies—that is, that Ms. Hamai had not held up pay for deputies.²⁶ But he never withdrew the false public representation. Later in 2020, Sheriff Villanueva made another false claim, saying Ms. Hamai had directed him to lay off some 2,000 deputies from critical units.²⁷ In fact, Ms. Hamai's office had asked LASD for a proposal to balance its budget if the effects of the COVID-19 pandemic required budget cuts—the same request Ms. Hamai's office had made of all County departments. Sheriff Villanueva incorrectly attributed his Department's proposed layoffs and cuts to Ms. Hamai. Ms. Hamai provided Mr. Huntsman with electronic evidence of this. After Sheriff Villanueva made his false claims, Ms. Hamai received threats.²⁸ Sheriff Villanueva never corrected his false statements, even after the Board of Supervisors asked him to do so.²⁹

E. *Former County Counsel Mary Wickham*

Sheriff Villanueva also took steps to intimidate the former County Counsel, Mary Wickham, after she filed a lawsuit to prevent Sheriff Villanueva from reinstating Mr. Mandoyan. On April 1, 2019, after she had pursued legal action against Sheriff Villanueva regarding Mr. Mandoyan, Ms. Wickham wrote a letter to the Sheriff directing him to not rehire deputies who had previously been fired for misconduct.³⁰ In response, Sheriff Villanueva told the *Los Angeles Times* that Ms. Wickham had “gone rogue,” and he directed his staff to ignore legal advice they received from the County Counsel's office.³¹ Just days later,

noting that it “does actually seem to be a pattern of his” and that “it seems to be primarily aimed at women.” Jaclyn Cosgrove & Alene Tchekmedyan, *L.A. County CEO to Receive \$1.5 Million in Security over Alleged Harassment by Sheriff*, *L.A. Times*, August 26, 2020.

²⁵ See Max Huntsman, Inspector General, to Lael Rubin, COC Chair, and Brian Williams, COC Executive Director, December 14, 2020, “Report Back on Unlawful Conduct of the Los Angeles County Sheriff's Department.”

²⁶ See *id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ See *id.*

³⁰ Maya Lau & Matt Stiles, *L.A. County Sheriff Alex Villanueva Reinstates Four More Fired Deputies*, *L.A. Times*, April 5, 2019.

³¹ Maya Lau, *Man Claiming to be Sheriff's Official Phoned Threat to County Counsel, Sparking Probe*, *L.A. Times*, April 22, 2019.

on April 13, a person identifying himself as an LASD sergeant called Ms. Wickham on her personal cell phone and told her to turn herself in at a Sheriff's station for violating a 2006 grand jury summons.³² When Ms. Wickham said there was no basis for the demand, the caller threatened to arrest her at her home.³³ Although LASD claimed the call was part of a "common scam" regarding jury service, that explanation ignored that the caller had used the name of an actual LASD sergeant and was able to "make it appear as if they're calling from within the Sheriff's Department."³⁴ Several County Supervisors and other County officials rejected the Sheriff's Department's explanation, calling it an attempt to threaten the County's top legal advisor. The County's then-interim Inspector General said the call was a "hostile act intended to intimidate a public official doing her job on behalf of Los Angeles County, the Board of Supervisors, and the residents we serve."³⁵ To date, Ms. Wickham has never been arrested or prosecuted for any crime.

III. Sheriff Villanueva Has Threatened More Possible Criminal Investigations.

In addition to these purported investigations, which continue to hang over various County and oversight officials without any clear path to closure or resolution, the Sheriff has also repeatedly accused County officials of crimes or otherwise implied that further criminal investigations might be forthcoming. And he has made similar threats against County and oversight officials who were already targets of LASD criminal investigations.

During an April 2020 public meeting, several supervisors discussed with budget officials whether department heads who overspent on their budgets were committing a misdemeanor. Sheriff Villanueva—who apparently became defensive about LASD's projected budget shortfall—interjected, saying: "I could go on for a long, long time about a long list of felony crimes and the consequences of them—and they're done by public officials. Good luck with that if you're gonna scare me with the claim about a misdemeanor crime."³⁶ The comment prompted Supervisor Kathryn Barger to ask Sheriff Villanueva whether

³² *Id.*

³³ *Id.*

³⁴ Erika Martin, *L.A. County's Chief Attorney Among Residents Targeted With Phoned Threats in Jury Duty Scam*, KTLA.com, April 22, 2019.

³⁵ Lau, *supra* note 31.

³⁶ Alene Tchekmedyan & Jaclyn Cosgrove, *Sheriff's Sexist Slur and Accusations of "Blood Money" Ramp up Feud with L.A. County Supervisors*, L.A. Times, July 27, 2020.

he was making a "veiled threat."³⁷ Sheriff Villanueva has neither retracted his dramatic claim nor elaborated about whom in County government he was asserting had committed felonies.³⁸

IV. Sheriff Villanueva Created a Special Unit to Pursue Investigations Into His Critics and Adversaries.

On September 23, 2021, the *Los Angeles Times* reported details about a special unit that Sheriff Villanueva created to investigate his critics.³⁹ Called the Civil Rights and Public Integrity Detail, this team of about nine investigators reports to one of Sheriff Villanueva's top aides, Undersheriff Murakami. Although, on paper, the members of this unit are scattered throughout the Sheriff's Department, in reality, it has been determined that they work as a team to handle criminal investigations into those who criticize Sheriff Villanueva or the Sheriff's Department.⁴⁰ This is the unit investigating Mr. Huntsman and POV.

The growing concern over the unit's "unconventional tactics" has caused dismay from both inside and outside the Department.⁴¹ For example, when questioned about this unconventional unit,⁴² District Attorney Gascón said that he

³⁷ *Id.*

³⁸ This was not the only time that Sheriff Villanueva made an off-the-cuff insinuation or accusation as an attempt to deflect their criticism of him, rather than as part of a deliberative and thoughtful exercise of his investigative authority. For example, in July 2020, the Board of Supervisors cleared a motion that would curtail the Sheriff's budget, and Sheriff Villanueva, who was upset by this, went on Facebook Live to single out Supervisor Solis. See Tchekmedyian & Cosgrove, *supra* note 36. He criticized her as earning the title of "La Malinche," a derogatory Mexican historical figure that has a meaning of "traitor" or "sellout." *Id.* LASD officials have also threatened oversight officials with civil litigation. For example, Undersheriff Murakami told the COC that an LASD employee had made a complaint against Commissioner Kennedy about his memorandum, *supra* note 7, discussing the Sheriff's intimidation of oversight officials, and was considering filing a civil suit. Timothy Murakami, Undersheriff, to Brian K. Williams, Executive Director, COC, July 14, 2021, "Civilian Oversight Commission Meeting Agenda Item on July 15, 2021." The Sheriff also seemingly encouraged doxing of COC commissioners earlier this year, when he publicly listed the cities in which certain COC commissioners live and the estimated home values of each commissioner's home during a Facebook Live post. Sheriff Villanueva, Facebook Live, June 9, 2021, <https://www.facebook.com/LosAngelesCountySheriffsDepartment/videos/191207869564465/> Both of these were perceived as threatening by COC commissioners.

³⁹ Alene Tchekmedyian, *L.A. County Sheriff's Unit Accused of Targeting Political Enemies, Vocal Critics*, L.A. Times, September 23, 2021.

⁴⁰ *See id.*

⁴¹ *Id.*

⁴² The Sheriff has thwarted attempts to learn more about the unit's secret activities. For example, the COC subpoenaed Detective Mark Lillienfeld, who is assigned to this unit, to appear at its November 18, 2021 meeting. The night before the meeting, however, the Sheriff advised the COC that he would not allow any members of the LASD to attend COC meetings. Statement of Proceedings of the Regular Meeting of the Sheriff Civilian Oversight Commission, October 21, 2021; Alex Villanueva, Sheriff, to Brian Williams,

wanted nothing to do with it: "He's only targeting political enemies," Gascón told the *Los Angeles Times* about Sheriff Villanueva. "It was obvious that was not the kind of work I wanted to engage in, so we declined."⁴³ After the District Attorney declined to work with him, Sheriff Villanueva became a strong supporter of a recall campaign targeting Gascón.⁴⁴

These targeted investigations of watchdogs and critics have likely chilled meaningful civilian oversight of the LASD. The lack of charges and the totality of the evidence raise serious questions about the motives for and legitimacy of these fruitless investigations. Combined with reports of gang-like cliques in the Department,⁴⁵ the Sheriff's actions have seriously undermined the public's trust in law enforcement.

V. The Sheriff's Purported Recusal from the Board of Supervisors and Oversight Investigations Is Not Enough to End His Abuses and Restore Public Trust.

On April 23, 2019, Sheriff Villanueva wrote a letter designating Undersheriff Murakami as his "surrogate" in all decisions regarding LASD's data breach and criminal investigation.⁴⁶ In an August 12, 2019 letter to Supervisor Hilda Solis, Undersheriff Murakami reported allegations of "potential criminal conduct" by members of LASD and OIG.⁴⁷ He stated that the FBI had offered its assistance in investigating those allegations and that he would be overseeing the investigation because the Sheriff had "ceded his power and authority" for this limited purpose.⁴⁸ Undersheriff Murakami wrote: "In an abundance of caution, and in order to avoid even the slightest appearance of impropriety, the Sheriff has recused himself from any portion of this particular investigation involving any

Executive Director, COC, November 17, 2021, "Los Angeles County Sheriff's Department's Participation at Civilian Oversight Commission Meetings."

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ See Alene Tchekmedyan, *Deputy Cliques in L.A. County Sheriff's Department Likely Growing, Study Finds*, *L.A. Times*, September 21, 2021.

⁴⁶ Alex Villanueva, Sheriff, to Timothy Murakami, Undersheriff, April 23, 2019, "Designation Letter."

⁴⁷ Timothy Murakami, Undersheriff, to Hilda Solis, Supervisor, First District, August 12, 2019, "Potential Criminal Conduct."

⁴⁸ *Id.*

current or former elected officials or those appointed to, or serving in an ancillary function within the County government or elsewhere."⁴⁹

Sheriff Villanueva's recusal was a sham. As Celia Zavala, the Board of Supervisors' executive officer, noted in her August 13, 2019 response to Undersheriff Murakami, it was critical that the Sheriff's Department—not just Sheriff Villanueva—recuse itself from the investigation.⁵⁰ It was evident that there was an "apparent conflict of interest" and that it was inappropriate for LASD to investigate OIG, since OIG's sole purpose is to monitor and investigate the LASD.⁵¹ The Board of Supervisors requested that the FBI, the California Attorney General, or at least an independent third-party investigative agency conduct the investigation to "ensure objectivity and impartiality."⁵² The Sheriff's Department ignored that request, with Undersheriff Murakami explaining in his August 15, 2019 letter: "The [LASD] is the law enforcement agency within the County, and it is customary for [LASD] to handle both its own internal criminal and administrative matters. Moreover, . . . once the matter has fully developed to an appropriate stage, the matter will be referred for handling by an outside agency. The [FBI] is assisting as we progress."⁵³ LASD has never provided proof of FBI involvement in this investigation.

On August 20, 2019, the COC sent Sheriff Villanueva a letter strongly urging LASD to recuse itself from the investigation and to allow a third-party investigative agency to assume control of the investigation.⁵⁴ The COC made clear that it was "aware that any real or perceived conflict of interest must be immediately remedied," and that Sheriff Villanueva, by merely recusing himself and handing this matter over to Undersheriff Murakami, was not truly alleviating "the very real conflict that exist[ed]."⁵⁵

⁴⁹ *Id.*

⁵⁰ Celia Zavala, Executive Officer to the Board of Supervisors, to Timothy Murakami, Undersheriff, August 13, 2019.

⁵¹ *Id.*

⁵² *Id.*

⁵³ Timothy Murakami, Undersheriff, to Hilda Solis, Supervisor, First District, August 15, 2019.

⁵⁴ Brian Williams, COC Executive Director, & Patricia Giggans, COC Chair, to Alex Villanueva, Sheriff, August 20, 2019.

⁵⁵ *Id.*

The Sheriff's Department should not target public officials for criminal investigation as a means of chilling the performance of oversight functions over the Sheriff. The Sheriff's Department should not make baseless, uncorrected allegations against public officials for taking positions that influential LASD investigators disagree with.

After the LASD announced its investigation of OIG employees for doing their jobs, observers sounded the alarm. Michael Gennaco, a former federal prosecutor who had conducted oversight of the LASD before the creation of the OIG, called the investigation "unconscionable."⁵⁶ The *Los Angeles Times* editorial board objected to the practice as well, writing:

Villanueva is now sheriff, and his broad, irresponsible and unsupported allegations of criminality aren't aired on private message boards. His statements are public. They are amateurish and undignified—and again, unsupported—and they diminish public confidence in the department. If there is a dispute over the proper interpretation of county ordinances that grant the IG access to personnel files, the proper response is to file a lawsuit, not to launch a criminal probe of the civilian authorities that oversee the department.⁵⁷

Based on the foregoing, we urgently request that you assume responsibility for all Sheriff's Department criminal investigations involving those tasked with overseeing the Sheriff's Department. The Attorney General's Office should begin by supervising the investigations into Mr. Huntsman, Ms. Teran, and Commissioner Giggans, and should also supervise all current and future investigations of current or former County Supervisors or any entity created by the County to supervise LASD, including the Office of Inspector General and its employees or contractors; Civilian Oversight Commission members or staff members; and members of the Sybil Brand Commission.

⁵⁶ Lau, *supra* note 6.

⁵⁷ The Times Editorial Board, *Editorial: L.A. County Thought it Was Getting a Progressive Sheriff. Instead, Like Trump, Alex Villanueva Is Painting His Political Adversaries as Criminals*, L.A. Times, August 16, 2019.

The Honorable Rob Bonta

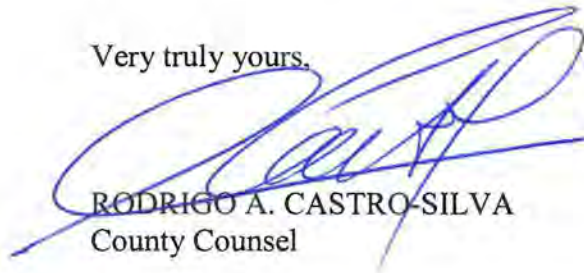
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This supervision should include the following elements, all of which are within the Attorney General's legal purview:

- LASD must make regular reports to the Attorney General's Office on what criminal investigations it has opened or plans to open.
- LASD may not open any new investigations without prior approval from the Attorney General's Office.
- The Attorney General will make all decisions about whether to close, charge, or continue any current investigations.
- For investigations that should commence or continue, the Attorney General's Office should decide whether the Sheriff's Department or another agency will investigate.

Thank you for your attention to this critical matter.

Very truly yours,



RODRIGO A. CASTRO-SILVA
County Counsel

RAC:mag

Attachments

EXHIBIT A

FN 4: Alene Tchekmedyan, *Judge Tosses Retaliation Lawsuit by Deputy Fired Over Domestic Abuse and Stalking Allegations*, L.A. Times, November 1, 2019.

<https://www.latimes.com/california/story/2019-11-01/judge-dismisses-carl-mandoyan-retaliation-lawsuit>

FN 5: 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).

https://oig.lacounty.gov/Portals/OIG/Reports/TruthandReconciliation_4.pdf?ver=2019-07-09-162513-477

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EXHIBIT B

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Los Angeles Times



CALIFORNIA

L.A. County sheriff's top watchdog is under investigation — by the L.A. County sheriff



L.A. County Inspector General Max Huntsman says county code requires the Sheriff's Department to promptly provide documents, including confidential personnel records. (Irfan Khan / Los Angeles Times)

BY MAYA LAU

AUG. 14, 2019 12:34 PM PT



The Los Angeles County Sheriff's Department has launched a criminal investigation into its chief watchdog tied to allegations that the oversight agency unlawfully obtained internal records, according to a letter from Undersheriff Timothy Murakami to the county Board of Supervisors.

The letter, dated Monday, says the inquiry centers on "very troubling information and preliminary evidence" indicating that the county Office of Inspector General and current and former members of the Sheriff's Department may have engaged in conspiracy, theft of government property, unauthorized computer access, theft of confidential files and burglary.

Murakami writes that the FBI has been briefed on the matter but does not describe any more details about the investigation, which was first reported by KABC-TV Channel 7. Sheriff Alex Villanueva recused himself from the inquiry and designated Murakami as his surrogate in the probe, according to a letter he wrote to Murakami on April 23.

Inspector General Max Huntsman told The Times on Tuesday that his office did not break any laws, noting that county code requires the Sheriff's Department to promptly comply with the oversight agency's requests for documents, including confidential personnel records.

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The move by the Sheriff's Department drew swift condemnation from county Supervisor Sheila Kuehl, who said the investigation "smells a little bogus."

"It looks to me to be mostly intimidation," Kuehl said in an interview Wednesday. "I find it very strange that the sheriff feels it's appropriate for him or his people to have a criminal investigation into the very people we have assigned to oversee them. We passed an ordinance giving Max Huntsman the power to look at personnel files. He was doing it all along under former Sheriff Jim McDonnell."

Huntsman said the inquiry bore some similarities to conduct by former Sheriff Lee Baca and former Undersheriff Paul Tanaka, whose staff attempted to intimidate an FBI agent who was investigating abuse in the county jails run by the Sheriff's Department. Baca and Tanaka were convicted of obstructing the FBI investigation.

“It is improper for a sheriff to criminally target a public official for formally discharging their duties under a county code,” Huntsman said.

The Sheriff's Department did not immediately respond to those comments but issued a statement from Murakami.

“Max Huntsman, the Inspector General who is supposed to provide honest oversight of the Los Angeles County Sheriff's Department, and who reports to the Board of Supervisors, is under investigation for potentially stealing protected files of high ranking employees and others, for purposes unrelated to the Office of Inspector General's oversight duties,” the statement said.

The criminal investigation is the latest episode in a clash over how much access should be given to the watchdog organization as part of its role in monitoring the Sheriff's Department.

On Monday, the inspector general [issued a report](#) concluding that Villanueva's administration has blocked access to personnel records, meetings and computer databases that had been previously available to the watchdog agency.

Huntsman told the Board of Supervisors last month that the Sheriff's Department was exhibiting a “Tanaka-level crisis” in its refusal to comply with requests from his office, referring to the former undersheriff, who is now in prison on the obstruction conviction and on a conviction of conspiracy. Tanaka was said to encourage deputies to work in the “gray area” of policing and dismissed efforts to hold deputies accountable.

In response to a request from Huntsman, the Board of Supervisors voted unanimously to explore how to [grant his office subpoena power](#) — a legal mechanism that would give the watchdog agency a stronger tool to compel information from the Sheriff's Department.

The Sheriff's Department has recently raised concerns that confidential personnel records — including about 2,000 pages from case files related to Villanueva — were downloaded from an internal system just before Villanueva was sworn in. A declaration by Sheriff's Det. Todd Bernstein filed in court last week said a department official downloaded “an unusual amount of data” from the agency's Personnel Review Management System on Nov. 28, five days before Villanueva took office. The data included 78 documents from 22 unique employee case files, according to Bernstein.

The declaration was filed by attorneys for Villanueva and the Sheriff's Department in a lawsuit over the reinstatement of Deputy Caren Carl Mandoyan, who was fired in 2016 for violating department policies regarding domestic violence and dishonesty and was reinstated by Villanueva. Mandoyan served as a volunteer aide on Villanueva's campaign, though the sheriff has denied providing the deputy favorable treatment.

The county sued Villanueva and the Sheriff's Department, alleging Mandoyan's reinstatement was unlawful.

Huntsman said his staff requested the files mentioned in Bernstein's declaration because they had been designated as secret and because his office has an interest in monitoring information that the department is trying to keep

confidential. Huntsman said he later developed concerns that some personnel records would be altered under Villanueva's administration and wanted to have a record of the original files.

Huntsman said he believed the criminal investigation into him and his office stemmed from a conversation he had with Villanueva in person on June 17 about Mandoyan.

"The sheriff asked me not to report publicly on Mandoyan and said that, if I did, there would be consequences. Now I know what he meant," Huntsman said. In July, Huntsman released a detailed [report examining the evidence in Mandoyan's case](#), raising serious questions about the integrity of the reinstatement process under Villanueva and concluding that the deputy should not have been given his job back.

Michael Gennaco, a former federal prosecutor who has served in oversight roles for police agencies across the country, called the investigation "unconscionable." Gennaco monitored the Sheriff's Department for more than a decade as head of the Office of Independent Review, which is no longer in operation.

"I think it smacks of a pure conflict," Gennaco said. "For the Sheriff's Department to be involved in the investigation of its own watchdog is inappropriate and inconsistent with the principles of criminal justice. For the sheriff to recuse himself does not take care of the problem because the person running the investigation reports to the sheriff. This is exactly why we have other independent governmental entities to step in."

In his letter Monday, Murakami asked the board to appoint an interim inspector general while Huntsman is under investigation. The board declined to reassign Huntsman, saying in a letter from county Executive Officer Celia Zavala, dated Tuesday, that it is the Sheriff's Department that ought to recuse itself from any investigation of the inspector general's office. Zavala wrote that it would be more appropriate for the FBI, California attorney general or another independent agency to conduct such an inquiry.

"The Board knows you can appreciate the apparent conflict of interest and the inappropriate message it sends to the community to have the LASD investigate the OIG, given that the OIG's sole purpose is to monitor and investigate the LASD," Zavala's letter said.

CALIFORNIA



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Maya Lau



Maya Lau is a former investigative reporter for the Los Angeles Times, where she focused on rapid-response investigations into the chaos inside the USPS, problems with signature verification on ballots and challenges of the COVID-19 vaccine rollout. In her prior beat covering the Los Angeles County Sheriff's Department, she led a team that produced a series revealing how the misconduct of hundreds of deputies had been hidden from judges, prosecutors and defense attorneys for decades, raising questions about whether some defendants received fair trials. She came from the Advocate, based in Baton Rouge, La., where she was the lead writer on a team that won an Investigative Reporters and Editors award for stories revealing the financial dealings of the long-serving warden of the notorious Angola Prison. She graduated from Vassar College.

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Los Angeles Times



CALIFORNIA

L.A. County sheriff's unit accused of targeting political enemies, vocal critics



Sheriff Alex Villanueva at a news conference. (Al Seib/Los Angeles Times)

BY ALENE TCHEKMEDYIAN | STAFF WRITER

SEPT. 23, 2021 **UPDATED** 6:20 AM PT



On paper, the deputies are scattered around the Los Angeles County Sheriff's Department in various assignments. One is supposed to be working patrol in Lancaster, another in West Hollywood. A third is assigned to a gang crime unit.

In reality, though, the group of nine men and women make up a little-known team of investigators formed by Sheriff Alex Villanueva and other top sheriff's officials.

Much of what they do, by design, is a mystery to the public and even to most within the department. But as some of the investigations handled by the team have come to light, a

common thread has emerged: Their targets are outspoken critics of Villanueva or the department.

The unit, named the Civil Rights and Public Integrity Detail, has [pursued a long-running investigation](#) into one of Villanueva's most vocal critics, L.A. County Inspector General Max Huntsman, and others despite sheriff's officials being told by the FBI and state law enforcement officials that it appeared no crimes had been committed, a senior sheriff's official said.

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The team also has an open criminal inquiry into a nonprofit that is run by a member of a county board that oversees the sheriff and is associated with county Supervisor Sheila Kuehl, both of whom have clashed fiercely with Villanueva and called for his resignation.

Concern over the team has caused consternation both inside and outside the department. Even the union representing rank-and-file deputies put out a warning that a member of the detail was using "unconventional tactics" to question deputies.

CALIFORNIA

Watchdog panel wants review of L.A. Sheriff's unit for possible crimes, intimidation

Sept. 23, 2021

George Gascón, the county's district attorney, decided he wanted nothing to do with the unit after sheriff's officials proposed the two agencies create a task force to collaborate on public corruption investigations.

"He's only targeting political enemies," Gascón told The Times about Villanueva. "It was obvious that was not the kind of work I wanted to engage in, so we declined."

Shortly after Gascón refused to partner with the Sheriff's Department, Villanueva came out as a strong supporter of a recall campaign to kick the district attorney out of office.

The unit has spurred a bitter confrontation between Villanueva and the Civilian Oversight Commission, which oversees the sheriff and his agency. Commission members say they fear the sheriff is using it to intimidate people who challenge him and to score points in personal vendettas, not conduct legitimate inquiries into possible crimes.

CALIFORNIA

L.A. County sheriff's top watchdog is under investigation — by the L.A. County sheriff

Aug. 14, 2019

The slow pace of the unit's investigations and its apparent lack of results have only deepened suspicions.

"These highly publicized criminal investigations have never resulted in charges being filed, suggesting an ulterior motive," Sean Kennedy, a Loyola Law School professor who sits on the commission, said in a [10-page memo](#) calling for an investigation into whether Villanueva is abusing his power.

The commission subpoenaed Villanueva to appear before them Thursday to answer questions about the team. The sheriff has indicated that he will not show up, saying he is too busy.

In a July letter to the commission's executive director, Undersheriff Tim Murakami said Kennedy's memo was filled with "wild accusations" and accused the commission of collaborating with the inspector general's office and media organizations, including The Times, to spread false information about Villanueva and the Sheriff's Department.

Murakami answered initial questions about the unit during a brief interview with The Times in April, but has not responded to repeated follow up questions.

A spokesman for the department told The Times earlier this month that Murakami and other sheriff's officials would not discuss the detail with the Times reporter who was investigating it because the spokesman claimed the reporter had a conflict of interest. The spokesman repeatedly refused to provide any details of the alleged conflict to a Times editor. The department suggested it would answer questions from "any other" Times reporter. The Times declined to assign a new reporter to the story.

On Wednesday evening, the sheriff [released a public statement](#) defending the unit as a tool for fighting corruption and denying it was being used to go after his political opponents.

"The sole responsibility of the Sheriff's Department is to investigate allegations of criminal conduct as they are discovered, regardless of how inconvenient it may be to the subject of the investigation," the statement said. "The unit is supervised by the Undersheriff, and I have recused myself from all decision making to avoid any potential conflict of interest."

Within the department, however, multiple sources said they have heard the team referred to as the sheriff's "secret police."

The idea for the team was rooted in Villanueva's upstart campaign for sheriff in 2018. While trying to [persuade liberal voters](#) he would be a progressive reformer, he also vowed to address what he said was widespread corruption among the department's senior ranks that led to deputies being unfairly disciplined.

CALIFORNIA

'Running against the woke left': Can Sheriff Villanueva's shift to the right work in L.A.?

July 12, 2021

After taking office, Villanueva took steps to make good on his campaign promise, including [hiring back deputies](#) who he said had been wrongly fired. He also formed a team to investigate current and former high-ranking Sheriff's officials over allegations of criminal wrongdoing in cases against deputies, said multiple law enforcement sources who requested their names not be used. There is no indication any of those cases resulted in charges.

A central member of the team, several law enforcement sources said, was Mark Lillienfeld, a longtime homicide investigator who had retired in 2016.

Aides had cautioned Villanueva during his first week in office against bringing Lillienfeld onboard, said Joseph Dempsey, a now-retired sheriff's chief who attended a meeting with other aides to brief Villanueva about Lillienfeld.

The aides told Villanueva that a few months earlier Lillienfeld, who at the time was investigating a murder for the district attorney's office, [had dressed in a sheriff's uniform to pose as a deputy](#) to sneak a McDonald's Egg McMuffin and a cup of coffee in to an inmate at Men's Central Jail — a violation of jail rules.

Retired L.A. County sheriff's homicide Det. Mark Lillienfeld enters Men's Central Jail in a deputy's uniform and leaves a plastic bag and cup in the inmate chapel.

Sheriff's officials banned him from county jails and posted notices with Lillienfeld's photo at jail entrances, directing employees to alert a supervisor if he showed up.

CALIFORNIA

Sheriff rehires corruption investigator accused of posing as deputy in bizarre jail incident

Oct. 23, 2019

Dempsey said Villanueva shrugged off the warnings and downplayed the jail incident, telling the group that Lillienfeld was “way too important” to his future plans. Villanueva, he said, didn't elaborate. Bob Olmsted, an assistant sheriff at the time who was also in the meeting, corroborated Dempsey's account.

Dempsey's account contradicts what Murakami, Villanueva's undersheriff, said in an interview two years ago, which was that Villanueva was not aware of the Egg McMuffin incident until The Times began asking questions about it a year after it occurred.

In a brief interview after he was rehired in 2019, Lillienfeld said he was reporting to Murakami and assigned to investigate public corruption. Murakami identified Lillienfeld as a member of the unit to The Times.

In August 2019, Murakami made the unusual move of [announcing that the department was investigating Huntsman, its top watchdog](#). In a letter to the Board of Supervisors and a statement at the time, he said Huntsman, members of his staff and sheriff's officials were under investigation for allegedly stealing confidential files the department keeps on high-ranking officials. He urged the board to sideline Huntsman until the investigation was complete.

The announcement came after Villanueva told Huntsman that if the inspector general went ahead with plans to release a report about the sheriff's rehiring of a deputy who had been [fired over domestic violence and stalking allegations](#), "there would be consequences," Huntsman has said.

CALIFORNIA

L.A. County sheriff reinstates deputy fired over domestic abuse and stalking allegations

Jan. 15, 2019

Cmdr. Eli Vera, who is running against Villanueva for sheriff in next year's election, said he and others advised the sheriff at the time against pursuing the investigation.

"The investigation will be discredited when it's perceived that you have a personal interest," Vera said. "It casts a shadow on the legitimacy of the investigation."

Villanueva agreed to bring the case to the FBI and the state attorney general's office, said Vera, who was present in April 2019 when the two agencies were briefed. But when the federal and state officials concluded no crimes had been committed and told

sheriff's officials they wouldn't take the case, Villanueva decided to press ahead with an investigation, Vera said.

Villanueva, Vera said, "hand selected" the team that would investigate the allegedly stolen files and conduct other probes. He added that while the sheriff recused himself from that investigation and others, he often "let it be known what outcome he was looking for."

CALIFORNIA

L.A. County sheriff has legal power to ban gang-like groups of deputies, county lawyers say

Sept. 16, 2021

More than two years into the investigation, no charges have been filed. In April, Murakami said the case remained open.

"There's been progress on it," Murakami said. "Just gathering more information. ... When they move forward with anything, we want to make sure our facts are right."

When asked in April for an account of the team's work, Murakami said his investigators were taking cases brought by outside municipalities and the district attorney's office, and also made reference to the unit having cleared one sheriff's official of wrongdoing, but declined to provide specifics.

The unit's investigation into Peace Over Violence, a nonprofit that offers crisis intervention and other services to victims of domestic violence, has also unfolded in a controversial fashion.

CALIFORNIA

Sheriff Villanueva demotes high-ranking official who is trying to unseat him

Sept. 7, 2021

Early this year, Sgt. Max Fernandez, a member of the unit, showed up to the organization's offices and introduced himself as a sex crimes investigator, said the group's executive director Patti Giggans, who is also a member of the oversight commission and has been critical of Villanueva's leadership, including his resistance to complying with information requests and his [handling of the Kobe Bryant helicopter photo sharing scandal](#). Fernandez did not respond to a request for comment.

Fernandez was given a tour of the office and left his business card, Giggans said.

A week or so later, Fernandez showed up again, Giggans said. This time, he had a warrant.

Fernandez was looking for records about contracts the group has with public agencies, including one with the Los Angeles County Metropolitan Transportation Authority to operate a hotline for reporting sexual harassment on public transit, Giggans said. The warrant also demanded records on communications the organization's staff had with various county officials, including Supervisor Kuehl, a close friend of Giggans who also has been sharply critical of what she's described as Villanueva's resistance to accountability and failure to crack down on [gang-like groups of deputies](#) with matching tattoos. Giggans and Kuehl have each called on the sheriff to resign.

The Sheriff's Department served similar warrants on Metro officials and on Metro's inspector general. At the time, a Metro spokesman told The Times that "given the limited information contained in the warrant, we cannot determine the nature of LASD's investigation."

CALIFORNIA

Rep. Waters seeks federal probe of L.A. County deputies' alleged Executioners gang

July 21, 2021

What evidence Fernandez and the team used to convince a judge to grant the warrants has not been made public.

Peace Over Violence turned over the records, while attorneys for Metro and Metro's inspector general objected and asked a judge to block the effort.

In motions to quash the warrants and other court documents, lawyers for Metro's inspector general and the judge who issued the warrants raised questions about the sheriff's probe.

After Harvinder Anand, a lawyer for Metro's inspector general, reported that Fernandez had claimed Judge Ronald S. Coen gave the Sheriff's Department the green light to "forcibly take computers if the search warrant is not complied with," Coen responded in a sworn statement that he never told Fernandez that.

Anand said in a sworn declaration that Fernandez told him he "does not think Peace Over Violence did anything" illegal and that he "personally does not see it," referring to allegations of misconduct by the nonprofit.

Anand also said in the declaration that Fernandez had admitted the investigation into Peace Over Violence stemmed largely from information provided by Jennifer Loew, a Metro employee who is embroiled in a retaliation lawsuit against her employer. Loew has alleged the nonprofit was improperly awarded a series of contracts pushed by Kuehl's office to run the hotline. Kuehl's office said they were not involved in awarding the contracts.

CALIFORNIA

Sheriff's Department ordered to release misconduct, use-of-force records in response to Times lawsuit

June 25, 2021

Jennifer Loew's husband, Adam, told The Times that he's an acquaintance of Villanueva. Villanueva has posted photos on social media with Loew's daughter.

Adam Loew told The Times he has never discussed the Metro investigation with the sheriff. He said, however, that he did email Murakami to complain about what he saw as the slow pace of the investigation into the hotline.

He said Lillienfeld showed up to his home days later. Loew made a recording of the more than hourlong conversation, which The Times listened to. Lillienfeld told Loew he was "poking the wrong f—ing bear."

"That's what I'm telling you, dumb f—, is that clear?" Lillienfeld said. "I can't make it any clearer than that."

Lillienfeld did not respond to a request for comment.

During the recorded conversation, Lillienfeld also said that he does not talk with Villanueva about the investigation, even though the sheriff asks for updates. And he suggested to Loew that he believes it would be inappropriate for a sheriff to use a criminal inquiry for political benefit.

Giggans defended her organization's work and told The Times she believes the sheriff seized the opportunity to harass her and Kuehl by latching onto a campaign against Peace Over Violence that was instigated by a disgruntled Metro employee.

"It couldn't be more obvious, the retaliatory behavior," Giggans said.

Murakami told The Times in April that the claims of retaliation are untrue.

One Sheriff's Department source said: "If they didn't investigate it, we would be accused of a cover up."

The unit has also caused tensions within the department.

In February last year, Lillienfeld and another member of the unit, Steve Nemeth, showed up to the sheriff's station in Compton to interview Deputy Austreberto Gonzalez, according to the deputy's attorney.

Gonzalez had anonymously reported to the department's Internal Affairs Bureau that a deputy had been [assaulted by an alleged member of the Compton Executioners](#), a gang-like group of deputies who have been accused of violent behavior and running roughshod over the station.

Word of Gonzalez's call to Internal Affairs had somehow leaked, and deputies at the station suspected he was ratting out a fellow deputy, his attorney Alan Romero said. Typically, detectives from one of the department's internal affairs units would have discreetly contacted Gonzalez to gather more information. Instead, Lillienfeld and his partner announced to the employee working at the station's front desk that they were on a special assignment and asked to speak with Gonzalez, Romero said.

When Gonzalez told the investigators he was worried about them questioning him so publicly, Lillienfeld was dismissive, Romero said. "It's OK, buddy," Lillienfeld said, according to Romero. "They're not going to know."

Romero said the investigators acted "to retaliate against the whistleblower, to put the whistleblower in danger."

Lillienfeld and Nemeth did not respond to a request for comment.

Gonzalez is suing the department for retaliation and has [testified about the Executioners](#) in an unrelated excessive force lawsuit. Since then, Villanueva has repeatedly called into question Gonzalez's credibility, saying the deputy has no evidence to back up his claims.

Romero said another one of his clients was followed by Lillienfeld after suing the county. The allegation echoed one made by Huntsman, who said Lillienfeld intimidated members of his staff. On at least two occasions, Huntsman said, Lillienfeld showed up at commission meetings and appeared to follow around members of Huntsman's team, including one staffer who Lillienfeld trailed into a parking lot.

Around the time Lillienfeld and Nemeth showed up at the Compton station, the Assn. of Los Angeles Deputy Sheriffs sent an email warning its membership about Lillienfeld.

"The department is using some unconventional tactics to conduct internal investigations," the union said, referring to the agency's use of retirees hired back on a part time basis. "One such person is retired Deputy Mark Lillienfeld."

Ron Hernandez, the union's president at the time who has since retired, said he wanted to remind deputies they could insist on having a union representative with them during an interview.

"The fact that he was out there talking to people was concerning to me," Hernandez said. "I had no idea what he was doing or how he was doing it other than the fact that it might be a little confusing to the deputies because they don't know his role either."

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By The Times Editorial Board Aug. 16, 2019 11:57 AM PT

August 16, 2019



L.A. County Sheriff Alex Villanueva has recused himself from a criminal probe of Inspector General Max Hunstman and others in and outside his department.

(Los Angeles Times)

As a candidate for Los Angeles County sheriff, and continuing after his election late last year, Alex Villanueva repeatedly accused prior Sheriff's Department officials of committing crimes.

He claimed (without evidence) that previous Sheriff Jim McDonnell wanted to fire lots of deputies just to show the press and the public that he had a high "body count" and would be considered a reformer. He claimed (without evidence) that McDonnell's administration routinely trumped up charges against innocent deputies, then ordered investigators to invent facts to support the allegations and ignore facts that refuted them. He claimed (without evidence) that McDonnell and especially one of his constitutional policing advisors, attorney Diana Teran, undermined the discipline appeals process by selectively blocking evidence that

came before the Civil Service Commission on appeal. He claimed (without evidence) that McDonnell “outsourced” his entire discipline system to Teran, who he said then went on a vendetta against deputies she didn’t like.

Those supposedly unfairly treated deputies included his campaign aide Caren Carl Mandoan, whose termination for cause — including allegations of domestic abuse — was upheld by the Civil Service Commission. Villanueva notoriously reinstated Mandoan and a handful of other fired deputies earlier this year.

Villanueva has made his odd and often rambling corruption allegations in various forums, including at a meeting this year of the Civilian Oversight Commission — the nine-member panel created by the Board of Supervisors to provide some level of public review of sheriff actions. Commission members were skeptical.

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“When you say there are a lot of disciplinary cases that have been internally compromised, I’d like to see the evidence of that,” Commissioner Rob Bonner said. No evidence was provided.

It’s not surprising. A whole bevy of Villanueva’s Trumpian assertions have been groundless. He claimed, for example, that rules put in place to prevent the kinds of vicious beatings of jail inmates by deputies that took place under Sheriff Lee Baca had actually increased jail violence. He accused previous jails chief Terri McDonald (who is currently the county’s chief probation officer) of misrepresenting data provided to the U.S. Department of Justice — again, without evidence.

He brought with him into office and continues to nurture the point of view of a disgruntled employee rather than a leader. His allegations repeat the sort of statements bandied about on sheriff’s deputies’ private message boards: Discipline is unfair, outsiders don’t understand, the deck is stacked against them, and the Board of Supervisors, the public, the media are all out to get them.

The sheriff continually tries to deflect criticism by claiming that his critics didn’t endorse him and therefore will never support him. But that doesn’t explain why even many who did endorse him now express serious concern about his statements and actions.

That’s the proper context in which to view the startling revelation, first reported by ABC-TV Channel 7, that the department is now conducting a criminal investigation of Inspector General Max Huntsman, Teran and others for supposedly accessing personnel data — which is, of course, part of their job. Teran joined Huntsman’s team when Villanueva took office and fired her; she has since moved to the public defender’s office.

According to an Aug. 12 letter to members of the Board of Supervisors from Undersheriff Timothy K. Murakami, Villanueva has recused himself from any role in the probe into allegations of “Conspiracy, Theft of Government Property, Unauthorized Computer Access, Theft of Confidential Files, Unlawful Dissemination of Confidential Files, Potential Civil Rights Violations, and Burglary.”

To be sure, the Sheriff’s Department has a history of cronyism and unfair treatment of deputies, and the problems reached their apex when Undersheriff Paul Tanaka virtually ran the department under the nose of Sheriff Lee Baca. Both have since been sentenced to federal prison, although not for their mistreatment of deputies. Some measure of lingering mistrust among the rank-and-file is to be expected.

But Villanueva is now sheriff, and his broad, irresponsible and unsupported allegations of criminality aren’t aired on private message boards. His statements are public. They are amateurish and undignified — and again, unsupported — and they diminish public confidence in the department.

If there is a dispute over the proper interpretation of county ordinances that grant the inspector general access to personnel files, the proper response is to file a lawsuit, not to launch a criminal probe of the civilian authorities that oversee the department.

It is no wonder that the county Democratic Party and others who endorsed Villanueva now have buyer’s remorse. They thought they were getting a progressive sheriff. What they got instead was the opposite: an advocate for deputies who resent stricter standards of conduct.

The Times Editorial Board

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EXHIBIT C

LOS ANGELES COUNTY SHERIFF
CIVILIAN OVERSIGHT COMMISSION MEMORANDUM

FROM: Sean Kennedy, COC commissioner

TO: Lael Rubin, COC chair, Brian Williams, COC executive director

DATE: May 27, 2021

RE: Villanueva administration's investigation of oversight officials, etc.

I. INTRODUCTION

I write to voice concern about what appears to be a pattern of LASD officials announcing they have opened “criminal investigations” of various department heads, oversight officials, and professionals. These highly publicized criminal investigations have never resulted in charges being filed, suggesting an ulterior motive. The Los Angeles County Sheriff Civilian Oversight Commission (COC) should call for an investigation to ascertain whether Sheriff Alex Villanueva is abusing his power or extorting public officials.

Section II of this memo identifies the Villanueva administration's pattern of accusing public officials and other professionals who are in conflict with the department of committing crimes, followed by an analysis of the implications of that pattern. Subsection A catalogues the individual incidents in which the Sheriff or his deputies publicly announced that the LASD was opening an investigation of a public official or professional even though no criminal charges were ever filed. Subsection B highlights commentary from experts regarding the propriety of these announcements, particularly the alleged “criminal investigations” of officials conducting oversight of the department. Subsection C examines whether such announcements constitute extortion under California law. Finally, Section III concludes with a plea for an investigation by an independent body.

II. LEGAL ANALYSIS

A. Is the Villanueva Administration Misusing Its Investigative Powers to Target Oversight Officials and Political Adversaries?

Over the past 24 months, members of the Villanueva administration have made highly unusual announcements that the LASD has opened “criminal investigations” of

oversight officials and other professionals who have publicly criticized the department about budgetary and policy issues. The number and similarity of the announcements suggest a pattern of targeting oversight officials for investigation. Despite the high-profile announcements, none of the targets has ever been charged with any criminal offenses. The totality of the evidence raises serious questions about the motives for and legitimacy of the fruitless investigations.

1. The LASD’s Pattern of Announcing “Criminal Investigations” of Oversight Officials, Department Heads, and Advocates in Conflict with the Department

In April 2019, a person identifying himself as an LASD sergeant called then County Counsel Mary Wickham on her personal cell phone and directed her to turn herself in at a sheriff’s station to avoid being arrested at home for violating a 2006 grand jury summons. Maya Lau, *Man Claiming to be Sheriff’s Official Phoned Threat to County Counsel, Sparking Probe*, L.A. Times (Apr. 22, 2019). Wickham at the time was pursuing legal action against Sheriff Villanueva over his reinstatement of Carl Mandoyan, a disgraced former deputy with a Grim Reapers tattoo who had been fired by the previous administration for violating policies regarding domestic violence and dishonesty. *Id.* Wickham, several supervisors, and other county officials all objected to the call as an intimidation tactic. For example, Interim Inspector General Rod Castro-Silva stated, “These threats are a hostile act intended to intimidate a public official doing her job on behalf of Los Angeles County, the Board of Supervisors, and the residents we serve.” Celeste Fremon, *Updated: Man Claiming to Be LA Sheriff’s Sergeant Threatens County Counsel with Arrest*, WitnessLA (Apr. 22, 2019). The LASD claimed the call was a “common scam” regarding jury service, but other county officials noted that details of this call differed from prior common jury-scam calls and that the name the caller had used to identify himself was the actual name of an LASD sergeant. *Id.* In the end, Wickham was never arrested or prosecuted, and no information has ever been released about the source of the call.

In August 2019, LASD Undersheriff Timothy Murakami¹ announced the opening of a “criminal investigation” of Los Angeles County Inspector General Max Huntsman for accessing and reviewing confidential personnel files in the course of conducting oversight of the Department. Maya Lau, *L.A. County Sheriff’s Top*

¹ Some LASD deputies have alleged that Murakami has a “Cavemen” tattoo. Frank Stoltz, *East LA Sheriff’s Deputies File Suit Claiming Harassment, Violence by “Banditos” Clique*, LAist (Sept. 18, 2019). Murakami has denied being a member of the clique.

Watchdog is under investigation—by the L.A. County Sheriff, L.A. Times (Aug. 4, 2019). Prior to this announcement Villanueva had been informed by Huntsman that the OIG was releasing a report² critical of his reinstatement of Mandoyan. *Id.* Villanueva warned Huntsman there would be “consequences” for releasing the report. *Id.*

Murakami told reporters that the LASD was investigating whether Huntsman had committed “conspiracy, theft of government property, unauthorized computer access, theft of confidential files, unlawful dissemination of confidential files, civil rights violations, and burglary.” *Id.* Murakami suggested that the FBI was assisting the department in the investigation. *Id.* No representative of the FBI has ever confirmed that claim.³

Later press accounts reported that the LASD was also investigating Diana Teran, the former constitutional policing advisor to previous sheriff James McDonnell, for the same conduct.⁴ Marc Brown & Lisa Bartley, *LASD Has “Criminal Investigation” into Its Own Watchdog*, ABC7 Investigations (Aug. 14, 2019). Villanueva blamed Teran for the termination of Mandoyan, causing him to harbor resentment against her as well. Jorge Luis Macias, *The Controversial Hiring of Mandoyan*, La Opinión (July 31, 2019). Despite the sensational announcement twenty months ago, the LASD has not provided any updates on the investigation, nor have any charges been filed against Huntsman or Teran.

On December 2019, the LASD announced that they had opened a criminal investigation of Hollywood-producer-turned-juvenile-justice-advocate Scott Budnick,⁵

² 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).

³ The Department of Justice Manual states: “DOJ generally will not confirm the existence of or otherwise comment on ongoing investigations. Except as provided in subparagraph C of this section, DOJ personnel shall not respond to questions about the existence of an ongoing investigation or comment on its nature or progress before charges are filed.” *DOJ Manual*, §1-7.400 – Disclosure of Information Concerning Ongoing Criminal, Civil, and Administrative Investigations (2018), available at <https://www.justice.gov/jm/jm-1-7000-media-relations>. Exceptions to the no-comment policy require prior approval from the U.S. Attorney or Assistant Attorney General. *Id.*

⁴ Diana Teran served as a constitutional policing advisor for LASD from November 2015 through November 2018, when newly elected Sheriff Alex Villanueva announced that he was abolishing the positions. Frank Stoltze, *Alex Villanueva Says He would Eliminate the LA Sheriff’s Constitutional Policing Advisors*, LAist (Nov. 21, 2018).

⁵ Governor Jerry Brown in 2012 named Budnick “California’s volunteer of the year.” The Board of Supervisors also named him Los Angeles County’s volunteer of the year. President Obama in 2015 appointed Budnick to serve on the advisory council of My Brother’s Keeper Alliance, which

as well as Blair Berk and Michael Cavalluzzi, two prominent attorneys recruited by Budnick to represent a juvenile accused of participating in a robbery-murder of a police officer. Alene Tchekmedyian, “*Hangover*” *Producer Helped a Teen Convicted in Killing. Now He’s Under Investigation*, L.A. Times (Dec. 15, 2019). The LASD claimed they were investigating Budnick and the defense attorneys for witness tampering and obstruction of justice. The LASD served a search warrant on Budnick’s social media accounts. *See In re Search Warrant for All Records Associated with Google Account Scottarcla@gmail.com*, No. BH 012910, Order Quashing Search Warrant (Nov. 12, 2020). Budnick successfully moved to unseal the affidavit in support of the request for the search warrant. *Id.* After Judge William Ryan ruled that the search warrant had improperly issued without probable cause, it was quashed, and all seized documents were returned to Budnick. *Id.* No charges were filed against Budnick, Berk, or Cavalluzzi.

On March 30, 2020, the Board of Supervisors voted unanimously to put the county’s chief executive, Sachi Hamai, in charge of disaster preparedness and response, thereby removing Sheriff Villanueva as head of the emergency operations center over his objection. Alene Tchekmedyian, *L.A. Supervisors Remove Sheriff Alex Villanueva as Head of Emergency Operations Center*, L.A. Times (Mar. 31, 2020). Villanueva’s resentment of Hamai increased after she advised him that the LASD would suffer budget cuts along with all other county agencies due to reduced revenues as a result of the pandemic.

During a July 22, 2020 Facebook Live session, Sheriff Villanueva referenced Hamai’s participation on the board of the United Way-Los Angeles. The United Way describes its mission as “to permanently break the cycle of poverty for our most vulnerable neighbors: low-income families, students, veterans and people experiencing homelessness.” <https://www.unitedwayla.org/en/about/mission>. Villanueva suggested that Hamai was enriching herself through granting a public contract to the United Way in violation of section 1090 of the Government Code. <https://www.facebook.com/LosAngelesCountySheriffsDepartment/videos/vb.225060950854159/309753690178503/?type=2&theater>.⁶ In fact, section 1090 is inapplicable

identifies innovative solutions to eliminate gaps and increase achievement opportunities for boys and young men of color.

⁶ The accusation may have been a preplanned strategy. Near the end of the Facebook Live session, Vivian “Bibi” Villanueva, the sheriff’s wife, submitted a written question asking, “Is it a felony for the County CEO to be part of the board of the United Way?” The Sheriff responded that it was a felony, citing Cal. Government Code § 1090.

because Hamai was a volunteer board member who received no compensation and therefore had no financial interest in any public contract with the United Way. Nevertheless, Villanueva later reported Hamai in a letter to the Attorney General's office. After Hamai threatened to sue for defamation and a "toxic work environment created by a fellow department head," the County settled for \$1.5 million and agreed to provide security for her and her family. Ian Spiegelman, *Sheriff Villanueva's Alleged Grudge against L.A. County's CEO Results in a \$1.5 Million Settlement*, L.A. Magazine (Aug. 27, 2020).

During an April 2020 public meeting, several supervisors discussed with budget officials whether department heads who overspent on their budgets were committing a misdemeanor. Villanueva—who apparently became defensive about the LASD's projected budget shortfall—interjected, "I could go on for a long, long time about a long list of felony crimes and the consequences of them—and they're done by public officials. Good luck with that if you're gonna scare me with the claim about a misdemeanor crime." Alene Tchekmedyan & Jaclyn Cosgrove, *Sheriff's Sexist Slur and Accusations of "Blood Money" Ramp up Feud with L.A. County Supervisors*, L.A. Times (July 27, 2020). The comment prompted Supervisor Kathryn Barger to ask Villanueva whether he was making a "veiled threat." *Id.* Villanueva has never retracted his dramatic claim, nor elaborated whom in county government he was asserting had committed felonies.

In February 2021, LASD officials told the press that they had executed search warrants on LA Metro and Peace over Violence as part of a "criminal investigation" regarding contractual services that Peace over Violence provided to subway riders who been harassed or assaulted during transit. Jason Henry, *L.A. County Sheriff Searches Offices of LA Metro, Oversight Board Member in Criminal Probe*, Pasadena Star News (Feb. 19, 2021). Peace over Violence is a non-profit organization "dedicated to building healthy relationships, family, and communities free from sexual, domestic and interpersonal violence." <https://www.peaceoverviolence.org/about-us>. Patti Giggans, the executive director of Peace over Violence, had just finished serving two consecutive terms as chair of the COC. During Giggans's tenure, the COC clashed with Villanueva on many issues, including asking him to resign and successfully litigating his obligation to comply with a subpoena to testify before the commission. *See City News Service, Sheriff's Oversight Commission Calls on Villanueva to Resign over Management of the Agency*, L.A. Times (Oct. 15, 2020); Allen Tchekmedyan, *L.A. County Sheriff Cannot Ignore Watchdog's Subpoena, Judge Rules*, L.A. Times (Nov. 20, 2020).

Deputy Eric Ortiz told the press, “The search warrant was signed by a judge and partially sealed in connection to an ongoing investigation.” *Id.* The article on the search notes: “It is uncommon for the Sheriff’s Department to conduct investigations into other county agencies. The Los Angeles County District Attorney’s Office typically handles public corruption cases in the county through its Public Integrity Division. The Sheriff’s Department did not respond to questions about whether it is working with other agencies, nor would it address whether it has taken steps to avoid any conflicts related to investigating a commissioner.” Jason Henry, *L.A. County Sheriff Searches Offices of LA Metro, Oversight Board Member in Criminal Probe*, Pasadena Star News (Feb. 19, 2021).

According to defense counsel, LASD officials have confirmed in writing they don’t believe that Giggans committed any crime, but that letter has never been made public. Frank Stoltze, *Sheriff to DA: Let’s Probe Corruption Together. DA to Sheriff: No Thanks*, LAist (Mar. 5, 2021). LASD officials nevertheless continue to represent that there is a criminal investigation pending; for example, on March 11, 2021, LASD spokesman John Satterfield responded to an email from a third party asking about funding for Peace Over Violence by stating, “We will not be renewing or renegotiating an MOU while we have an active criminal investigation.”⁷

Facing so many objections to the LASD investigating other department heads and oversight officials, Sheriff Villanueva recently proposed creating a joint task force with the District Attorney’s Office to fight government corruption and target venal politicians. Los Angeles District Attorney George Gascón declined the unorthodox proposal, stating that the office already has “significant expertise” in investigating public corruption and that he did “not want to compromise our ability to engage in that work in an independent manner.” Frank Stoltze, *Sheriff to DA: Let’s Probe Corruption Together. DA to Sheriff: No Thanks*, LAist (Mar. 5, 2021). Shortly thereafter, Villanueva endorsed a fledgling campaign to recall Gascon. *Id.*

2. The “Criminal Investigations” Never Result in Charges Being Filed, But Are Invoked to Chill Oversight and Criticism of the LASD

Because none of the above investigations has ever resulted in charges being filed against the accused officials, there is good reason to question their legitimacy.

⁷ Peace over Violence had previously been contracted to provide anonymous hotline services to the LASD, a requirement of the Prison Rape Elimination Act. The service is similar to that provided by LA Metro and for which the LASD had sought contact information on callers who were also promised anonymity in reporting sexual violence.

Villanueva’s targeted investigations are conducted by a team that reports directly to the undersheriff and includes a member who was accused of serious misconduct before being rehired. Alene Tchekmedyan, *Sheriff Rehired Corruption Investigator Accused of Posing as a Deputy in Bizarre Jail Incident*, L.A. Times (Oct. 23, 2019). Moreover, the LASD’s early public disclosure of the existence of the alleged criminal investigations suggests that the motive is to chill oversight of the Department, not to pursue a prosecution. For example, after Murakami announced the investigation of Huntsman, he urged the Board of Supervisors to recuse Huntsman and appoint an “interim inspector general” until their alleged investigation was concluded. Maya Lau, *L.A. County Sheriff’s Top Watchdog is under investigation—by the L.A. County Sheriff*, L.A. Times (Aug. 4, 2019). To date, the investigation has been pending for over two years.

While no one is above the law, public officials should not be targeted for criminal investigation as a means of chilling their performance of oversight functions over the LASD. The same is true of advocates working on behalf of accused people in the criminal justice system; they should not be targeted for criminal investigation merely because they have taken positions that influential LASD investigators disagree with. In preparing this memo, I interviewed several of the targets. They described their feelings of distress and intimidation after being publicly accused of criminal conduct by LASD officials, especially since—in their view—there was no evidence to support the accusations. Hamai was apparently so intimidated that she requested and received security as part of her settlement with the county over the alleged harassment by the Sheriff.

B. Experts Sound the Alarm about the Impropriety of LASD’s Retaliatory “Criminal Investigations”

After the LASD announced its investigation of OIG employees for doing their jobs, observers sounded the alarm. Michael Gennaco, a former federal prosecutor who had conducted oversight of the LASD prior to the creation of the OIG, called the investigation “unconscionable.” Maya Lau, *L.A. County Sheriff’s Top Watchdog is under investigation—by the L.A. County Sheriff*, L.A. Times (Aug. 4, 2019). The *Los Angeles Times* editorial board objected to the practice as well, writing:

Villanueva is now sheriff, and his broad, irresponsible and unsupported allegations of criminality aren’t aired on private message boards. His statements are public. They are amateurish and undignified—and again, unsupported—and they diminish

public confidence in the department. If there is a dispute over the proper interpretation of county ordinances that grant the IG access to personnel files, the proper response is to file a lawsuit, not to launch a criminal probe of the civilian authorities that oversee the department.

Editorial: L.A. County Thought it Was Getting a Progressive Sheriff. Instead, Like Trump, Alex Villanueva Is Painting His Political Adversaries as Criminals, L.A. Times (Aug. 16, 2019).

Experts continued to object as more “criminal investigations” were announced. Ann Skeet, senior director of leadership ethics at the Markkula Center for Applied Ethics at Santa Clara University, highlighted the retaliatory aspect of Villanueva’s accusations against Hamai, noting that it “does actually seem to be a pattern of his” and that “it seems to be primarily aimed at women.” Jaclyn Cosgrove & Alene Tchekmedyan, *L.A. County CEO to Receive \$1.5 Million in Security over Alleged Harassment by Sheriff*, L.A. Times (Aug. 26, 2020). Retired LASD commander Rod Kusch, who once headed the Internal Criminal Investigations Bureau, took the position that “the sheriff has no business investigating Giggans and her organization” because “you just don’t want to have a situation that makes you appear as if you have an agenda toward any particular entity.” He stressed, “The idea is to have a completely unbiased investigation.” Frank Stoltze, *Sheriff to DA: Let’s Probe Corruption Together. DA to Sheriff: No Thanks*, LAist (Mar. 5, 2021). Professor Laurie Levenson, who holds a chair in ethical advocacy at Loyola Law School, questioned Villanueva’s attempt to initiate a “joint task force” on public corruption, since chief prosecutors, not local law enforcement officials, usually spearhead such efforts. “It’s like he wants to be the DA,” she said. *Id.*

C. The LASD’s Use of “Criminal Investigations” to Thwart Oversight Officials from Carrying out Official Duties May Constitute Extortion

Sheriff Villanueva’s accusations of criminal conduct by oversight officials raise concerns about extortion.⁸ *See* Cal. Pen. Code §§ 518-524. Section 518 of the Penal

⁸ Alex Villanueva is not the first elected sheriff to use his criminal investigative and arrest powers to intimidate perceived adversaries. In 2013, Sheriff Lee Baca and his undersheriff, Paul Tanaka, directed two sergeants to dissuade a female FBI agent from investigating civil rights offenses perpetrated by custody deputies in Men’s Central Jail. When the FBI agent failed to heed their warning, the sergeants left a voicemail for her supervisor stating that the agent had been named in a criminal complaint, and then went to the agent’s home and told her she that she would be arrested.

Code defines “extortion” as “the obtaining of property or other consideration from another, with his or her consent, or *the obtaining of an official act of a public officer*, induced by a wrongful use of force or fear, or under color of official right.” Cal. Pen. Code § 518 (emphasis added.)⁹ The term “official act” refers to “only those acts performed by a [public] officer in his official capacity, which make some use of his public office.” *People v. Norris*, 40 Cal.3d 51, 56 (1985). Section 519 further states, “Fear, such as will constitute extortion, may be induced by a threat of any of the following: ... *To accuse the individual threatened, or a relative of his or her, or a member of his or her family, of a crime.*” Cal. Pen. Code § 519.3 (emphasis added).

Given the above, one who threatens to accuse a public officer of committing a crime in order to illegally obtain an official act of that officer commits extortion. *Isaacs v. Superior Court*, 79 Cal.App. 3d 260, 263 (1978). Indeed, the model jury instructions define “official act extortion” as follows:

1. The defendant threatened to accuse another person of a crime;
2. When making the threat, the defendant intended to use that fear to obtain the other person’s consent;
3. As a result of the threat, the other person consented to do an official act;
4. As a result of the threat, the other person then did an official act.

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Villanueva’s conversation with Huntsman prior to the release of the OIG report on his illegal reinstatement of Mandoyan likely constitutes official acts extortion. The authorizing ordinance for the Inspector General directs him to “investigate” and issue “public reports” about the LASD. L.A. County Code § 6.44.190. As such, reporting on the sheriff’s misconduct in reinstating Mandoyan is certainly part of the Inspector

Jack Leonard & Robert Faturechi, *Sheriff’s Officials Taped Threat to Arrest FBI Agent*, *Prosecutors Say*, L.A. Times (Dec. 16, 2013). Of course, Baca, Tanaka, and other LASD employees were eventually convicted of obstruction of justice—in part because of the sergeants’ false accusations and threats to arrest the FBI agent—and they all served time or are currently serving time in federal prison.

⁹ There can be no doubt that section 518 covers threatening or blackmailing public officers to obtain official acts. The original 1872 extortion statute only covered threatening people to obtain “money or other property from another,” which prompted an appellate court to reverse a conviction for threatening a judge to obtain an appointment as a receiver because the statute did not extend to threats to obtain public offices or official acts. *People v. Robinson*, 130 Cal.App. 664, 667-68 (1933). In response to *Robinson*, the legislature in 1939 amended section 518 to prohibit extortion of public officers to obtain official acts. Stats. 1939, ch. 601, p. 2017, §1.

General's "official duties." Despite this, Villanueva threatened Huntsman with "consequences" if he published the report. After Huntsman nevertheless released the OIG report, the undersheriff announced that the LASD was investigating him for felonies. Thus, Villanueva attempted to use the natural human fear of being wrongfully accused of a crime to induce Huntsman to refrain from releasing a damaging report about his own misconduct. The timing and public nature of the accusation support an inference of intent to extort.

The fact that Villanueva's threat ultimately failed to dissuade Huntsman from releasing the OIG report does not insulate him from liability because the statutory scheme for extortion explicitly criminalizes attempted extortion. Cal. Pen. Code § 524. Attempted extortion occurs when one person accuses another person of a crime with "specific intent to commit extortion" and engages in "a direct ineffectual act done towards its commission." *People v. Sales*, 116 Cal.App. 4th 741, 749 (2004). The courts have held that section 524 applies to official acts extortion. *Isaacs*, 79 Cal.App. 3d at 263.

III. CONCLUSION

The Villanueva administration's pattern of announcing "criminal investigations" of oversight officials and other perceived political enemies has persisted for over two years. While these heavily publicized criminal investigations have never resulted in the filing of any criminal charges, the targeted officials remain obligated to conduct oversight of the Department with a sword of Damocles hanging over their heads. The likelihood is high that such investigations have chilled meaningful civilian oversight of the LASD.

To date, the COC has remained silent in the face of substantial evidence that the Sheriff is engaging in extortion or some other abuse of power. The COC should request an independent investigation by an entity unaffected by the announced investigations, such as the Office of the California Attorney General or the U.S. Department of Justice.



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December 14, 2020

TO: The Honorable Lael Rubin, Chair
Los Angeles County Sheriff Civilian Oversight Commission

Brian K. Williams, Executive Director
Los Angeles County Sheriff Civilian Oversight Commission

FROM: Max Huntsman
Inspector General

SUBJECT: **REPORT BACK ON UNLAWFUL CONDUCT OF THE LOS ANGELES
COUNTY SHERIFF'S DEPARTMENT**

As requested by Commissioner Priscilla Ocen at the Civilian Oversight Commission meeting of November 19, 2020, I am writing to document examples of unlawful conduct by the Los Angeles County Sheriff's Department (Sheriff's Department) in its effort to remove law enforcement reforms and oversight mechanisms developed since the conviction of the former Sheriff Lee Baca and Undersheriff Paul Tanaka. As I stated before the Civilian Oversight Commission, I believe the Sheriff's position, that his power comes directly from the California Constitution and cannot be limited by charter, statute, or ordinance, has resulted in a constitutional crisis in Los Angeles County.

The law does not support the Sheriff's claim.

The California Constitution provides for charter counties to include an elected governing body and an elected sheriff as well as provisions for the removal of that sheriff (Article XI, section 4(c)).¹ The California Constitution does not state, nor does it suggest, that a sheriff is not responsible to the governing body of the county. In fact, California state law provides that the board of supervisors of a county supervises all officers of the county

¹ California Constitution, Article XI, section 4(c) states County charters shall provide for "an elected sheriff, an elected district attorney, an elected assessor, other officers, their election or appointment, compensation, terms and removal."

(Government Code, § 25303²), explicitly including the county's sheriff. Newly passed Government Code section 25303.7 explicitly authorizes the creation of inspectors general and civilian oversight commissions, provides for them to possess subpoena power, and provides that investigations conducted by them "shall not be considered to obstruct the investigative functions of the sheriff." (Government Code, § 25303.7(d).)

The Charter of the County of Los Angeles (County Charter) provides that all county officials shall receive the advice of county counsel on legal matters. (County Charter Article VI, § 21³.) The County Charter contains no provision supporting the idea that the Sheriff's Department is above the law or that the Sheriff, as an elected official, may disregard any state or local law.

Los Angeles County Code (LACC) section 6.44.190⁴ provides that the Inspector General may direct the Sheriff and his deputies to provide documents and give statements in a manner determined by the Inspector General.

Legal Rulings that the Sheriff has Violated the Law

Despite clear legal authority requiring oversight, the Sheriff's Department consistently obstructs investigations into its conduct. Recently three courts have directly contradicted the claim that the Sheriff's Department need not obey state law limiting its power.

First, a court ruled in September that the Sheriff's Department's attempted rehiring of a fired deputy who had lied to investigators and who used his membership in a deputy

² Government Code section 25303 states in part, "[t]he board of supervisors shall supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county, and particularly insofar as the functions and duties of such county officers and officers of all districts and subdivisions of the county relate to the assessing, collecting, safekeeping, management, or disbursement of public funds. It shall see that they faithfully perform their duties, direct prosecutions for delinquencies, and when necessary, require them to renew their official bond, make reports and present their books and accounts for inspection."

"This section shall not be construed to affect the independent and constitutionally and statutorily designated investigative and prosecutorial functions of the sheriff and district attorney of a county. The board of supervisors shall not obstruct the investigative function of the sheriff of the county nor shall it obstruct the investigative and prosecutorial function of the district attorney of a county."

³ The Charter of the County of Los Angeles, Article VI, Section 21 states, in relevant part, "[t]he County Counsel shall represent and advise the Board of Supervisors and all County, township and school district officers, in all matters and questions of law pertaining to their duties, and shall have exclusive charge and control of all civil actions and proceedings in which the County or any officer thereof, is concerned or is a party." (emphasis added)

⁴ Los Angeles County Code section 6.44.190, subd. (l) states "[t]he Departments and their employees and all other County departments shall cooperate with the OIG and promptly provide any information or records requested by the OIG, including confidential peace officer personnel records, juvenile records, medical and mental health records, and protected health information necessary for the OIG to carry out its duties. The OIG may direct the manner in which information is provided. The OIG shall not make any use of a compelled statement or any evidence therefrom that would jeopardize a criminal investigation. Failure to comply may result in disciplinary action at the involved department's discretion."

gang to intimidate his victim, a fellow deputy, was unlawful. The court observed, “Under Government Code section 25303, the board of supervisors has oversight authority over all county officers.” (*County v. Villanueva*, Super Ct. Los Angeles County, September 28, 2020, No. 19STCP04760, at page 4.) The court rejected the Sheriff’s claim of independence, stating, “[t]he Sheriff and/or the Department do not ‘function[] independently’ over the issues in this litigation – initial qualification and eligibility for County employment, the County’s hiring procedures, and the conduct of the County’s civil litigation.” (*Ibid* at page 7). Despite this ruling, the Sheriff’s Department has not complied with lawful requests from the Inspector General as to the specific hiring process in the litigation and the hiring process generally. (See Civilian Oversight Commission Meeting PowerPoint presentation by Inspector General, January 16, 2020.)

Second, a court vacated an order obtained by the Sheriff’s Department on October 29, 2020, directing the County Medical Examiner/Coroner (Coroner) not to release an autopsy report related to a shooting by a deputy. The order would have required the Coroner to violate the provisions of Penal Code section 832.7, which requires the release of such a report unless the Coroner provides in writing “the specific basis for the agency’s determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure.” No law permits the issuance of such an order. Still, in an act which the judge vacating the order described as a “shock to the conscience,” the Sheriff’s Department obtained the order in secret and without consultation with County Counsel or the Coroner. Although the order has been vacated, the Sheriff’s Department continues to withhold from the Office of Inspector General the affidavit which a detective claimed was submitted in support of the order. The court clerk stated that no affidavit was filed.

Third, on November 20, 2020, a court ruled that Sheriff Villanueva must appear at a contempt hearing on January 21, 2021, for his refusal to appear before the Civilian Oversight Commission in response to a subpoena for his appearance. The judge cited and relied upon Government Code sections 25303, 25170⁵, 53060.4⁶, and 54952(b)⁷ and LACC section 2.02.190.⁸ requiring and permitting oversight in ruling that “[Sheriff Villanueva] disobeyed the Subpoena even though: (1) the Commission had authority to

⁵ Government Code section 25170 allows a board of supervisors when they “deem[] it necessary or important” to subpoena a person as a witness “upon any subject or matter within the jurisdiction of the board” and to “require the person or officer to produce all books, papers, and documents in his possession or under his control, relating to the affairs or interests of the county.”

⁶ Government Code section 53060.4 allows for the legislative body of a county to delegate to a county “official or department head its authority to issue subpoenas and to report noncompliance thereof to the judge of the superior court of the county, in order to enforce any local law or ordinance.”

⁷ Government Code section 54952 defines a legislative body and includes the governing bodies created by state statute, charter, or ordinance. Under this definition, the Los Angeles County Board of Supervisors is a legislative body.

⁸ LACC section 2.02.190 designates the chairman of a county commission to be a Department head.

issue the Subpoena; and (2) the Subpoena required [Sheriff Villanueva's] personal attendance. Therefore, the Court finds a basis to issue an order to show cause re: contempt as to [Sheriff Villanueva.]” (*County v. Villanueva (II)*, Super Ct. Los Angeles County, November 20, 2020, No. 20STCP02073.) The court also observed that the law provides that, “[t]he Sheriff, or a senior ranking member of the Sheriff’s Department, selected by the Sheriff, shall attend and participate in all Commission meetings.” (*Ibid* citing LACC, § 3.79.070.⁹) Following the Inspector General’s January 16, 2020, Civilian Oversight Commission presentation on the Sheriff’s Department’s unlawful refusals to provide documents, in a letter dated January 17, 2020, the Sheriff made clear that he or his designee would no longer appear at the commission meetings as required by LACC section 3.79.070. Since the filing of the legal action to enforce the subpoena that the Sheriff failed to obey, he has sometimes sent a representative to the Civilian Oversight Commission meeting, but never one above the rank of assistant sheriff and with orders to participate fully in all aspects of the meeting. For instance, Commissioner Ocen asked one such representative to restore the Office of Inspector General terminals accessing county data on the LASD discipline system at a recent meeting, only to be told by the Sheriff’s Department representative that he could only convey the request. No response was ever received from the Sheriff’s Department.

There are numerous other instances in which the Sheriff’s Department has not followed the law and committed unlawful acts. Below are some further examples of these acts.

Threats Against the CEO, Board of Supervisors and the Inspector General and Office of Inspector General Staff

In April of 2020, during a public Board meeting, the Sheriff stated that he possessed information that multiple County officials had committed felonies, but that he would not share the information at that time. Supervisor Barger referred to the statement as a threat, I believe correctly, and the Sheriff never retracted it or elaborated on the conduct to which he was referring.

Penal Code section 518(a), provides that “[e]xtortion is the obtaining of property or other consideration from another, with his or her consent, or the obtaining of an official act of a public officer, induced by a wrongful use of force or fear, or under color of official right.” Penal Code section 519 provides that “[f]ear, such as will constitute extortion, may be induced by a threat ... to accuse the individual threatened ... of a crime.” When used to prevent a public officer from discharging their duties, such conduct also violates Penal Code section 148, which prohibits the willful obstruction of “any public officer... in the discharge or attempt to discharge any duty of his or her office or employment.”

⁹ Los Angeles County Code section 3.79.070 states “[t]he Sheriff or a senior ranking member of the Sheriff’s Department, selected by the Sheriff, shall attend and participate in all the meetings of the Commission, but shall not have voting rights.”

On April 1, 2020, the day after Sheriff Villanueva was replaced as the head of the county's emergency operations center by then Chief Executive Officer Sachi Hamai, the Sheriff sent a letter to the County effectively accusing CEO Sachi Hamai of refusing to pay deputies who were quarantined during the pandemic. The allegation in the letter appeared to be retaliatory given the proximity to his removal. Sheriff Villanueva subsequently admitted in an internal email that he had the authority to pay his deputies as a department head. The Sheriff never withdrew the false public representation. The public statements by the Sheriff about this false accusation, coupled with other verbal attacks on Ms. Hamai, resulted in threats to her safety by members of the public.

On June 24, 2020, during a live chat on social media,¹⁰ the Sheriff publicly displayed a document leading the viewer to believe that the document contained a directive from Ms. Hamai to lay off some two thousand deputies from critical units. This claim was false and no such document existed. The CEO's office *had* previously asked the Sheriff's Department for a proposal to balance its budget if COVID-19 required budget cuts, as it did for all County departments. However, it was the **Sheriff's Department** that proposed that the cuts come from these critical units and it appears to be language from this Sheriff's Department response that the Sheriff falsely attributed to Ms. Hamai. The Sheriff publicly stated that eliminating these units was a threat to public safety. Following these public false claims, Ms. Hamai received threats from members of the public. The Board asked the Sheriff to correct the false information, but he never did.

Again, in a public statement on July 22, 2020, the Sheriff claimed that Sachi Hamai committed a felony by being on the United Way board while simultaneously working on a proposed ballot initiative supported by the United Way, alleging that such conduct by Ms. Hamai was a violation of Government Code section 1090. Government Code section 1090 prohibits a public employee from making a contract in which they have a *financial* interest. Because Ms. Hamai's position on the United Way Board was unpaid, the accusation apparently had no basis. Nonetheless, upon receiving a letter stating this fact from a lawyer working with County Counsel, the Sheriff reported Ms. Hamai to the Attorney General's Office. Sheriff Villanueva has never retracted his public statement that Ms. Hamai violated Government Code section 1090, although he did not include it in his letter to the Attorney General's Office reporting Ms. Hamai's alleged misconduct.

As a result of the Sheriff's public threats and claims, Ms. Hamai was reportedly provided full-time private security upon retirement.

Beginning before these threats to the Board of Supervisors and CEO, Sheriff Villanueva had focused his accusations on the Inspector General and his staff. Following the Office

¹⁰ [Los Angeles County Sheriff's Department Facebook Live June 24, 2020](#)

of Inspector General's report of July 2019 on the attempted rehiring of Caren Mandoyan, on August 2, 2019, Undersheriff Murakami sent a letter to the Board of Supervisors naming the Inspector General as a target of a criminal investigation and seeking his removal as Inspector General. The alleged "data breach" was the obtaining of Sheriff's Department computer data on alleged police misconduct, which was obtained by the Office of Inspector General in the discharge of its official duties under state and local law, after a written request, and with the authorization of the sitting Sheriff at the time. Staff at the Office of Inspector General were alleged to have participated in this "data breach." Despite the Sheriff's Department assuring the Civilian Oversight Commission that the clear conflict of interest would be resolved by referring the matter to another law enforcement agency, the Sheriff has kept the investigation open for two years in an apparent continuing effort to intimidate and obstruct oversight.

Removal of the Office of Inspector General and County Counsel from Executive Planning Council Meetings

The Los Angeles County Charter provides that all county officials shall receive the advice of county counsel on legal matters. For many years, the Sheriff's Department held weekly Executive Planning Council (EPC) meetings. These weekly meetings included all ranking members of the Sheriff's Department, usually including the Sheriff, Undersheriff, Assistant Sheriffs and Chiefs. From at least 2001 through 2018, both representatives of oversight (the Office of Inspector General or, prior to its creation, staff from the Office of Independent Review) and County Counsel were present during these meetings. Shortly after this Sheriff took office, the Office of Inspector General was no longer invited to these meetings and a short time later County Counsel was ousted from the meetings as well. Often, the discussion at EPC included urgent matters the Sheriff's Department must attend to, from budgeting to departmental action, and direction on any number of important issues. For example, on August 14, 2019, the only agenda item for the meeting was a discussion about Office of Inspector General requests and the Department's response and protocol towards those requests. By excluding County Counsel, the Sheriff removed a critical mechanism to ensure his compliance with his duty to seek counsel under the County Charter. By excluding the Inspector General, he removed a critical mechanism to ensure his compliance with civilian oversight requirements under state law.

Reassignment of the Technical Crew

On December 15, 2019, the Technical Crew of the Sheriff's Department was reassigned from the Detective Division/Fraud and Cyber Crimes Bureau to reporting directly to the Undersheriff. The Technical Crew is responsible for surveillance, including video and audio recordings of the subjects being surveilled. While the reassignment of this unit is not itself illegal, such a reassignment creates the perception, and the real possibility, that political enemies can be targeted for secret surveillance. Because orders may be given by the Undersheriff or Sheriff directly to subordinates who are significantly lower

in the chain of command, the likelihood of any objection to such tactics is significantly diminished.

In a previous scandal, Sheriff Baca and Undersheriff Tanaka were convicted in federal court as a result of directly ordering members of the Internal Criminal Investigations Bureau (ICIB) to violate the law. Without the proper chain of command, Mr. Baca and Mr. Tanaka had free reign to task ICIB with doing their bidding and this direct supervision allowed serious abuses of their power, including tasking ICIB deputies with hiding a prisoner informant from the Federal Bureau of Investigation and placing a surveillance team on the FBI agent to learn more about her investigation of the Sheriff's Department.¹¹

Removing the usual chain of command and placing the Technical Crew directly under the control of the Undersheriff and Sheriff, creates a serious potential for abuse. Whether or not such abuses have occurred is unknown due to the Sheriff's Department's failure to follow oversight laws. However, the direct availability of such tools without appropriate safeguards, coupled with the rehiring of special personnel tasked with internal and external targeted investigation, adds credibility to the threats discussed above.¹²

Re-Evaluation of Discipline and Failure to Allege Dishonesty

Beginning with the attempted reinstatement of Caren Mandoyan, the Sheriff has sought to re-evaluate discipline or impose more lenient consequences on deputies. In previous reports,¹³ the Office of Inspector General has commented on the inactivation and modification of many discipline cases in violation of Sheriff's Department policy. Subsequently, the Office of Inspector General reported on a significant reduction in the opening of new internal investigations.¹⁴ Through the Office of Inspector General's attendance at disciplinary reviews, we have noted that there is often a failure to allege or find dishonesty in circumstances where it appears to be warranted. This is particularly noteworthy given the recent amendment of Penal Code section 832.7, which now requires that sustained findings of dishonesty be made available to the public.

¹¹ [Hernandez, Miriam and Bartley, Lisa. "FBI agent; This Was purely to intimidate me and get me to back off the investigation." ABC7, March 7, 2017.](#)

¹² [Tchekmedyan, Alene. "Sheriff rehires corruption investigator accused of posing as deputy in bizarre jail incident." Los Angeles times, October 23, 2019.](#)

¹³ [Office of Inspector General Report-Back on LASD Internal Administrative Investigations and Dispositions of Disciplinary Action \(April 11, 2019\); Office of Inspector General Report-Back on LASD Internal Administrative Investigations and Dispositions of Disciplinary Action \(July 22, 2019\); Office of Inspector General Report-Back on LASD Internal Administrative Investigations and Dispositions of Disciplinary Action \(November 6, 2019\); Office of Inspector General Report-Back on LASD Internal Administrative Investigations and Dispositions of Disciplinary Action \(March 20, 2020\).](#)

¹⁴ [Office of Inspector General Report-Back on LASD Internal Administrative Investigations and Dispositions of Disciplinary Action \(July 22, 2019\).](#)

By failing to impose discipline or to make findings of dishonesty, the Sheriff's Department may circumvent the required disclosure of these records under the Public Records Act. Also, the United States Constitution requires that some conduct that is the proper subject of discipline, including acts of dishonesty by deputies, must be disclosed to defense counsel in criminal cases under the seminal case of *Brady v. Maryland* (1963) 373 U.S. 83. The Sheriff's Department has historically failed to disclose conduct involving dishonesty under *Brady* more often when it has not properly documented such conduct through discipline.

Failure to Ensure Brady Material is Provided to Criminal Defendants

Following the decision in *Association for Los Angeles Deputy Sheriff's v. Superior Court* (2019) 8 Cal. 5th 28, the Sheriff's Department did not provide its Brady list, which was the subject of the litigation, to the Los Angeles County District Attorney's Office (District Attorney's Office). Given the court's statement in footnote 5,¹⁵ the Sheriff's Department risks violating a criminal defendant's right to receive exculpatory evidence unless it implements an effective process to guarantee Brady list information is shared. (*Ibid* at p. 50.)

Failure to Release Names of Deputies Involved in Shootings

In most circumstances, by failing to release the names of deputies involved in shootings, the Sheriff's Department is violating California law. In *Long Beach Police Officer's Association v. City of Long Beach*, (2014) 59 Cal. 4th 59, the California Supreme Court held that under the California Public Records Act (CPRA) the Long Beach Police Department was required to disclose the names of the officers involved in a 2010 police shooting. The court found that the City of Long Beach and its police department could not refuse to disclose the names of the officers based simply on their belief that such information may endanger the safety of the officers or their families. The court found that without a specific threat to an individual officer, that individual officer's name must be disclosed and that the public's right to know far outweighed an officer's speculative safety concern, absent a "particularized showing."

¹⁵ Footnote 5 of the opinion states: "If anything, the recent amendment to section 832.7(a) tends to indicate that the condition of confidentiality is meant to shield information from the public's eyes—not from the eyes of government officials who may need that information to satisfy a constitutional obligation. (See Pen. Code, § 832.7, subd. (b)(1) [certain records "shall not be confidential and shall be made available for public inspection pursuant to the California Public Records Act"]; cf. *Copley Press*, *supra*, 39 Cal.4th at p. 1285 [Pen. Code, § 832.7, subd. (c)(4), "specify circumstances under which information may be released to the general public and the scope of information that may be released"].)" *Association for Los Angeles Deputy Sheriffs v. Superior Court* (2019) 8 Cal. 5th 28, 50.

The LAPD releases the names of their officers involved in shootings within three to seven days of the shooting and posts the name of the officer involved on their website, which is accessible to the public. The Sheriff's Department began posting the records of deputy-involved shootings, which include the names of the deputies, on June 30, 2020. Most of the shootings data posted is from cases from the 1990s or early 2000s.¹⁶ While there are a few cases as recent as 2018, no recent records with the names of the deputies involved in the shootings are on the website and very few names have been released to the press. By contrast, the more current list of deputy-involved shootings excludes the names of deputies.

Release of Documents Under the California Public Records Act

On January 1, 2019, California enacted Senate Bill 1421, the Right to Know Act, which amended California Penal Code sections 832.7 and 832.8, to allow for the release of certain records previously made confidential by law, including the records of:

1. Police shootings,
2. Use of force by peace officers against a person that resulted in death or great bodily injury,
3. An incident in which a sustained finding was made by any law enforcement agency or oversight agency that a police officer or custodial officer engaged in sexual assault involving a member of the public, and
4. An incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer relating to the reporting, investigation, or prosecution of a crime.

Withholding records listed above now requires a written statement of the specific need for secrecy. Even when such a need exists, the statute provides rolling deadlines after which records must be disclosed.

A recently released report by the Office of Inspector General¹⁷, documents that in 2019, the Sheriff's Department received 2,909 Penal Code section 832.7 records requests. As of January 23, 2020, over 70% (2,058) of those requests remained outstanding. Moreover, 1,942 of these outstanding requests were pending for over 180 days without a response, well outside the time limits mandated by the California Public Records Act. Based on information received by the Office of Inspector General, as of July 6, 2020, records were produced in only four requests related to deputy-involved shootings..

¹⁶ [Los Angeles County Sheriff's Department SB-1421 Records, Deputy Involved Shootings](#)

¹⁷ [Office of Inspector General *The Right to Know Act: Los Angeles County Sheriff's Department's Response to Police Transparency Reform* \(November 2020\).](#)

Since 2011, there have been 196 deputy-involved shootings by Sheriff's Department deputies. At the time of the Office of Inspector General report on the Right to Know Act, the Office of Inspector General had determined that in 84 of those shootings, there did not appear to be a legally permissible reason under Penal Code section 832.7 to delay disclosure. There are 89 other shootings for which permissible delay under Penal Code section 832.7 had expired. Yet, as of January 2020, thirteen months after the first CPRA pursuant to Penal Code section 832.7, the Sheriff's Department Discovery Unit had released records on only four shootings.

Failure to Comply with or Enforce COVID-19 Directives

The Sheriff's Department also does not require Sheriff's Department personnel to wear masks to reduce the spread of COVID-19 under conditions where such masks are required. On August 21, 2020, the Inspector General sent a letter to the Board of Supervisors advising that on many occasions the Sheriff's Department has not complied with the state mandate requiring face coverings, contrary to Department of Public Health Guidelines and Executive Order N-33-20 issued by Governor Newsom on March 4, 2020. Violation of such an order is a crime under Government Code section 8665. When Office of Inspector General staff have been present at the scene of deputy-involved shootings for a briefing and walk-through, we have repeatedly seen line personnel and sometimes supervisors not wearing masks. It is notable that the Sheriff's Department has issued directives on face coverings and, in many instances, the failure to wear masks is in violation of the Sheriff's Department's own policies. We are aware of no instances of deputies at shooting scenes being ordered to comply with the legal requirement to wear a mask despite violations occurring in front of their supervisors. At present, nearly eight percent of Sheriff's Department personnel are out due to COVID-19 quarantines; the percentage of sworn deputies out due to quarantine is over nine percent.

In the same letter addressing the lack of compliance with state and county orders, and Sheriff's Department directives regarding face coverings, a party at the Sassafras Saloon in Hollywood was also raised, including concerns that Sheriff's Department personnel either organized or attended the party in violation of state and county COVID-19 laws. To date, the Sheriff's Department has not provided the Office of Inspector General with any information regarding a Sheriff's Department investigation of this event. Recently, a deputy-involved shooting occurred following a party attended by a deputy in apparent violation of the Los Angeles County Department of Public Health orders.

In conformity with his failure to enforce mask wearing among his own personnel, the Sheriff has tweeted that he has no intention of enforcing mask or stay at home orders with the general public. On November 19th and again on December 3rd, despite a dangerous surge in COVID-19 cases, the Sheriff reiterated statements made in March

of this year, that he would rely upon voluntary compliance with the orders. On December 3rd, he stated that he would only be conducting targeted enforcement of superspreader events and no other orders for businesses to close or curtail the number of customers allowed. A tweet on December 7, 2020, by ABC7 reporter Veronica Miracle, shows the establishment Original Cronies in Agoura Hills serving numerous patrons in violation of the state-mandated health orders and references a Facebook post by Sheriff's Department Captain Sal Becerra that he will not force any business to shut its doors or curtail any business activities.¹⁸ Recently, a superspreader event appears to have been allowed to proceed at the direct order of the Sheriff in order to publicize arrests.¹⁹

Conduct Suppressing the Exercise of First Amendment Rights

The Sheriff's Department has repeatedly taken actions that may violate the United States Constitution First Amendment's guarantee of freedom of the press. On September 12, 2020, deputies arrested KPCC reporter Josie Huang while she was attempting to film an arrest of a protester. Despite Ms. Huang having clearly identified herself as a reporter, the Sheriff's Department transported her to jail, cited her for violating Penal Code section 148, and conducted a follow up investigation in an effort to persuade the District Attorney to prosecute her. During a press conference after her arrest, the Sheriff's Department made claims about the arrest that appear false based upon video taken by Ms. Huang and others at the scene. Ms. Huang appears to have been wearing press identification, to have clearly identified herself verbally as a reporter and been understood by deputies, and most importantly, committed no crime. The District Attorney's Office declined to prosecute, citing video evidence obtained from the internet to contradict the Sheriff's Department's claims. Penal Code section 148, obstructing a public officer, specifically provides that recording video of a police officer is not obstruction.

In a previous instance, deputies in riot gear converged on a press conference related to protests against the Dijon Kizzee shooting. There, a member of the National Lawyers Guild was grabbed while filming. The Sheriff's Department defended the action by stating that they were removing the public from the parking lot of a local business at the request of the manager. The Sheriff's Department refused to cooperate with an Office of Inspector General investigation, but information gathered independently suggests this claim was false. Video evidence and witness accounts indicate the event took place in a parking lot that belongs to the Department of Probation and is open to the public.

¹⁸ [Veronica Miracle \(ABC7Veronica\). Twitter Post. December 7, 2020, 7:12 PM.](#)

¹⁹ [Tchekmedyan, Alene. "Sheriff's officials knew about a massive house party in Palmdale. Why didn't they stop it?" Los Angeles Times, December 8, 2020.](#)

In another incident on September 8, 2020, Pablo Unzueta, a staff member and video editor of the Daily 49er newspaper at California State University, Long Beach was arrested by the Sheriff's Department. Mr. Unzueta claims that he identified himself as a photojournalist to deputies but was arrested for allegedly failing to disperse after the deputies declared a protest an unlawful assembly. According to Mr. Unzueta, his camera, which included the memory card and cell phone, were confiscated by the deputies and although no charges were filed by the District Attorney's Office, the property has not been returned to him.

On November 18, 2020, Emanuel Padilla was arrested for the attempted derailment of a train.²⁰ The arrest occurred during a protest at the home of the Sheriff. Charges were filed by the District Attorney's Office on November 23, 2020. The Office of Inspector General does not know the basis of the charges filed by the District Attorney's Office because our request for the documents relating to the investigation received no response. The Office of Inspector General has no way of knowing whether the District Attorney was informed that Mr. Padilla's alleged conduct took place at a protest for the deputy-involved shooting of Andres Guardado, that Mr. Padilla was arrested at another Guardado protest at Sheriff Villanueva's home, or that Mr. Padilla is a plaintiff in a class action suit against the Sheriff for conduct by the Sheriff's Department during earlier protests.²¹ This information might be relevant to the District Attorney's charging decision given the potential that the Sheriff's Department may have targeted Mr. Padilla for political activity protected by the First Amendment. On December 8th, the District Attorney's Office dropped all charges against Mr. Padilla.²²

Failure to Investigate and Prohibit Deputy Secret Societies

As detailed in the Office of Inspector General's Report on the "Analysis of the Criminal Investigation of Alleged Assault by Banditos,"²³ the Sheriff's Department has ignored the presence of deputy secret societies for years. The 2012 Report on the Citizen's Commission on Jail Violence, noted that "for years management has known about and condoned deputy cliques and their destructive subcultures that have undermined the Core Values articulate [sic] by the Sheriff."²⁴ Some of these deputy secret subgroups appear to exclude women and discriminate based on race. One of the deputies interviewed in the Banditos assault investigation mentioned that "girls" were not part of

²⁰ [Miller, Leila. "LA County Sheriff's Department accused of trumped up train wrecking charges against protester." Los Angeles Times, November 24, 2020.](#)

²¹ [Krizia Berg, et al v. County of Los Angeles, Case No.: 2:20-cv-07870](#)

²² [Miller Leila and Queally, James. "Gascón drops charges against protester accused of train-wrecking attempt." Los Angeles Times, December 8, 2020.](#)

²³ [Office of Inspector General Analysis of the Criminal Investigation of Alleged Assault by Banditos \(October 2020\).](#)

²⁴ [Report of the Citizen's Commission on Jail Violence, Executive Summary \(September 2012\).](#)

the subgroup²⁵ at the East Los Angeles station. In a government claim filed by Deputy Austreberto Gonzalez, he alleges that the Compton “deputy gang” going by the name “The Executioners,” does “not allow African-American or female members.”²⁶ Title VII of the Civil Rights Act of 1964²⁷, prohibits workplace discrimination based upon sex or race. Turning a blind eye to these groups inevitably results in employment discrimination based on gender and race.

Destruction of Evidence

In March of this year, the Sheriff reportedly admitted that he ordered deputies to delete photos of the crash in which Kobe Bryant and others were killed.²⁸ The Sheriff's actions may have constituted destruction of evidence.²⁹ While Sheriff's Department deputies or personnel taking photographs of a crime scene for other than official purposes could be the basis for discipline, the deputies were allegedly told that they would not face discipline if they deleted the photographs. Only after the press reported this story did the Sheriff's Department open an investigation. While the Sheriff publicly purported to invite the Office of Inspector General to monitor the investigation, access was strictly limited. The Office of Inspector General has not been informed of the outcome of the investigation, whether the investigation evaluated the allegations against the Sheriff, or whether any Sheriff's Department personnel are facing discipline.

Coroner's Inquest on Andres Guardado Fatal Shooting

On November 30, 2020, at the request of the Board of Supervisors, a Coroner's inquest was held on the deputy-involved shooting death of Andres Guardado. During the hearing, four members of the Sheriff's Department refused to testify and answer questions by invoking the Fifth Amendment right against self-incrimination. Only one of the four individuals was directly involved in the fatal shooting as he is the only deputy who fired a weapon at Mr. Guardado. Two of those invoking their Fifth Amendment rights are the homicide investigators assigned to investigate the shooting. There is no indication that either detective was present at the time of the shooting. The Fifth Amendment does not permit law enforcement officers to pick and choose when they will testify absent a substantial basis for believing they will be prosecuted. There is no indication that the homicide detectives have been removed from the case based upon

²⁵ [Office of Inspector General Analysis of the Criminal Investigation of Alleged Assault by Banditos \(October 2020\) at page 13.](#)

²⁶ [Claims for Damages to Person or Property filed by Austreberto Gonzalez, \(Redacted\) June 23, 2020.](#)

²⁷ [U.S. Equal Employment Opportunity Commission: Title VII of the Civil Rights Act of 1964.](#)

²⁸ [Tchekmedyian, Alene and Pringle, Paul. "Sheriff admits he ordered destruction of graphic Kobe Bryant crash photos." Los Angeles Times, March 2, 2020.](#)

²⁹ Penal Code section 135 prohibits the willful destruction of a digital image which is about to be produced in evidence upon an inquiry or investigation authorized by law. The crash scene in question was the subject of a federal investigation in which the Sheriff's Department was cooperating.

their apparent concern that they will personally be prosecuted and their invocations follow the Sheriff publicly referring to the lawful inquiry as a “circus stunt.”

Release of Documents to the Office of Inspector General

Under LACC section 6.44.190, the Sheriff must provide documents and access when requested by the Office of Inspector General. Under the previous Sheriff, the Office of Inspector General had direct access to Sheriff’s Department terminals at its office, which allowed specified staff access to the Performance Monitoring and Recording System (PRMS). On June 10, 2019, the Sheriff’s Department terminated the Office of Inspector General’s access to the terminals at the Office of Inspector General’s offices. This action was taken after the Sheriff’s Department received a draft copy of the Office of Inspector General’s report on the unlawful rehiring of Grim Reaper Caren Mandoyan. On June 17, 2019, the Inspector General personally requested the reactivation of the terminals. Sheriff Villanueva responded by threatening Mr. Huntsman that if he issued the report, there would be “consequences,” an apparent reference to publicly designating Mr. Huntsman as a target of a criminal investigation. The Office of Inspector General has sent numerous document and information requests to the Sheriff’s Department, but the Department has not provided the requested documents or information. The following is a partial list of outstanding requests to which the Sheriff’s Department has not responded or which it has denied:

- In a letter to Sheriff Villanueva dated December 4, 2018, the Office of Inspector General requested the text of all proposed changes, additions or deletions made to the Sheriff’s Department’s policies, practices and procedures. The Office of Inspector General also requested to be advised of the Truth and Reconciliation Commission’s meetings so that the Office of Inspector General could monitor and report on the meetings.
- In a letter to Sheriff Villanueva dated February 13, 2019, the Office of Inspector General requested the names and employee numbers of six department staff members whose prior administrative investigation cases were under review as part of the Sheriff’s Truth and Reconciliation task force where he claimed they were treated unfairly and needed to have their cases reviewed.
- In a letter to the Department dated March 5, 2019, the Office of Inspector General requested answers to 42 written questions regarding the Caren Mandoyan discipline re-evaluation case.
- Between May 22, 2019 and November 1, 2019, the Office of Inspector General through numerous emails requested to review unredacted personnel and background files in order to evaluate the Department’s hiring process. Only two records were provided, both of which had information redacted.
- In an email to Sheriff Villanueva and his executive staff dated June 10, 2019, the Office of Inspector General requested all correspondence by and between

Sheriff's Department executives and managers which contain direction or instruction regarding providing Department information to the Office of Inspector General.

- A June 17, 2019 in-person request by Max Huntsman was made to Sheriff Villanueva requesting restoration of access of the PRMS terminals at the Office of Inspector General offices. In many of the requests for information detailed here, the Office of Inspector General has continued to request that PRMS access be restored to the Office of Inspector General terminals.
- In an email to a Department executive dated August 28, 2019, the Office of Inspector General requested access to documents and files of trainees related to the Sheriff's Department's patrol field training program. The Office of Inspector General also requested the background file and training files for Deputy Angel Reinosa who falsely claimed he was shot while in the parking lot of Lancaster station.
- In an email dated November 27, 2019, the Office of Inspector General requested from the Sheriff's Department Constitutional Policing Advisor a list of all administrative investigation cases that she was monitoring.
- In an email dated December 9, 2019, the Office of Inspector General again requested from the Sheriff's Department Constitutional Policing Advisor a list of administrative investigation cases she was monitoring in addition to information on her duties and activities in that role.
- In an email dated February 27, 2020, the Office of Inspector General requested information from the Sheriff's Department regarding the conduct of Sheriff Department members at the crash site of the fatal helicopter crash involving Kobe Bryant and other persons onboard.
- In an email dated June 6, 2020, the Office of Inspector General requested from the Sheriff's Department copies of all citizen complaints stemming from the protests that arose after the killing of George Floyd. The request included any videos or documents the Department had in its possession accompanying those complaints, whether recorded by citizens or the Department.
- In an email dated July 22, 2020, the Office of Inspector General requested that the Sheriff's Department reactivate the Personnel Recording and Monitoring System (PRMS) on the terminals located in the Office of Inspector General.
- In an email dated August 31, 2020, the Office of Inspector General requested information and documents regarding the July 31, 2020, private party held at the "Sassafras Saloon" where the Sheriff subsequently denied the involvement of any Sheriff's Department personnel's attendance.
- In a letter dated September 2, 2020, the Office of Inspector General requested specific documents and information regarding a claim filed by Austreberto

Gonzalez alleging the existence of a Compton secret deputy gang known as "The Executioners."

- In a letter dated September 22, 2020, the Office of Inspector General requested specific documents and information regarding Andres Guardado who was killed in a deputy-involved shooting on June 18, 2020.
- In a letter dated September 22, 2020, the Office of Inspector General requested specific documents and information regarding Terron Jammal Boone, who was killed in a deputy-involved shooting on June 17, 2020.
- In a letter dated September 22, 2020, the Office of Inspector General requested specific documents and information related to the helicopter crash involving Kobe Bryant and others on January 26, 2020.
- In an email dated November 19, 2020, the Office of Inspector General requested information and documents regarding the arrest of KPCC reporter Josie Huang in addition to a list of all incidents in the past five years where a member of the press was arrested for Penal Code section 148 or any other Penal Code section violations.
- In a letter dated November 20, 2020, the Office of Inspector General requested from the Sheriff's Department specific documents and information regarding the Harbor-UCLA deputy-involved shooting of patient Nicholas Burgos on October 6, 2020.
- In a letter dated November 23, 2020, the Office of Inspector General requested from the Sheriff's Department specific documents and information regarding the deputy-involved shooting of Fred Williams on October 16, 2020.
- In a letter dated November 23, 2020, the Office of Inspector General requested from the Sheriff's Department specific documents and information regarding the arrest of Emanuel Padilla who was arrested on November 18, 2020, by the Sheriff's Department on two felony charges for allegedly attempting to derail a passenger train on November 15, 2020.
- On November 30, 2020, the Office of Inspector General requested information regarding deputies who were present at a protest regarding the previous arrest of a protestor, Emanuel Padilla, where deputies appeared to have their names covered with tape on their uniforms in violation of Penal Code section 830.10, which states any uniformed peace officer shall wear a badge, nameplate, other device which bears clearly on its face the identification number or name of the officer. The Office of Inspector General requested information on whether the Department was investigating the incident and made requests for policies and directives to Sheriff's Department personnel requiring compliance with Penal Code section 830.10. The Office of Inspector General also requested information on any instances where a Sheriff's Department employee may have been doxxed. (Doxxing, is the Internet-based practice of researching and publicly

The Honorable Lael Rubin, Commissioner
Brian K. Williams, Executive Director
December 14, 2020
Page 17

broadcasting private or identifying information about an individual or organization.)

The Sheriff's Department has gone to great lengths to keep its conduct secret. The unlawful acts and potentially unlawful acts enumerated above show a pattern and practice of the repudiation of oversight by the Office of Inspector General, the Civilian Oversight Commission, the Board, and the public. State and local laws require cooperation with oversight bodies and the public has made it abundantly clear that transparency by law enforcement is a paramount concern. The police must follow the law if they are to enforce it.



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



July 14, 2021

Brian K. Williams, Executive Director
County of Los Angeles
Sheriff's Civilian Oversight Commission
350 South Figueroa Street, Suite 288
Los Angeles, California 90071

Dear Mr. Williams:

CIVILIAN OVERSIGHT COMMISSION MEETING AGENDA ITEM ON JULY 15, 2021

The purpose of this correspondence is to address Civilian Oversight Commission (COC) member, Sean Kevin Kennedy's memorandum dated May 27, 2021, set to be discussed on July 15, 2021, under Agenda Item 2d.

It is of great concern that the COC, acting in a subordinate role to the Office of the Inspector General (OIG) and various news groups, apparently collaborated to spread false accusations against Sheriff Alex Villanueva and the entire Los Angeles County Sheriff's Department.

The substance and text of the message put out by the COC lends credibility to, at a minimum, the appearance that the OIG is utilizing the COC as a vehicle to obtain information on current and active criminal investigations that are being conducted.

As you are well aware this is not only a violation of the law, but a gross overreach of the authority granted to the OIG by the Board of Supervisors' ordinance.

The wild accusations made in the memorandum are completely irresponsible. It seems that Mr. Kennedy is unaware of California Government Code 25303, which specifically prevents a board of supervisors from "*obstructing the investigative function of the sheriff*." Clearly the legislative intent of this

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section was to encompass any ancillary commissions, boards, or other functionaries of a board of supervisors.

Without responding to Mr. Kennedy's memorandum point by point, it is particularly troublesome that Mr. Kennedy cites, (not counting footnotes) numerous publications **22 times**, with no basis in fact other than what he is regurgitating was published on the internet, in the *Los Angeles Times*, *Witness LA*, *La Opinión*, *ABC 7 Investigations*, *Facebook*, *LA Magazine*, *Pasadena Star News*, *LAist*, or elsewhere, so it must be true.

Late in his memorandum, Mr. Kennedy goes on to accuse Sheriff Villanueva of extortion, a felony under California Penal Code 518. It is nothing short of outrageous slander and disingenuous of him to do so.

As a member of the California State Bar, Mr. Kennedy has to be aware that he is skirting numerous rules of conduct prohibited by the bar.

If he sincerely believes that Sheriff Villanueva committed extortion, or any other crime, he has a right and a duty to report it to the proper investigative authority, not publish it as a poorly developed, absurd, accusatory manner, in a document and in a venue that is totally inappropriate for that type of hyperbole.

Lastly, a complaint was received from a Department employee regarding Mr. Kennedy's memorandum, wherein Mr. Kennedy makes a totally fabricated allegation regarding the employee's character, with no basis in fact.

This employee is seeking counsel and considering a civil suit against both Mr. Kennedy and the COC.

Sheriff Villanueva is a firm believer in the words of Justice Brandeis that "*sunshine is the best disinfectant*". Sheriff Villanueva was elected on a platform of transparency, and he strives daily to fulfill that duty as best he can with competing forces, various laws, and other outside influences that make it a difficult task.

Sheriff Villanueva pledged to those that elected him that he will continue to strive to accomplish that mandate without reservation. The language and demeanor demonstrated by Mr. Kennedy demeans all of that and is an unnecessary distraction for all concerned parties.

Mr. Williams

-3-

July 14, 2021

Should you have any questions, please contact Chief of Staff, Commander Jorge A. Valdez, at (213) 229-3001.

Sincerely,

ALEX VILLANUEVA, SHERIFF

A handwritten signature in blue ink, appearing to read "Timothy K. Murakami". The signature is fluid and cursive, with a large initial "T" and "M".

TIMOTHY K. MURAKAMI
UNDERSHERIFF



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



November 17, 2021

Brian K. Williams, Executive Director
County of Los Angeles
Sheriff Civilian Oversight Commission
World Trade Center
350 South Figueroa Street, Suite 288
Los Angeles, California 90071

Dear Mr. Williams:

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT'S PARTICIPATION AT CIVILIAN OVERSIGHT COMMISSION MEETINGS

The purpose of this letter is to advise the Civilian Oversight Commission (COC) that the Los Angeles County Sheriff's Department (Department) will cease its participation in future COC meetings pending an apology or retraction of defamatory and slanderous statements from Commission Chair Priscilla Ocen.

As stated in previous letters to this Commission, I am troubled the COC continues to be manipulated by false narratives and agendas of political activist who are not interested in public safety for the residents of Los Angeles County. Rather than build bridges between the communities we serve, the COC is driving a wedge by making unsubstantiated, reckless statements about the Department. This irresponsible behavior is creating a platform dominated exclusively by anti-law enforcement activists who do not represent the public. As the most transparent Sheriff in Department history, I have enacted many reforms since taking office to better serve the community. The Department is now the most diverse it has been since its creation. The ranks within the Department now mirror the communities we serve.

As a Latino Sheriff who manages a department that is now over 51 percent Latino, I am offended and appalled by Ms. Ocen's statements to the media that, *"We have a problem with white supremacy in the L.A. County Sheriff's Department. We have a problem with white supremacist gangs. And the*

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Sheriff who is tasked with managing the department has looked the other way.” To make such a libelous statement with no facts and no proof of any kind, exposes her and the Commission to liability regarding these statements that she knows are untrue.

Ms. Ocen has stated in the past that, “*We already knew that LASD has a culture of impunity. They lie, they cover up gangs and murders. LASD as a whole is operating as a gang.*” Name one example where the Department operates as a gang. She speaks as though she is an expert and misinforms the public who expect a commissioner to rely on information that is validated and corroborated. Slander is not protected as opinion, where it is stated as fact. She states these extreme comments as facts.

What is true is wherever there has been misconduct, as in any organization, there has been consequences, and for that there is proof. Her conduct cannot go on without consequence. These extremist statements that defile both a dedicated department of deputies that risk their own lives in service to their communities every day is reckless and does not further any goals of the public, which she supposedly serves. I will advise the respective collective bargaining units of her defamatory statements for review by their legal counsel of any and all remedies. Additionally, I will also inform the contract cities inviting them to demand proof from your Commission of these extreme statements, because you increase risk and liability costs to these contract cities by permitting her irresponsible rhetoric and false narrative, to taint potential jury pools who will be tasked with deciding the outcome of lawsuits.

Calling any member of the Department a murderer is reprehensible, slanderous, and completely irresponsible. Referring to the entire Department as liars who cover up gangs and murders is what one would expect to hear from the lunatic fringe and conspiracy theorist, not a sitting member of the COC who is appointed by the Board of Supervisors (BOS).

As a reminder to the COC, the Department does not have gangs. This is a false narrative you are spreading and the lawsuit used as the basis for this lie was thrown out of court due to lack of evidence, absence of triable facts, and the complainant “may not contradict his deposition testimony by proffering different testimony in a later declaration.” You continue to ignore the fact I have been the only Sheriff in Department history to address a problem of subgroups left by past administrations. I crafted a constitutional sound policy

which was implemented on February 14, 2020. In addition, I have created a video which has been shown to all Department members reinforcing my stance on the subject.

I will not allow my department members to attend a COC meeting where the main goal is to undermine the Department and recklessly spread false narratives. Your meetings are not productive and they do not follow any decorum. A responsible oversight body should strive to make positive changes by collaborating with the Department and make realistic recommendations. This is clearly not the intent of the COC.

The COC does not reflect the residents of Los Angeles County and is not a deliberative body. I will not bring legitimacy to this Commission by participating in future meetings until Ms. Ocen retracts her statements and apologizes to the men and women of the Department. I will continue to provide the COC documents which they can legally possess, but will not send representatives to any meetings.

The men and women of the Department work tirelessly every day to keep the communities safe. I will not let them be undermined by reckless statements. Ms. Ocen's statements should be condemned by this Commission and the BOS that appointed her. Her statements are insulting on many levels and they pose serious liability to the County. This type of cancerous rhetoric has no place in a civil discourse.

Should you have any questions, please feel free to contact my Chief of Staff, Commander Jorge A. Valdez, at (213) 229-3001.

Sincerely,



ALEX VILLANUEVA
SHERIFF



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



April 23, 2019

Undersheriff Timothy K. Murakami
Los Angeles County Sheriff's Department
211 West Temple Street, 8th Floor
Los Angeles, California 90012

Dear Undersheriff Murakami:

DESIGNATION LETTER

This letter is to advise you that effective April 23, 2019, I am designating you as my surrogate in all decisions regarding a Los Angeles County Sheriff's Department (LASD) data breach, criminal inquiry or investigation conducted by any member of this Department, or in conjunction with any other law enforcement agency. Moreover, where the suspect(s) are identified as an elected Los Angeles County official, former elected Los Angeles County official, an appointee of a current or former elected Los Angeles County official, or any current or former member of the executive command staff of the Los Angeles County Sheriff's Department.

The LASD is committed to ensuring that all personnel files and databases are confidentially maintained.

Should you have any questions, please contact me.

Sincerely,

ALEX VILLANUEVA
SHERIFF

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OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



August 12, 2019

The Honorable Hilda L. Solis
Supervisor, First District
Los Angeles County Board of Supervisors
500 West Temple Street, Room 856
Los Angeles, California 90012

Dear Supervisor Solis:

POTENTIAL CRIMINAL CONDUCT

With great sadness, I am compelled to report serious allegations of potential criminal conduct perpetrated by current and former members of the Los Angeles County Sheriff's Department, as well as others from a variety of ancillary agencies, including the Office of the Inspector General.

During an administrative review of some prior disciplinary matters, investigators discovered very troubling information and preliminary evidence regarding a variety of crimes including, but not limited to: Conspiracy, Theft of Government Property, Unauthorized Computer Access, Theft of Confidential Files, Unlawful Dissemination of Confidential Files, Potential Civil Rights Violations, and Burglary.

Those activities implicate not only members of the Sheriff's Department, but also include current and former members of the Office of Inspector General (OIG), and potentially, the current Inspector General, Mr. Max Huntsman.

We are only at the initial stages of this investigation and are not making any direct or inferred assertions. As with any criminal inquiry, we will be impartial fact finders and present the legally obtained evidence to an appropriate prosecuting entity, whether it be the County District Attorney, the State Attorney General, or the United States Attorney, for a charging decision.

The Federal Bureau of Investigations has been briefed on the matter and have offered their assistance in our investigation.

In an abundance of caution, and in order to avoid even the slightest appearance of impropriety, the Sheriff has recused himself from any portion of this particular investigation

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August 12, 2019

involving any current or former elected officials or those appointed to, or serving in an ancillary function within County government or elsewhere. (See attachment)

I will be overseeing these investigations. The Sheriff has, for this limited purpose, ceded his power and authority as the duly elected Sheriff of Los Angeles County, to myself. This administration prides itself on the level of transparency it shares with the public and other institutions, as well as the fair and equal treatment of our communities, employees, and our leaders.

Despite recent events that could appear to the contrary, we sincerely value our relationships with the Board and OIG. Regardless of the constitutional separation of our branches of government, neither the executive nor the legislative branches can work and serve the public that counts on them, without mutual cooperation and unity of purpose.

My primary purpose in advising you of these circumstances is to give you my assurance that were you to appoint an Interim Inspector General during the course of this inquiry, the Sheriff's Department will be unequivocally as cooperative and transparent with whomever the Board designates. I would highly recommend that any person who has held the position of Acting Inspector General in the past be precluded from this position as being a potential subject of this investigation.

Based upon standard protocols as a result of this criminal investigation, I ask that subjects of the investigation be reassigned from their current duties during the duration of the investigation.

We cannot turn a blind eye to these violations which have had a ruinous impact upon our Department and undermine public trust. I have been honored to wear this uniform for 40 years, and I cannot begin to explain the very human toll that each person who wears this badge pays, when a trust is violated.

I take on the responsibility of this inquiry with a heavy heart, but with the same enthusiasm, hope, dedication, as the first day I put on this uniform.

Sincerely,

ALEX VILLANUEVA, SHERIFF


TIMOTHY K. MURAKAMI
UNDERSHERIFF



COUNTY OF LOS ANGELES SHERIFF CIVILIAN OVERSIGHT COMMISSION

World Trade Center
350 South Figueroa Street, Suite 288, Los Angeles California 90071
(213) 253-5678

Brian K. Williams
Executive Director

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August 20, 2019

The Honorable Alex Villanueva, Sheriff
Los Angeles County Sheriff's Department
211 West Temple Street
Los Angeles, CA 90012

Dear Sheriff Villanueva:

The Sheriff Civilian Oversight Commission (COC) has recently learned of the ongoing criminal investigation of the Office of Inspector General (OIG), by the Los Angeles County Sheriff's Department (LASD). To say the least, we are troubled by the mere existence of this probe. What is equally troubling to the COC is the fact that the LASD is investigating the very organization that serves as the sentinel for the people, the watchdog of the LASD itself, the OIG. As such, this investigation gives rise to the very real specter of a conflict of interest. While the COC is not privy to the facts that allegedly gave rise to these allegations, we are aware that any real or perceived conflict of interest must be immediately remedied. Merely recusing yourself and handing this matter over to the Undersheriff does not alleviate the very real conflict that exists. It is our belief that the LASD should not play any role in this probe.

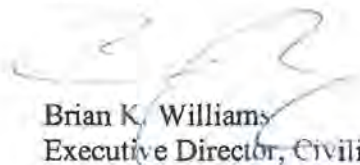
The COC and OIG both perform vitally important functions: to promote transparency and accountability within the LASD. To effectively do so, the COC, OIG and LASD must all avoid any appearance of impropriety. We are not fighting against each other. Rather, we are fighting to realize the promise of what the LASD can and should be.

If the investigation into the OIG must continue, we strongly urge the LASD to recuse itself from the investigation and instead allow a third-party investigative agency assume control; the people of the County of Los Angeles, which we all serve, deserve an independent investigation free of the appearance of impropriety or bias.

The COC remains committed to working with the LASD to restore the confidence of the communities we serve concerning the Department.

Thank you in advance for your time. Please do not hesitate to call Brian Williams at (213) 253-5678 or via email message at BWilliams@coc.lacounty.gov should you wish to discuss.

Sincerely,



Brian K. Williams
Executive Director, Civilian Oversight Commission



Patti Giggans, Chair
Civilian Oversight Commission

EXECUTIVE OFFICE



CELIA ZAVALA
EXECUTIVE OFFICER

COUNTY OF LOS ANGELES
EXECUTIVE OFFICE
BOARD OF SUPERVISORS

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 383
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MEMBERS OF THE BOARD

HILDA L. SOLIS

MARK RIDLEY-THOMAS

SHEILA KUEHL

JANICE KAHN

KATHRYN BARGER

August 13, 2019

Via U.S. Mail and Email: Tkmuraka@lasd.org

Timothy K. Murakami
Undersheriff, Office of the Sheriff
County of Los Angeles
211 West Temple Street
Los Angeles, CA 90012

Dear Undersheriff Murakami

Thank you for your August 12, 2019 letter to the individual members of the Board of Supervisors (the "Board"). The Board appreciates the personal notification regarding the serious allegations of potential criminal conduct perpetrated by current and former members of the Los Angeles County Sheriff's Department (the "LASD"), as well as other ancillary agencies, such as the Office of Inspector General (the "OIG"). The references in your letter to a variety of potential crimes are very troubling, and the Board takes these allegations against the LASD and other agencies very seriously.

The Board also understands that you are only at the initial stages of the investigation and currently are not making any direct or inferred assertions. Moreover, while the Board appreciates that the Sheriff has recognized the importance of avoiding even the appearance of impropriety by recusing himself from this investigation, the Board believes it is imperative and just as important that the LASD recuse itself from any portion of this investigation to avoid even the appearance of bias. The Board knows you can appreciate the apparent conflict of interest and the inappropriate message it sends to the community to have the LASD investigate the OIG, given that OIG's sole purpose is to monitor and investigate the LASD.

Similar to the sentiment you expressed in your letter, the Board sincerely values its relationship with the LASD and the respective roles we play in serving the public that counts on us. As a result, the Board believes it is essential that the Federal Bureau of

Undersheriff Murakami
August 13, 2019
Page 2

Investigation, the California Attorney General, or another independent third-party investigative agency engage in this investigation to ensure objectivity and impartiality. Until then, the Board finds it premature to reassign anyone from their current duties. However, the Board reserves the right to address any personnel matters at a later time when more specific information is provided by the third-party investigative agency.

Thank you in advance for your cooperation. Please let me know when you are available to discuss this matter further, specifically the engagement of a third-party investigative agency. Your continued dedication and service to the residents of Los Angeles County are greatly appreciated.

Sincerely,



Celia Zavala
Executive Officer



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



August 15, 2019

The Honorable Hilda L. Solis
Supervisor, First District
Los Angeles County Board of Supervisors
500 West Temple Street, Room 856
Los Angeles, California 90012

Dear Supervisor Solis:

POTENTIAL CRIMINAL CONDUCT RESPONSE

I am in receipt of your August 13, 2019, response following my individual meetings with you on August 12, 2019, wherein I made you aware of the allegations against Los Angeles County Sheriff's Department (Department) personnel, former Department personnel, and the Office of Inspector General (OIG) currently under investigation by the Department. I would like to address a few of your concerns raised in your letter.

First, you stated it sends "an inappropriate message to the community to have the LASD investigate the OIG, given that OIG's sole purpose is to monitor and investigate the LASD." Second, you believe it is essential that another agency handle the investigation. Third, "the Board finds it premature to reassign anyone from their current duties. However, the Board reserves the right to address any personnel matters at a later time when more specific information is provided by the third party investigative agency."

The Sheriff's Department is the law enforcement agency within the County, and it is customary for the Department to handle both its own internal criminal and administrative matters. Moreover, in our meeting, I mentioned once the matter has fully developed to an appropriate stage, the matter will be referred for handling by an outside agency. The Federal Bureau of Investigation (FBI) is assisting as we progress. Notwithstanding the foregoing, the Department welcomes collaboration with a third party agency.

While the Department is disappointed with the Board's decision to not immediately reassign Mr. Huntsman due to the previously stated privacy issues, and the potential for the misuse of employee documents to continue, the Sheriff will respect their decision. However, because the Sheriff is responsible for the protection of Department files, he plans to abide by the Memorandum of Agreement (MOA), but will increase safeguards as needed to prevent any violations. To that end, a meeting has been requested with the OIG to discuss

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the implementation of a system centered on the tracking of OIG requested information and/or documents and this Department's compliance. Although OIG has oversight, OIG is not precluded from the legal parameters in the use of the Department's documents while performing their duties.

Finally, where appropriate I will continue to update you on any developments in the investigation, and also reiterate that the Department has not deviated from its commitment to transparency and reaffirms the MOA between OIG and the Sheriff will continue.

Please contact me at your convenience should you wish to discuss.

Sincerely,

ALEX VILLANUEVA, SHERIFF


TIMOTHY K. MURAKAMI
UNDERSHERIFF