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LOS ANGELES COUNTY SHERIFF  
CIVILIAN OVERSIGHT COMMISSION  
SEPTEMBER 23, 2022

SPECIAL HEARING ON DEPUTY GANGS IN THE SHERIFF'S DEPARTMENT

MEMBERS

COMMISSION CHAIR SEAN KENNEDY  
COMMISSION VICE CHAIR JAMON HICKS  
COMMISSIONER ROBERT BONNER  
COMMISSIONER PATTI GIGGANS  
COMMISSIONER LAEL RUBIN  
COMMISSIONER IRMA COOPER  
COMMISSIONER JP HARRIS  
COMMISSIONER LUIS GARCIA

1	ATTENDEES	
2	Commission Chair, Sean Kennedy	
3	Commission Vice Chair, Jamon Hicks	
4	COMMISSIONERS:	
5	Robert Bonner	
6	Patti Giggans	
7	Lael Rubin	
8	Irma Cooper	
9	JP Harris	
10	Luis Garcia	
11	Special Counsel: Bert Deixler, Kendall, Brill & Kelly,	
12	LLP	
13	Special Counsel: Ariel Neuman, Bird Marella P.C.	
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1 P-R-O-C-E-E-D-I-N-G-S

2 CHAIR KENNEDY: Good morning, everybody.

3 COMMISSIONER RUBIN: Good morning.

4 CHAIR KENNEDY: We're just...

5 Good morning, everybody. We're about to start the  
6 sixth special hearing of the Civilian Oversight Commission on  
7 the topic of Deputy Gangs Within the Los Angeles County  
8 Sheriff's Department.

9 Before we -- before we do that, we need to do the  
10 roll call.

11 MS. WILLIAMS: Good morning, everyone.

12 Commissioner Bonner?

13 COMMISSIONER BONNER: (No audible response.)

14 MS. WILLIAMS: Commissioner Cooper?

15 COMMISSIONER COOPER: Present.

16 MS. WILLIAMS: Commissioner Garcia?

17 COMMISSIONER GARCIA: Present.

18 MS. WILLIAMS: Commissioner Giggans?

19 COMMISSIONER GIGGANS: Here.

20 MS. WILLIAMS: Commissioner Harris?

21 COMMISSIONER HARRIS: Here.

22 MS. WILLIAMS: Vice Chair Hicks?

23 VICE CHAIR HICKS: Present.

24 MS. WILLIAMS: Chair Kennedy?

25 CHAIR KENNEDY: Here.

1 MS. WILLIAMS: And Commissioner Rubin?

2 COMMISSIONER RUBIN: Yes. Here.

3 CHAIR KENNEDY: Thank you.

4 I just want to say before we begin that, Commissioner  
5 Giggans, after all that you have gone through in the past week  
6 in the attempts to intimidate you and your family and really  
7 everyone on this commission and all the difficulties that you  
8 have so unfairly had to go through, it is a -- it is a real  
9 testament to your commitment to the mission of this commission  
10 that you are sitting here today, and I am truly proud to be  
11 your colleague and your friend. And I want you to know that I  
12 think I speak for this entire commission when I say that you  
13 have 100 percent of our support as you battle this outrageous  
14 and unfair example of abuse of power that came into your own  
15 home, and I am so sorry about it. But I have so much respect  
16 for you, and I so appreciate you being here today so that this  
17 commission will continue to do the business of trying to get to  
18 the bottom of whether there are deputy gangs in the LA  
19 Sheriff's Department -- and I think the answer to that is  
20 obvious -- and how to eradicate them. So thank you so much for  
21 being here, Patti.

22 COMMISSIONER RUBIN: Yes. Here, here.

23 CHAIR KENNEDY: That said, it's time for us to have  
24 reports, and then we're going to have a resolution.

25 Perhaps we should do the resolution first. I'm going

1 to turn it over to our Executive Director, Brian Williams.

2 MR. WILLIAMS: Thank you, Mr. Chairman, members of the  
3 commission.

4 As you know, and I'm sure as the community knows,  
5 there was this action against Commissioner Giggans by the  
6 Sheriff's Department, which the commission has vociferously and  
7 adamantly opposed. We support our Commissioner Giggans and  
8 believe that the actions taken against Commissioner Giggans  
9 simply had no merit and no basis, and we are profoundly upset  
10 and stunned by the actions of the Sheriff's Department.

11 Staff came together and put together this resolution  
12 expressing our grave concern regarding the LA County Sheriff's  
13 Department. I'm not quite sure if you want me to read it into  
14 the record. We do have copies of the commission for each  
15 member of the -- copies of the resolution, rather, for each  
16 member of the commission. There are copies of it out with the  
17 crowd as well. But we're urging that the commission adopt this  
18 resolution that you will sign, and I will sign, then we will  
19 publish to the media later on today.

20 CHAIR KENNEDY: Would the commissioners like it to be  
21 read, or have you read it? Have you had a chance to read it?

22 COMMISSIONER GIGGANS: Read it.

23 CHAIR KENNEDY: We should read it out loud.

24 MR. WILLIAMS: Sure.

25 Proposed Resolution Expressing Grave Concern

1 Regarding the Los Angeles County Sheriff's Department. Los  
2 Angeles County Sheriff's Department Civilian Oversight  
3 Commission -- Commission hereby results as follows:

4           Whereas, on Wednesday, September 14th, 2022, the Los  
5 Angeles County Sheriff's Department served multiple search  
6 warrants in its endless investigation to Supervisor Sheila  
7 Kuehl (indecipherable) to the Metropolitan Transit Authority.

8           Whereas, the warrants appeared to have been served as  
9 a political stunt. LASD searched the homes of Commissioner  
10 Patti Giggans and Supervisor Kuehl in an attempt to besmirch  
11 their reputation and embarrass them in the press.

12           Shortly after the warrants were served, Sheriff  
13 Villanueva posted on his campaign Instagram account "Alex for  
14 Sheriff," a picture of Supervisor Kuehl being escorted from her  
15 home by deputies.

16           Whereas, the deceptive tactics employed by the LASD  
17 to obtain the warrants raise concern regarding their purpose.  
18 LASD presented documents to Superior Court Judge Craig Richmond  
19 with a blatant omission. The affidavit failed to mention that  
20 Judge Eleanor Hunter decided just two weeks prior to appointing  
21 special master regarding an identical warrant served last year  
22 in the same case, leading one to believe that the warrants were  
23 obtained to harass LASD's critics, Kuehl and others from  
24 criticizing the LASD and/or for political gain.

25           Whereas, Sheriff Alex Villanueva purports to have

1     recused himself from the investigations of his secret police,  
2     as it is known within the LASD. His actions, however, dictate  
3     otherwise. This type of investigation is usually handed over  
4     to another investigative agency such as the FBI or the  
5     California Attorney General's Office because of the Sheriff's  
6     and LASD's obvious conflict of interest.

7             In another unusual move, LASD posted the warrant  
8     online and a detailed statement about the case investigators  
9     provided to the judge to get the warrant signed. It is  
10    ordinarily improper for law enforcement agencies to disclose  
11    information about the subjects of their investigation, and it's  
12    improper for them to do so.

13            Sheriff Villanueva's actions are not only vindictive  
14    and petty, they also indicate that he is directing the  
15    investigation and controlling the narrative for political gain.

16            Whereas, LASD's Public Corruption Unit, which carried  
17    out the searches, has raised alarms before. Last year, LASD  
18    officials asked the Los Angeles County District Attorney to  
19    create a joint task force to collaborate on public corruption  
20    investigations, but the district attorney wanted nothing to do  
21    with LASD's unit.

22            The district attorney is quoted as saying "He's" --  
23    meaning Villanueva -- "is only targeting political enemies.  
24    Both Commissioner Giggans and Supervisor Kuehl have been vocal  
25    critics of the Sheriff in LASD's actions."

1           Soon after the district attorney made these comments,  
2       Sheriff Villanueva publicly supported the recall movement to  
3       remove the district attorney from office.

4           Whereas, this is not the first time the commission  
5       has denounced the Sheriff and LASD's conduct. In October 2020,  
6       the commission issued a resolution of no confidence in the  
7       Sheriff for a pattern of problematic act -- actions including  
8       hiring deputies fired for misconduct and domestic violence,  
9       denying the existence of deputy gangs, blocking efforts to  
10      ensure independent oversight of deputy shooting investigations,  
11      violating the First Amendment rights of the public, including  
12      journalists, mishandling the investigation, ordering  
13      destruction of evidence in the Kobe Bryant helicopter crash, or  
14      photographs were inappropriately shared, using racist and  
15      sexist slurs against elected officials, and flouting numerous  
16      commission subpoenas.

17           Therefore, be it resolved that the commission  
18      condemns the actions of the LASD and the Sheriff in carrying  
19      out the warrants before the press. There are means of carrying  
20      out warrants on public figures that are not invasive; however,  
21      this conduct appears to be designed to harass, embarrass,  
22      and/or smear the commission, the reputation of Commissioner  
23      Giggans and Supervisor Kuehl. The latest stunt by the LASD and  
24      the Sheriff should be called out for what it is, a brazen abuse  
25      of power.



1           Be it further resolved that the commission urges the  
2   LASD to immediately disband the Public Corruption Unit, a.k.a.  
3   the Secret Police, and return to the traditional practice of  
4   allowing outside investigative agencies without a conflict of  
5   interest conduct such investigations.

6           Dated September 23rd, 2022.

7           CHAIR KENNEDY: Thank you, Mr. Williams.

8           Now, on a resolution. Do we vote? Do we have a  
9   vote?

10          MR. WILLIAMS: There should be a vote, unless there is  
11   some discussion, and then a vote.

12          CHAIR KENNEDY: Is there any discussion amongst the  
13   commissioners about the resolution? Any questions?

14          COMMISSIONER BONNER: The resolution appears to me to be  
15   appropriate. I -- I would hope that my fellow commissioners  
16   would vote to adopt it.

17          CHAIR KENNEDY: JP?

18          COMMISSIONER HARRIS: I agree with that statement with one  
19   exception.

20                 It's been widely reported in the media this morning  
21   that the third whereas may not be accurate now, but the judge  
22   has (inaudible) prepared the affidavit, did not have any  
23   knowledge of the other information. So they have basically  
24   (inaudible) warrant was valid.

25                 I agree with everything else in here. I'm just

1 thinking we might want to remove that third whereas because it  
2 appears that that may not be accurate as of -- as of today.

3 COMMISSIONER BONNER: Well, I -- if I could comment on  
4 that.

5 I -- I realize, sir, I did -- I read the article this  
6 morning, and the article -- the thrust of the article was that  
7 a judge decided that there had not been forum shopping with  
8 respect to securing the warrant --

9 COMMISSIONER RUBIN: Right.

10 COMMISSIONER BONNER: -- but the third whereas, if I'm  
11 reading it correctly, really doesn't even relate to that. It  
12 relates to the fact that there was omission in the affidavit  
13 that was given to Judge Richmond. That was -- the omission was  
14 that he failed to mention that Judge Hunter had decided just to  
15 aspire to appoint a special master. That's the omission, and  
16 that should have been brought to the attention of Judge  
17 Richmond.

18 So I don't -- I don't think -- JP, as I read this, I  
19 don't see anything in the factual recitations by the judge, as  
20 reported in the LA Times this morning, that make this  
21 inaccurate. But I could be wrong, and I -- I can certainly  
22 open it up for discussion.

23 COMMISSIONER HARRIS: And I could be wrong also,  
24 Commissioner Bonner, but I didn't know in the (inaudible) they  
25 specifically said that the investigator -- the target

1 investigator did not have any knowledge of the prior judge's  
2 actions, and they didn't have any knowledge that the special  
3 master had been appointed. That was -- that was the point.

4 COMMISSIONER BONNER: All right.

5 And -- and by the way, I -- I --

6 COMMISSIONER HARRIS: I could be wrong also.

7 COMMISSIONER BONNER: -- and I read the article fast, and  
8 I just didn't -- so that -- if that's in there, then I think  
9 your point is well taken, I just did not see it. And I must  
10 say I was trying to rush to get to our commission meeting this  
11 morning. Maybe somebody else can --

12 CHAIR KENNEDY: Lael?

13 COMMISSIONER BONNER: -- resolve whether we should take  
14 the third whereas out or not.

15 COMMISSIONER RUBIN: I -- I think it should stay in, and I  
16 think it should stay in despite Judge Ryan's [sic] ruling  
17 because of the fact that the third whereas, as Commissioner  
18 Bonner correctly stated, only talks about the failure to  
19 mention that a prior judge had made a decision on the warrant  
20 last year.

21 What -- what I believe, at least from the media  
22 reports, that Judge Ryan [sic] ruled was that -- that there was  
23 no, quote, "forum shopping," and that the LASD sergeant or  
24 detective or whoever he was, did not have a prior relationship  
25 with Judge Richmond.

1           So we're getting into sort of nitty gritty, but I --  
2   I think the -- the third whereas is appropriate even with Judge  
3   Ryan's [sic] ruling.

4           CHAIR KENNEDY: I agree.

5           Anyone else? Go ahead, JP.

6           COMMISSIONER HARRIS: Just a final point. We may not be  
7   the world's greatest deliberative body, but I do think we are a  
8   deliberative body. To me there's still a question here. I  
9   don't think it changes the basic point we're trying to make  
10   with this resolution by removing the third whereas until we can  
11   frankly look at it perhaps. Just relying on an article in the  
12   LA Times is perhaps not the best way to estimate some type of  
13   decision. But I will -- I will yield to the wisdom of the  
14   body, but I just think we -- we should be very deliberative  
15   when we make resolutions. I just think a little bit of -- I  
16   have some question on that, the third whereas. Everything  
17   else, I'm overly focused on that.

18          CHAIR KENNEDY: Well, I'm not just relying on the LA  
19   Times. I mean, my understanding is that the deputy who  
20   presented the warrant is a tattooed member of a deputy gang.  
21   So I do not just rely on a newspaper article, and I'm fine with  
22   it as it is.

23          COMMISSIONER BONNER: Would -- wouldn't it be inferable,  
24   JP, that if a deputy was presenting a warrant that he would be  
25   aware of the prior -- the prior judge, Judge Hunter? I mean,

1 it would be astonishing to me that he would go to another  
2 judge, and he would be unaware that a -- another superior court  
3 judge had had the case and had the identical warrant, and it  
4 appointed a special master. Now, I don't know that all of that  
5 is true myself, but if it is -- I mean, he -- you're just --  
6 there's just an obligation to disclose it whether he's -- by  
7 the way, whether he's a tattooed member of a gang or not.

8 COMMISSIONER RUBIN: Right.

9 COMMISSIONER BONNER: You can't go to a judge and not say,  
10 "Hey, but Judge, I want you to know..."

11 There was a duty to disclose.

12 "I want you to know there was another judge that had  
13 this case and, you know, had indicated that a special master  
14 was appropriate on -- on essentially the same affidavit."

15 (Inaudible) --

16 COMMISSIONER HARRIS: Well, as -- as, again, relying on  
17 (inaudible) of information which may not be the best thing to  
18 do. The judge, Richmond, he indicated that he believed the  
19 deputy had just made an honest mistake.

20 I agree with you. Should they have caught that? You  
21 bet. And they didn't, for whatever reason, deliberate or truly  
22 an honest mistake.

23 And a judge in the superior court said, "I believe  
24 they made an honest mistake."

25 So I -- I tend to lean heavily towards folks in black

1 robes. They look at all of the information and deemed that  
2 they felt that the detective had made an honest mistake, and I  
3 believe that was the terminology that was quoted. I'm -- I'm  
4 willing to live with that.

5 COMMISSIONER RUBIN: Let's take a vote.

6 COMMISSIONER BONNER: Okay. Understood.

7 I -- I think, by the way, we -- we did demonstrate if  
8 we're not the greatest deliberative body around, we do  
9 deliberate.

10 CHAIR KENNEDY: Why don't we take a vote?

11 COMMISSIONER HARRIS: Mr. Chairman, I believe there --

12 MR. WILLIAMS: Needs to be public comment first.

13 CHAIR KENNEDY: Oh, I'm so sorry. Thank you, Brian.

14 Is there any public comment on the resolution?

15 MR. HARLAN: (Inaudible) general comment (inaudible). Is  
16 this the only general public comment period?

17 MS. WILLIAMS: No.

18 CHAIR KENNEDY: No. We have general public comment at the  
19 end. This is about the resolution.

20 MS. WILLIAMS: There's no comment.

21 CHAIR KENNEDY: Okay. So shall we take a vote?

22 COMMISSIONER RUBIN: Yes.

23 MS. WILLIAMS: Commissioner Bonner?

24 COMMISSIONER BONNER: Aye.

25 MS. WILLIAMS: Commissioner Cooper?

1 COMMISSIONER COOPER: Aye.

2 MS. WILLIAMS: Commissioner Garcia?

3 COMMISSIONER GARCIA: Aye.

4 MS. WILLIAMS: Commissioner Giggans?

5 COMMISSIONER GIGGANS: A big aye.

6 MS. WILLIAMS: Commissioner Harris?

7 COMMISSIONER HARRIS: Aye.

8 MS. WILLIAMS: Vice Chair Hicks?

9 VICE CHAIR HICKS: Aye.

10 MS. WILLIAMS: Chair Kennedy?

11 CHAIR KENNEDY: Yes.

12 MS. WILLIAMS: And Commissioner Rubin?

13 COMMISSIONER RUBIN: Yes.

14 MS. WILLIAMS: Motion carries.

15 CHAIR KENNEDY: So the resolution passes unanimously.

16 Next, we have report from myself. I don't have any  
17 report other than my comments in support of Commissioner  
18 Giggans.

19 I'm going to turn it over to our special counsel who  
20 may have something to say.

21 MR. DEIXLER: Thank you, Chair Kennedy, and good morning,  
22 Commissioners.

23 As has unfortunately become our tradition --

24 COMMISSIONER RUBIN: Can you talk into the microphone?

25 MR. DEIXLER: As has unfortunately become our tradition

1 here, I begin with my procedural report explaining what -- what  
2 we're not going to be able to do today.

3 Last week, as you may have heard from media reports,  
4 Jefferson Chow observed that he was followed home by an  
5 undercover car after he testified at the commission. After  
6 being followed home, Sergeant Chow reported the undercover car  
7 parked directly in front of his house. If engaged in a  
8 legitimate surveillance, I am informed by reliable police  
9 sources, the car would have been parked unobtrusively.

10 Last night, I was informed by Captain Angela Walton,  
11 whom you'll recall also testified before you, that she  
12 experienced something similar.

13 Captain Walton has asked me to inform the  
14 commissioner that this car -- I hope we can show it -- was  
15 parked directly in front of her house on Tuesday with the  
16 engine running so that he would be plain to see.

17 Captain Walton told me that she had worked undercover  
18 for five years, recognized the car as an undercover sheriff's  
19 vehicle -- and could you show the license plate? -- and feels  
20 confident that if that plate were run that it would come back  
21 to suggest that it is unregistered or otherwise untraceable,  
22 consistent with undercover -- consistent with undercover  
23 operations.

24 Captain Walton has asked me to publicly inform the  
25 commission of these facts and to assert that she will not be



1 intimidated.

2           We have other news, however. We schedule -- we had  
3 scheduled, until last night, a sergeant with approximately 25  
4 years of LASD service who agreed to testify about what the  
5 sergeant believed were reforms that LASD could introduce to  
6 eliminate and/or control deputy cliques or gangs. The sergeant  
7 felt strongly that the role of active, trained, and engaged  
8 sergeants would be very important to achieving the goal.

9           I agreed to allow the sergeant to testify anonymously  
10 and with a voice distorter to protect the sergeant's anonymity.

11           Last night, the sergeant called me, and emotionally  
12 said that he had spoken with his spouse and concluded that  
13 because a hoped-for promotion might be forthcoming, that even  
14 anonymously and with a voice distorter, the fear of retaliation  
15 was too great to take a risk and testify.

16           The week before, we had arranged for a sergeant to  
17 testify. In fact, one of the reasons we postponed the hearing  
18 from the 16th to the 23rd was to accommodate the schedule of  
19 that sergeant. That sergeant also has now declined to testify  
20 for fear of retaliation.

21           A retired LAPD division chief who had worked with  
22 Chief Bratton to help change the culture of the LAPD, and who  
23 is filled with portable ideas for reform in the LASD to  
24 eliminate deputy gangs, yesterday declined to testify as  
25 promised for fear that his experience and suggestions would be

1 derided as "playing politics."

2 He's offered, however, to appear after the election  
3 if the commission is interested in continuing its hearings and  
4 I believe his testimony would be extremely valuable.

5 Finally, the commission will recall on September --  
6 I'm sorry -- on July 22nd that it issued a subpoena for seven  
7 categories of documents to the custodian records of the  
8 Sheriff. A new subpoena with a Probable Cause affidavit or a  
9 Good Cause affidavit was issued on August 19th, with a return  
10 date of September 16th, that is last Friday.

11 On September 8th, a lawyer who is representing the  
12 Sheriff sent a boilerplate letter with a series of objections  
13 but concluding that documents would be produced.

14 Among the objections were the suggestion that the  
15 categories of documents which asked for things like the  
16 calendar or diary entry for the Sheriff from November 3rd  
17 through November 30th regarding the Kennedy Hall incident, any  
18 electronic data or documents relating to phone calls placed by  
19 Larry Del Mese to -- on behalf of the Sheriff from November 3rd  
20 through November 30th, 2018, documents reflecting  
21 communications between Larry Del Mese and Matt Burson between  
22 November 3rd and November 30th, 2018, and other communications  
23 relating to the Kennedy Hall incident in the November 3rd  
24 through 2018 period were deemed in this objection to be  
25 irrelevant.

1           And I will note for the record, I was informed by the  
2   Executive Director, Brian Williams, this morning that no  
3   documents at all have been produced pursuant to that subpoena.  
4   So that will make for a shorter day.

5           On the good news side, however, our first witness  
6   today who will be testifying via Webex is a Sandy Jo MacArthur.  
7   And if my luck is changing, she's about to, I hope, get on.

8           Good morning.

9           So I'm ready to proceed if the commission would like  
10   to commence.

11          CHAIR KENNEDY: Could -- could you give us the name again.

12          MR. DEIXLER: Yes. The witness's name is Sandy -- well,  
13   why don't we start with the witness. It's --

14          CHAIR KENNEDY: Sure.

15          MR. DEIXLER: -- Sandy Jo MacArthur, and good morning.

16          MS. MACARTHUR: Good morning.

17          MR. DEIXLER: And can you -- can you hear me?

18          MS. MACARTHUR: I can.

19          MR. DEIXLER: Would you state your name for the record and  
20   spell your last name?

21          MS. MACARTHUR: Sandy Jo MacArthur, M-a-c-A-r-t-h-u-r.

22          MR. DEIXLER: And where are you presently located?

23          CHAIR KENNEDY: Excuse me, Mr. Deixler. Could we swear  
24   the witness via Webex, or -- or whatever program we're using?

25          Ms. MacArthur, do you swear or solemnly affirm, under

1 penalty of perjury, to tell the truth, the whole truth, and  
2 nothing but the truth?

3 MS. MACARTHUR: I do.

4 CHAIR KENNEDY: Thank you.

5 Sorry to interrupt.

6 MR. DEIXLER: My apologies for the unforced error.

7 Ms. MacArthur, where are you presently located?

8 MS. MACARTHUR: I am currently, like, physically today in  
9 Chicago, Illinois.

10 MR. DEIXLER: And what is your professional reason for  
11 being present in Chicago?

12 MS. MACARTHUR: I do quite a bit of consulting with police  
13 departments around the country in terms of managing consent  
14 decrees.

15 For example, right now in Chicago they have a new  
16 consent decree, how to interact with civilian oversight, how to  
17 bring about cultural change. And my background and experience  
18 when I was a sworn member of the Los Angeles Police Department  
19 exposed me to quite a bit of different experience in that  
20 arena, so I am here working with their new police commission.

21 MR. DEIXLER: Would you briefly explain to the commission  
22 your experience and background in law enforcement?

23 MS. MACARTHUR: Yes.

24 I have 35 years as a full-time law enforcement  
25 officer with the Los Angeles Police Department. Started in

1 1980; I retired as an assistant chief in 2015.

2 The last ten years of my career I spent very -- well,  
3 actually more than that -- about 12 years of my career, I spent  
4 very embedded with our consent decree.

5 I was -- when I was an assistant chief, my experience  
6 and my commands were training, technology, budget, recruitment,  
7 hiring, promotional processes, personnel, the 911 center,  
8 oversight of implementation of the consent decree, and then  
9 sustainability. You know, I was really part and parcel to  
10 sustaining the reforms that we did in the Los Angeles Police  
11 Department. So that's kind of a high-level overview of what I  
12 did.

13 MR. DEIXLER: Sounds like the LAPD was understaffed at  
14 that time, and you did everything. But thank you.

15 Before you became -- before you became an assistant  
16 chief with the vast array of responsibility you just described,  
17 did the LAPD suffer a scandal involving its sworn officers?

18 MS. MACARTHUR: Well, like every large agency, the LAPD  
19 has had its -- its share of scandals here and there. The one  
20 that really triggered so much of the reforms that the LAPD is  
21 actually enjoying today was what is sort of known as the  
22 Rampart scandal. But it really focused -- that scandal really  
23 began to surface in 1997, you know.

24 Prior to that, in the early 80s we had the Hollywood  
25 burglar scandal and things like that; so there are pieces here

1 and there.

2 But in 1997, what has been commonly referred to as  
3 the Rampart scandals began to surface -- we had -- with the  
4 gang unit at Rampart Division. There were several officers  
5 that ended up getting fired, getting prosecuted.

6 We had -- we had somebody who was in -- very involved  
7 in working with some of the gangs in our communities in terms  
8 of doing security for them. Then we had one of the gang  
9 officers get involved and indicted for a bank robbery.

10 And then we had what most people refer to as the  
11 Rafael Perez incident where we had -- we, the Los Angeles  
12 Police Department, in our inspections, we found that we were  
13 missing -- initially missing eight pounds of cocaine, and it  
14 led back to Rafael Perez, who was one of our gang officers in  
15 Rampart CRASH. That's what we used to call our gang units back  
16 then, which was Community Resources Against Street Hoodlums.

17 So that created a -- a deep investigation within the  
18 department through Internal Affairs. We did a variety of  
19 different things to try to uncover how deep and the depth and  
20 breadth of that scandal.

21 But that was the NEPA Assist for our consent decree  
22 when Judge Feess, a federal judge, said that Los Angeles Police  
23 Department had a pattern and practice. And so, as most of you  
24 are all aware, probably, who live in Los Angeles County, we  
25 entered into a consent decree in 2001.

1 MR. DEIXLER: And I guess for more information on that,  
2 there's a Denzel Washington movie that you would highly  
3 recommend for further detail.

4 MS. MACARTHUR: I don't know that I'd highly recommend it  
5 but...

6 MR. DEIXLER: Would you briefly describe how the LAPD went  
7 about addressing the issues presented and required by Judge  
8 Feess in the consent decree.

9 MS. MACARTHUR: Yeah.

10 So initially there was -- in the very beginning  
11 phases of the consent decree, we did not have a lot of support  
12 from the management and in leadership inside the department.  
13 We had signed the consent decree, but there didn't appear to be  
14 a lot of embracing.

15 Now, mind you, I was a watch commander at the time, a  
16 lieutenant, and much of the consent decree really was just  
17 based in constitutional policing and following policies, you  
18 know. Suggesting -- not suggesting -- telling us we have to  
19 follow our own policies and -- and follow constitutional  
20 policing and things like that.

21 What happened is in 2002, William Bratton was  
22 selected to be our chief. And William Bratton came in, and he  
23 made basically an edict. He said, "Our -- our mission is that  
24 we are going to get into full compliance with the consent  
25 decree."

1           And he started to set up the organization,  
2           structurally, to do that.

3           MR. DEIXLER: This commission has been tasked by the Board  
4           of Supervisors with investigating whether the LS -- LASD has  
5           deputy cliques or deputy gangs as defined within the Penal  
6           Code, which engage in conduct that violates fundamental  
7           principles of professional policing, and to make  
8           recommendations regarding how to rid the LS -- the LASD of  
9           them.

10           In addition to evidence offered by multiple witnesses  
11           of the existence of gangs or deputy cliques, Chief April Tardy  
12           has acknowledged here under oath that, in fact, there are  
13           deputy gangs as defined by Penal Code Section 13670.

14           Assuming that testimony is accurate, could you share  
15           with the commission, based upon your experience with the  
16           efforts made by the LAPD, what the challenges are and how they  
17           might be addressed with regard to culture and -- and the like.

18           MS. MACARTHUR: So the first challenge is really to --  
19           and -- and I don't -- I'm not here to make a statement about  
20           LASD because I do not know the issues that you are all  
21           facing.

22           However, we were faced with the question "What is the  
23           depth and breadth of the problem?"

24           So that's the very first challenge that you guys -- I  
25           think it sounds like you are already in the middle of trying to



1 assess that. That is very, very important because in any type  
2 of a scandal there is this tendency to -- to do a broad brush  
3 that every aspect of the department is part of that.

4 And the reality is the majority of officers in LAPD  
5 were trying to do their job, trying to do it in a  
6 constitutional manner, and we really needed to understand the  
7 depth and breadth of the problem. So that's going to be the  
8 first challenge that you have.

9 And based on what you're saying, those people that  
10 are very concerned about testifying, there's got to be a way  
11 that there's going to be protections for officers to come  
12 forward and to -- to talk about what -- what is going on, to  
13 give their concerns.

14 I also -- it's unfortunate we weren't able to hear  
15 from the one sergeant who had some ideas because some of the  
16 best ideas with how to shift the culture come from within. So  
17 that is going to be another challenge. How can you really --  
18 somebody who's been living in the -- the culture of the  
19 department is going to really be able to tell you where  
20 roadblocks are going to be, and what are the types of things  
21 that need to happen.

22 I can share with you from our experience that that  
23 took us a while to really understand. We did inspections all  
24 over the department. Not just in the gang units, but other  
25 specialized units because of the same dynamics. If you're in a

1 small unit, and you're there for a very long time, and you  
2 don't -- the question is: "Do you have good supervisory  
3 oversight?" That's the second point that I think is really  
4 critically important.

5 And it's important for your managers and leaders to  
6 be on board with it. Absolutely sets the tone, like what  
7 happened with Chief Bratton. He came in, he set the tone, and  
8 so it was top down, but it also has to be at that bottom-up  
9 level. You have to have good communications. People need to  
10 understand that you are really trying to reform the department.  
11 I always use the term "not throw the baby out with the  
12 bathwater." There's a lot of good things that have been  
13 created over time.

14 But your line -- frontline supervisors end up being a  
15 critical, critical tool in -- in identifying problems and  
16 actually rectifying problems.

17 And so you need to really look at -- also one of the  
18 challenges will be to find out, you know, "How effective are  
19 your frontline supervisors?" And I'm talking generally your  
20 field sergeants and your lieutenant watch commanders. The ones  
21 who see and inter -- should be seeing and interacting with  
22 officers on the street every single day. So you need to really  
23 do a deep dive into are -- are they following policies? Are  
24 they following rules?"

25 And that's where audits and inspections come in. And

1 I differentiate -- I'll just tell you straight up -- I  
2 differentiate between an audit versus an inspection. LAPD used  
3 to do a lot of what we thought were audits, and when we got  
4 into the world of true forensic auditing, we found out we  
5 weren't following -- you know, we weren't doing audits, we were  
6 really doing inspections. Those are very, very useful tools.

7 So, for example -- I will use an example of something  
8 that they were concerned with in our gang units, were -- were  
9 we using canned language? Did every arrest report look  
10 similar?

11 So we would start to do audits where we would  
12 random -- we randomly selected a sample from various units  
13 throughout the whole city, and we would start -- we would look  
14 at them and assess them for canned language. That ended up  
15 becoming part and parcel to, you know, some of the -- some of  
16 the paragraphs in our consent decree.

17 Then we actually did create an audit division, and  
18 they were certified by the National Auditors Association and  
19 trained how to do -- use auditing skills that could stand up in  
20 court, but on policing issues. And to this day, the Los  
21 Angeles Police Department still has an audit division. So we  
22 do inspections, which are what I would say more informal. They  
23 sort of give you an idea, a snapshot in time of something. And  
24 then we have full-time auditors. The majority of them are  
25 civilian auditors who are trained and certified, and they'll

1     come in and do forensic-type audits of different units, not  
2     just gangs because we -- our consent decree actually in --  
3     it -- it included the entire department. It was not just about  
4     gangs.

5             And then you have to look at your training. There's,  
6     like, three pieces that are so, so --

7             MR. DEIXLER: Be -- before -- before -- excuse me,  
8     Ms. MacArthur. Before we get to training, I want to ask you a  
9     little bit about the role of changing in leadership personnel  
10    throughout the department and how the LAPD affected change by  
11    promotions, demotions, and the like, if you could speak to that  
12    issue.

13            MS. MACARTHUR: Yes.

14            So, for example, when Chief Bratton came in, there  
15    was not in -- there -- there was a statement he made that "Not  
16    everybody is going to stay in the seats that they're in today,"  
17    meaning the exempt employees, our -- our deputy chiefs and our  
18    assistant chiefs, which would be like your assistant sheriffs.  
19    They would -- they all had to basically give the -- our new  
20    chief their resumés. Every command staff officer from the rank  
21    of captain and above had to give a resumé, and then Chief  
22    Bratton met with each one of them.

23            Some people were demoted to -- from -- from a higher  
24    rank to their -- the Civil Service rank they could be demoted  
25    to within -- well, that was within -- working within the MOUs.

1 Other people were moved from their divisions and moved into  
2 other divisions.

3 And he -- he made his leadership team by -- by really  
4 doing a deep dive into these resumés, meaning with the  
5 individual captains and above, and he made choices. And all of  
6 the assistant chiefs that were in place when he came on were  
7 actually sent back to be deputy chiefs, and then he promoted  
8 his own leadership team.

9 He also brought in a few people from outside the  
10 department. We had a civilian deputy chief who came in and a  
11 sworn deputy chief came in from outside the department. And so  
12 he sent a message pretty quickly to our leadership team that he  
13 was putting his own team in place, and he set clear  
14 expectations about how he wanted his leadership team to work  
15 with the consent decree monitor and the Department of Justice  
16 at the time because we were meeting regularly with that and  
17 that his -- his expectation -- he was going to hold them  
18 accountable for getting us into full compliance.

19 MR. DEIXLER: Did Chief Bratton bring a constitutional  
20 policing advisor in a high role in the LAPD?

21 MS. MACARTHUR: Yes. That was our civilian deputy chief.  
22 If -- the very first one was Mr. Gerald Chaleff, and he was  
23 brought in -- actually, the title was deputy chief of the  
24 Consent Decree Bureau. And over time we -- it -- it -- the --  
25 the position was so critically important, not just to the

1 consent decree, but to just understanding and making sure the  
2 department was operating in a constitutional policing manner.  
3 That is the name that that deputy chief's position became. It  
4 was the special assistant to constitutional policing, and that  
5 position still exists today.

6 There's now been -- we're in our third civilian  
7 deputy chief. All three have come from the outside.

8 MR. DEIXLER: Let me ask you about the consent decree that  
9 was entered with the LAPD and ask in a general sense whether  
10 the consent decree's existence as issued by Judge Feess was  
11 valuable in organizing or reorganizing the department and its  
12 culture.

13 MS. MACARTHUR: Well, yes. And I don't think there is one  
14 individual -- even when we got tired of it because it was  
15 extended and things like that -- I don't know anybody who did  
16 not believe that it brought forth significant reforms.

17 And there's a lot of things that happen for police  
18 agencies' -- sheriff's agencies' policing is that they're  
19 expected to do a variety of things, and they have a lot of  
20 demands put on them. When you have a consent decree or an  
21 agreement that's, you know, signed, it gives you a road map.  
22 Specifically, I -- addresses things that are of concern, not  
23 just to individuals inside of the department, but also our  
24 community and the commission and the -- the political powers  
25 that be that oversee us for -- so in our case, the City of Los

1 Angeles. So the consent decree actually held our feet to the  
2 fire on a lot of the reforms, and it also -- it made it a much  
3 more strategic process for bringing about these reforms.

4 And having an independent monitor was -- was very  
5 helpful. They were -- they were -- you know, they -- they were  
6 very tough on us, but we built a relationship with them. And  
7 we did not always agree on everything, but it did -- it -- it  
8 did help us really do a deep dive into probably the three  
9 things that I -- that I always say are really critical. And  
10 I -- I don't want to jump ahead, but there's three pieces that  
11 the consent decree really focused on for us, and it was policy,  
12 it was leadership at the supervisor level, all the way up --  
13 including the field training officer level, all the way up, and  
14 then accountability.

15 MR. DEIXLER: And is the existence of consent decrees an  
16 unusual undertaking in police reform throughout the United  
17 States?

18 MS. MACARTHUR: Well, there -- there are not a lot of  
19 consent decrees out there. There are a lot more -- there are  
20 some out there in different cities now. When LA entered into  
21 it, it was like the second one in the nation so now they are a  
22 little bit more common. There are also some agencies that  
23 enter into agreements so it's not an official consent decree,  
24 but they -- they agree to, you know, to follow through on  
25 several different items, whatever that might be.

1           So, for example, the Los Angeles Police Department  
2     had 187 paragraphs. That was combined with a few of those  
3     paragraphs belonged to our police commission, a few to the  
4     City, and the majority to LAPD, and then there were multiple  
5     subparagraphs. So probably around 300 different items that we  
6     had to become -- we had to be in full compliance with for a  
7     sustained period of time, and that is commonly what you see.

8           Like, I'm here with the Chicago Police Department.  
9     They have about 300 paragraphs that they're working with, and  
10    it is just a consent decree with the police department.

11           But there are different -- different renditions of  
12    consent decrees so you are seeing them a little more frequently  
13    than -- than we did when we first entered into ours in 2001.

14           MR. DEIXLER: And the consent decrees are prescriptive,  
15    that is what needs to be done and how they're to be done in a  
16    timetable; is that fair?

17           MS. MACARTHUR: Yes. They -- they're prescriptive, they  
18    have a timetable, and then you have the independent overseer in  
19    many, many cases. Most cases it's a -- it's all cases consent  
20    decree is a judge. And then you have to -- it causes you to be  
21    accountable to -- to implementing these reforms and trying to  
22    stick to the timetables. And then you have to go in front of  
23    the judge and explain why you're not into compliance at this  
24    point. And then once you do get into compliance, the -- the  
25    what I find to be very helpful is then how the -- the judge in



1 our situation then looked "How do you sustain these reforms?"

2 So from full promotional process, for example, we  
3 asked questions about how -- how do you sustain the reforms of  
4 the consent decree, things like that. Those were all built  
5 right into our promotional processes.

6 MR. DEIXLER: Let me ask you your professional opinion  
7 about hiring and training issues at the LASD. After the  
8 academy, it is ordinary for new deputies to be sent to the  
9 jails for a couple of years. How do you perceive that practice  
10 as a means of deputies acquiring skills and learning to serve  
11 the community that they are sworn to serve?

12 MS. MACARTHUR: So I -- and -- and I will tell you  
13 straight up, I don't know because the -- sometimes that's a  
14 moving target with the Sheriff's Department. But based on what  
15 you just told me, I would have a concern from an educator's  
16 perspective in having overseen training, and I know the  
17 Sheriff's Department is no different than any other certified  
18 academy in this state. It is patrol driven. It's not  
19 correctional driven, which I know the sheriff's -- one of the  
20 main responsibilities is corrections.

21 So all of your officers -- your brand-new recruit  
22 officers are being trained by State standards how to go out and  
23 operate in Patrol, in constitutional law, and all the different  
24 things including diversity -- cultural diversity issues, as  
25 well as community issues, and all of these things that are

1 going to help them be a good patrol officer and a good police  
2 officer from the -- or sheriff's deputy from the standpoint of  
3 working with the communities. Community policing, ethics, all  
4 of those things are in the requirements that State of  
5 California requires for the academy, and I know the Sheriff's  
6 Department does certifications just like we do.

7           So the problem I have, if officers who graduate from  
8 the academy, and it's generally about a six-month academy, and  
9 they have all of these tools that they've been taught, all this  
10 learning that they've had, and some skills, because there's a  
11 lot of tactical training, and then you send them to the jail,  
12 those skills are going to start to diminish over time. And so  
13 we've spent all this money and all this time to train our new  
14 recruits on how to be good, community service-oriented  
15 officers, their tactics on traffic stops so they can be safe,  
16 they can keep the community safe, and then you take them and  
17 put them in the jail, and they spend a year or two or three --  
18 at times when I was growing up in LAPD, there were up to five  
19 years that they spent the jail, so I don't know what it's at  
20 today. But then you send them out to operations after a  
21 certain period in the jail. There's a few things -- first of  
22 all, they -- a lot of their skills have diminished. Secondly,  
23 you don't even know if they have the skillset to be a good  
24 police officer yet. That's what a probationary period is used  
25 for.

1           So from my perspective, I would think that you'd want  
2   to put them out into the community right out of the academy,  
3   send them to a division that the department chooses -- and  
4   there's different ways to do that where it's fair, and you're  
5   not making people drive 100 miles to work, to and from work,  
6   things like that -- but then they -- they work with a trained  
7   field training officer. And in the state of California, field  
8   training officers are required to have a basic 40-hour course,  
9   and then they have to have refresher training. So then you're  
10  guaranteed that your field training officer is actually trained  
11  to take the skills and the learning that they had in the  
12  academy and start to teach them practical application of this  
13  in the street.

14           And then that's -- what that does, that reinforces,  
15  it builds their skillsets, they learn to talk to people,  
16  communicate with people. They -- there's a less likely chance  
17  of getting an us-versus-them mentality because they're out  
18  there and they're seeing all walks of life in our communities,  
19  not just those who are incarcerated or, you know, waiting  
20  for -- not just already put into the criminal justice system.

21           So from my perspective, just -- just simply as an  
22  educator, I'd want to put them out in the field, get them --  
23  make sure from a department perspective, from a management  
24  perspective, that this individual can do the job that I paid  
25  them to do, I trained them to do; get them off probation. I

1 would even say that -- even give them a second rotation  
2 someplace else in another division so they get a different  
3 perspective about -- they -- they learned -- they got off  
4 probation in one community, they go maybe for another year in  
5 another community.

6 Now that they have really honed their skills, they  
7 understand service, they understand that not everybody in the  
8 community is somebody who you've put handcuffs on, then they  
9 can go into the jails. They also have a very strong --  
10 their -- their ability to stand up to concerns they might see  
11 is -- is rooted now because they're not on probation anymore.  
12 They have their own personal experiences in Patrol. They've  
13 worked with different training officers, and they've been  
14 exposed to different experiences. And so that makes them a  
15 much more rich, and -- I think, rich and valuable employee.  
16 And then you can send them into Custody where they, you know,  
17 they -- they can now use some of those skills that they learned  
18 in the street: How do you talk people? A term that we use  
19 sometimes in policing is: "Talking people to jail versus  
20 fighting people to jail is so much easier."

21 And so they've learned how to do that. They're --  
22 they don't have that brand-new, fresh-out-of-the-academy fear  
23 about how do I interact with somebody.

24 MR. DEIXLER: Let me -- let me take you back to the -- to  
25 the jails, metaphorically, not -- not in custody here.

1 MS. MACARTHUR: Okay.

2 MR. DEIXLER: What is it that you think a young, new  
3 graduate from the academy brings with himself or herself to the  
4 jails, and what is it that inhibits their ability to evolve  
5 while they're in the jails, in your view?

6 MS. MACARTHUR: Well, a jail is a very myopic perspective.  
7 It is people who have -- at least the -- there is a belief that  
8 they violated the law, and now they're waiting to go to --  
9 to -- to, you know, their hearing or whatever. In some -- in  
10 some cases, as you know, they're -- they're there for a year  
11 because they're doing their time in the jail.

12 So it is a -- it -- it -- that is the only individual  
13 you're interacting with. You have a tendency to look through  
14 that prism that everybody is a problem and so it creates a  
15 us-versus-them.

16 The other problem that you have with a brand-new,  
17 on probation employee, they -- unless they come from a  
18 background of policing in another agency, they are really  
19 relying on train -- on -- on senior officers to guide them. So  
20 if there are issues that have popped up over -- off and on like  
21 we've had scandals in LAPD, there's been jail scandals in LASD,  
22 historically, and things like that. If they're a brand-new  
23 employee, they may not have -- they -- they may be fearful of  
24 standing up to somebody who -- or even asking the question  
25 "Hey, that doesn't -- didn't look very good." They may be

1 fearful of doing that because they are in a probationary world  
2 at that point; right? And so they may not know, and in some  
3 cases, they may be saying something that is totally within  
4 policy that they have a question, they're not even going to ask  
5 the question out of fear that they might be looked at as "How  
6 dare you ask me?"

7           Where if you bring somebody who is off probation,  
8 who's had -- let's say, I'll use this two years under the belt  
9 from the academy. Two different experiences in the -- they  
10 have, now, experience to make some better-informed decisions  
11 about maybe they should know the policies by then; right? They  
12 should -- they -- they should be able to stand a little  
13 stronger in their convictions about if there's -- if they have  
14 a concern, they -- they will be able to confront it more likely  
15 if they're off probation, and they have their own experiences  
16 to pull from.

17           MR. DEIXLER: Talk a little bit, if you will, about your  
18 sense of the value of updating and re-educating deputies after  
19 some set period of time in the field or in the jails.

20           MS. MACARTHUR: So, again, I'll -- just I -- I've been a  
21 very big proponent of training and education, historically,  
22 in -- in my organization, my -- with LAPD, but our consent  
23 decree also put a lot of value on it, as does most consent  
24 decrees today, that you cannot -- the thought process is as  
25 society changes, as laws change, as demands change on an

1 organization, training becomes critical.

2           So I'll take something very simple that we all can  
3 relate to is what -- is the mental health issues that we're  
4 dealing with on the street. That's a great example. Police  
5 in -- for years, were never really trained on how to handle  
6 that at all. And so training ended up being really critical on  
7 how can we do a better job at policing since it is falling in  
8 our 911 lap, which means it is falling on our radio call  
9 response? And clearly it falls on the -- the deputies in the  
10 jail because a lot of -- unfortunately, a lot of people are  
11 still jailed, and they're -- they have a significant mental --  
12 mental illness that the jailers have to deal with.

13           But in general, training and education needs to be  
14 valued in an organization. That is how you bring about  
15 cultural change. Training gives you an opportunity to have --  
16 to send messages from the chief or the sheriff or the  
17 superintendent, depending on the organization you're looking  
18 for. Training can shape and actually set expectations for  
19 behavior. Training can also describe accountability so that  
20 officers or deputies know that they are going to be held to  
21 certain standards, and they've been trained to those standards.

22           Anytime there's a new policy, there should be -- that  
23 impacts the way we interact on the street, there needs to be  
24 training on that so that officers clearly understand what's --  
25 what the expectation is, how this policy impacts them, and then

1 how they're going to be held accountable.

2 MR. DEIXLER: Let me -- let me ask you about the value of  
3 rotation, first, of deputies and then of lieutenants and  
4 captains, if you have a point of view of that about changing  
5 culture with that as a element.

6 MS. MACARTHUR: Rotation ended up being a point that we --  
7 whether we wanted to initially or not, we had to embrace it in  
8 our gang details. We call them gang details now versus CRASH.

9 So one of the -- I -- what -- what -- something that  
10 was identified both by the consent decree and also by some of  
11 our internal audits were people were in these positions for a  
12 very, very long time. When they -- when an individual is in a  
13 unit for a very, very long time, they have a tendency to know  
14 much more about it than, say, a new supervisor that's assigned.  
15 So it's -- it makes it a little bit more difficult for a new  
16 supervisor assigned if they don't know the ropes, so to speak,  
17 of that unit to identify issues and problems right away so  
18 they're oftentimes relying on people who've been there five,  
19 six, seven, eight years.

20 And -- and so for us, what we did is we started  
21 looking at the value of rotation. So we have a lot of  
22 mandatory rotations. So gang units, for example, they can be  
23 in a gang unit for two years, they can be extended for another  
24 year with approval of -- of what would be considered a  
25 deputy -- a deputy chief, and it has to go all the way up to



1 that level. And so they can be extended, but -- but it has to  
2 be approved.

3 Several of our depart -- divisions, including  
4 training, for example, and people go "Why do -- why do you have  
5 to have rotation and training?"

6 Our training rotation is every five years, and it --  
7 it gives other people opportunity to come in and develop as  
8 individuals, but it also allows people to go back out and --  
9 and remember where they -- what their sole -- what their  
10 primary purpose is, is to serve the communities. And so  
11 rotation gives the ability for you to bring in new  
12 perspectives. You've got to be very cautious about how you do  
13 it, because in some -- some units you need -- you kind of need  
14 a historical perspective, and sometimes you need expertise.  
15 But if the -- if the rotations are handled properly, you have  
16 crossover; so you can keep expertise, and people can go out  
17 into the field.

18 And then -- for example, if -- for our five-year  
19 rotation, you have to rotate out of a unit after five years,  
20 and then you can come back after two. So this gives a fresh  
21 look. It also prevents, to use one of your terms, "cliques"  
22 from forming. It prevents people, you know, starting to do  
23 things like what we found in our Rampart CRASH Unit where  
24 supervisors were not really supervising. They were just pretty  
25 much allowing officers because "Gee, they know what they're

1 doing. They run the show." I mean, it wasn't nefarious. It  
2 was just, "Okay. Yeah. These guys know what they're doing.  
3 Their numbers are really good." And we didn't -- the  
4 supervisors weren't asking those critical questions about "Why  
5 are the numbers good? What is the value of what they're  
6 doing?"

7 So rotations end up having a positive effect, not  
8 just for the oversight and accountability component, for the  
9 development component as well.

10 MR. DEIXLER: Are you advocating rotation of captains or  
11 just the deputies?

12 MS. MACARTHUR: No. Rotations of captains are also a very  
13 good -- there -- there -- there's a sweet spot that you would  
14 need to find. But like -- for example, communities, when they  
15 start to interact and connect with captains, they don't want  
16 the rotation "Oh, every year I have a new captain." They want  
17 accountability.

18 But at the same time, rotating captains and giving  
19 them a couple of years in one division and then a couple of  
20 years in another division, it actually gives them a much  
21 broader perspective. It helps in their leadership development  
22 as well, and it also helps them to look through the lens of  
23 different communities because every division out there has  
24 multiple communities. And if they're -- if you're in a  
25 community that, let's say, has a high -- high rate of violence

1 and that's the only thing you know, you know, it's good for you  
2 to broaden your perspective and maybe go to a community that  
3 is -- doesn't have quite that high rate of violence, and it  
4 helps you keep perspective.

5 MR. DEIXLER: What -- let me turn your attention to the  
6 paramilitary structure of police organizations in general. In  
7 your experience, is it valuable to adhere to the paramilitary  
8 structure of the organization, and if so, why?

9 MS. MACARTHUR: So that's kind of a loaded question. I  
10 think paramilitary...

11 MR. DEIXLER: Thank you.

12 MS. MACARTHUR: The paramilitary structure is actually  
13 very, very useful, especially when messaging and getting  
14 information out quickly. But you cannot be so strict that  
15 people within your -- whether they're sworn or civilian  
16 employees -- cannot also go around their -- the paramilitary  
17 structure because what we found when you -- you know,  
18 historically, in LA, if you said, "The only way you can report  
19 something is up through your chain of command," if your chain  
20 of command is part and parcel to the problem, then that's where  
21 the problem stops.

22 So much of our policy revisions were to make sure  
23 that there were other avenues for officers and -- or in your  
24 case, deputies, and the civilian members of the -- of the  
25 police department or the sheriff's department be able to

1 report. So in our case, we -- the -- the suggested --  
2 suggested way of reporting concerns or misconduct or  
3 suggestions is to go up through your chain of command.  
4 However, if you did not feel comfortable doing it, we had  
5 variety of other avenues. You could go outside your chain of  
6 command. You can go to another supervisor. You can go to the  
7 inspector general. So we -- you could go straight to Internal  
8 Affairs. I mean, so there -- there -- that -- it is very  
9 important that you build in safeguards so that employees who  
10 feel that they have a concern -- because everybody has a right  
11 to voice their concern -- that they have an avenue to report  
12 this that does not require them to go through the chain of  
13 command.

14 So there are really good benefits of the chain of  
15 command, especially if the chain of command -- if the boss is  
16 holding them accountable.

17 MR. DEIXLER: Let me ask you about a phrase I've heard,  
18 "triangle flip," as it relates to chain -- chain of command,  
19 and could you define that if you're familiar with the term and  
20 explain what the risks are of triangle flip.

21 MS. MACARTHUR: Well, in -- in -- I -- I'm just going to  
22 say what I think it is, and you can correct me if I'm wrong.

23 But when you have a chain of command, the -- the  
24 top -- the top of the -- of the -- of the organization is your  
25 chief or your superintendent or your sheriff. And they're the

1 ones who set the missions, set the tone, set the expectations,  
2 set how we're going to hold things accountable, set policy --  
3 if -- and -- and basically run the day -- you know, make sure  
4 the day-to-day activities are being done in a constitutional  
5 manner.

6 If the -- if the -- if the triangle flips and the  
7 people who are running the day-to-day activities -- when I say  
8 "running," setting the tone, deciding how we're going to do  
9 policing whether or not it's constitutionally based or not, if  
10 it's the lower level of the organization, then in some cases it  
11 may run very smoothly. But in other cases, if there is a  
12 problem, then the problem individuals could be running a unit,  
13 a division, something like that. So -- so it creates a problem  
14 that how do you hold anybody accountable.

15 And so you don't want -- you really do -- that's  
16 where the paramilitary organization -- and it's a paramilitary  
17 or quasi-military organization comes in very handy. And -- but  
18 that means that the top managers have to be leaders in the  
19 organization, have to set the tone. There has to be a  
20 reporting strain so that -- that the message is very clear.

21 MR. DEIXLER: So -- so in that reporting strain and  
22 leadership strain, what's the role of the sergeants, the  
23 lieutenants, the captains in ensuring that self-appointed peer  
24 leaders, deputies don't run the organization?

25 MS. MACARTHUR: They should be very, very involved in the

1 training for your -- your frontline supervisors or any of your  
2 sergeants, in particular, and your lieutenants. It needs to --  
3 you need to have training on -- on how do you hold your -- your  
4 troops accountable. And -- but they then have to be held  
5 accountable by their captains, their deputy chiefs, and -- and  
6 above.

7           They also be -- because, for example, in our Rampart  
8 case, the sergeants became part of the problem. The  
9 lieutenants were part of the problem at Rampart Station because  
10 they weren't doing any type of oversight. They weren't --  
11 there was no expectation that the lieutenants would be looking  
12 and checking in and making sure that the reports were -- were  
13 properly written. They weren't interviewing suspects that were  
14 coming into the station.

15           So it -- it's from -- from my perspective, sergeants  
16 and lieutenants are probably your most critical group in terms  
17 of setting training and expect -- or giving them training and  
18 expectat- -- roles, being very clear about what their -- your  
19 expectations are, and then holding them accountable. If -- if  
20 they're pushing that down and allowing individuals to manage  
21 their -- their division, then the whole accountability chain is  
22 broken.

23           MR. DEIXLER: How -- how do you --

24           MS. MACARTHUR: So...

25           MR. DEIXLER: -- how do you hold them accountable? Who's

1 responsible for holding a sergeant or a lieutenant or perhaps  
2 even a captain responsible?

3 MS. MACARTHUR: So in -- in a quasi-military organization  
4 the chain ends up being very important. So, for example, if  
5 there is concerns about a division, for example, there  
6 should -- if -- if the Sheriff's Department is -- is broke --  
7 for example, LAPD is broken into four bureaus -- geographic  
8 bureaus for the Patrol side of the shop. So in that case, we  
9 have four different deputy chiefs that oversee between five and  
10 seven divisions. And so that -- that deputy chief and that  
11 commander at that bureau level hold each of the captains  
12 accountable, and you do this through just a -- a lot of  
13 different checks and balances, but CompStat was the way LAPD  
14 really, really focused on accountability.

15 And in the accountability component through CompStat,  
16 we look at things like personnel complaints. We look at  
17 time -- you know, due dates on personnel complaints. We look  
18 at uses of force. We look at different types of inspections  
19 and audits on reports, canned language. We -- we -- those are  
20 the kinds of things that we hold people accountable.

21 So it's not just holding your sergeants accountable,  
22 it's got to be -- the accountability has to go all the way up  
23 the chain. And -- and so you need those kinds of checks and  
24 balances in place so that you don't have -- in -- in some  
25 cases, if you're not holding people accountable, they could be

1 doing all the wrong things for the right reasons. It's not  
2 always a -- a nefarious reason; right? So this accountability  
3 chain ends up being really important.

4 And CompStat, for example, why that ended up being  
5 really good, we looked at crime, we looked at everything in a  
6 very public setting, so it wasn't behind closed doors, things  
7 like that.

8 MR. DEIXLER: Let me ask, can a -- can a -- a new head of  
9 a police organization change the culture quickly?

10 MS. MACARTHUR: Yes and no. And it's a -- it's a  
11 two-phase program -- or answer.

12 So things can start to change quickly. Having a  
13 strong mission and strong set of expectations being very, very  
14 clear. I utilize Chief Bratton as that example. He came in  
15 and -- and pretty much within the first week, overnight  
16 changed -- got all of our attention. Some individuals were no  
17 longer deputy chiefs or assistant chiefs, and new individuals  
18 were being promoted and there was this talk about bringing  
19 people from the outside. So he set a tone very, very quickly.  
20 We knew change was afoot, and we -- and the messaging was very  
21 clear, very quickly about how we were going to be held  
22 accountable.

23 So I knew -- for example, we do orders, what we call  
24 special orders, which are our policy. I was tasked  
25 immediately, like, overnight. "These are going to be read in



1 every roll call. You're going to be describing what the new  
2 policies are." You know, "You as a lieutenant need to deal  
3 with this."

4 And so -- so there was a tone set immediately. Now,  
5 having sustainable change takes more time because then you have  
6 to get into reviewing policies, identifying policies. Are some  
7 of these policies old? Do we need new policies? Are there  
8 gaps? Are our policies, especially procedural policies, are  
9 they rooted in constitutional law?

10 Because as -- as all of you know, many of you are  
11 attorneys, case law can change something in California tonight.  
12 You know, it can become effective tonight, and we need to be on  
13 top of that.

14 So policies -- so doing those kinds of things, making  
15 sure accountability mechanisms are embedded in policy is also  
16 how you start to sustain change. So that when Chief Bratton  
17 left and Chief Beck came in, he can't, on a dime, just start to  
18 tear down these policies because when you create a policy, you  
19 have the historical context of it. So for us we knew what  
20 policies were shifted as a result of consent decree. It's all  
21 in the historical documentation of our policies.

22 So it creates a situation where hopefully -- and --  
23 and I know this to be true, Chief Beck was chosen because some  
24 of the things that they were very interested in in the  
25 interview process were "How are you going to sustain the

1 reforms," and "What are you going to do to continue in that  
2 vein?" Because if you rest on your laurels, reforms become  
3 history and are no -- no longer reforms; right? So you've got  
4 to really pay attention to -- to all of those things.

5 So that's why I say yes, you can set a tone and start  
6 to change a culture. And I'll tell you this with my personal  
7 experience, there was a lot of concern about bringing Chief  
8 Bratton in because he was East Coast, and how does he know, you  
9 know, West Coast, and so on and so forth. He's a new guy. We  
10 never had anybody really from the outside that lasted very  
11 long.

12 There was a -- people started to breathe, going "Wow.  
13 Okay," because everybody is looking for a strong leader. So  
14 he -- there's a lot of people that are going "Okay. We have a  
15 direction. We have a clear direction now."

16 And we were actually -- one of the expectations from  
17 all of us was to work with the consent decree monitors, work  
18 with the inspector general, work with the City because if --  
19 if -- if I -- I don't -- I think I told you this earlier, the  
20 City of Los Angeles also part -- had a little piece of the  
21 consent decree. So there was this -- this expectation of  
22 collaboration, and that -- that made a world of difference in  
23 terms of the way we started to work together.

24 MR. DEIXLER: Let me -- let me close by giving you a  
25 license here to briefly give advice. If a new sheriff were to

1 take office, what advice would you give -- three -- the sort of  
2 three greatest hits of advice to give to an incoming sheriff,  
3 to him or to her?

4 MS. MACARTHUR: So I'm -- I'm going to give you six. The  
5 first three are listen, listen, listen. So what -- why I say  
6 that is no matter how much research you do on a -- in an  
7 organization, or if you're even coming up through the  
8 organization, you get into that top seat, and you barely  
9 scratched surface on the true knowledge that you have from  
10 sitting in that seat. So listen. Community has to be  
11 important; your cops have to be important, and your civilian  
12 oversight needs to be important. And so you need to be a  
13 really good listener and try to put your assumptions -- the  
14 good, the bad, and the ugly about the organization -- aside.  
15 So if you -- and so I -- I kid by saying six, but listen is  
16 number one. And -- and I -- I hate to use the word "listening  
17 tour," but that means getting out there, going to the  
18 divisions -- even going to the divisions that you may have been  
19 told are part of the problem because there are so many people  
20 out there that want positive change.

21 And that's number two. Don't make the assumption  
22 that -- that the entire department that you're coming into is a  
23 problem. There are so many really great people who have really  
24 good ideas out there, and over time they're going to be able to  
25 surface those ideas.

1           Second thing is set clear expectations of how you  
2   want your leadership/management team to operate because a lot  
3   of times agencies sort of have stepped away from service  
4   orientation. In any -- whether -- any law enforcement, and  
5   they actually use the word "policing entity," whether it's a  
6   sheriff entity or a police entity, we are rooted in community  
7   service. So set clear expectations about what -- what you  
8   expect all ranks to do.

9           And then the third thing is really to start to dive  
10   into some of the critical policies out there that -- I always  
11   say sort of there's, like, several different areas that you  
12   want to look at. You want to look at use of force. Always  
13   understand use of force policy. Sometimes some of the things  
14   that are happening out there are a result of policy not being  
15   updated lately, or in many, many cases policy being vague and  
16   ambiguous. So you really want to look at your key policies.  
17   If you were to look at all the policies it would be a  
18   nightmare, but you'd pick your key policies.

19           Also the -- the final thing is look at your training  
20   division. People always think there's a pretty robust training  
21   division -- or training thought process. If -- if they simply  
22   tell you, "Oh yeah. Our officers go through, probably on  
23   average, 40 hours of training a year," that does not mean that  
24   you have a robust training division. You want to make sure  
25   that officers are being trained on skills, being trained on

1 policy, but also -- you know, also ethics and leadership  
2 development. Because every deputy that gets out there in a car  
3 from day one -- let's say you flip them going to the field --  
4 they are a leader just by design; right? Just by the uniforms.  
5 They're called to -- to individual's homes, to the street, and  
6 they're seeing people in their most desperate situation, and  
7 they're going to be considered to be a leader. They're going  
8 to also be held accountable if they end up using force or, you  
9 know, God forbid, if they have to take a life.

10 So leadership and -- and ethics, those pieces of  
11 training have to be part and parcel to your overall training  
12 plan. So those are the -- that -- those would be my  
13 suggestions.

14 MR. DEIXLER: Thank you for your testimony.

15 I pass the witness.

16 COMMISSIONER RUBIN: I have questions.

17 CHAIR KENNEDY: Okay. Lael?

18 COMMISSIONER RUBIN: Yes. Thank you so much,  
19 Ms. MacArthur, for your -- for your wealth of information.

20 Two points that I -- I'd like you to talk about. One  
21 is none of this with LAPD and the consent decree and where LAPD  
22 has come would not have occurred but for a very strong,  
23 exceptional leader because these issues were not done by Chief  
24 Bratton's predecessors -- Willie Williams, Daryl Gates, Bernard  
25 Parks. It -- it took somebody like Chief Bratton in order to

1 do that. So everything that you've talked about, and your  
2 experiences would not occur without a Chief Bratton-like  
3 leader.

4 And -- and secondly, with everything that you have  
5 talked about, you've not mentioned the influence or objections  
6 from the LA Police Protective -- you know, the --

7 MS. MACARTHUR: Protective League.

8 COMMISSIONER RUBIN: Yeah. The -- the union for the LA  
9 police officers. As you may have heard the -- the union, ALADS  
10 for the sheriffs, have been less than supportive, shall we say,  
11 of oversight and -- and other issues.

12 So what were the experiences that you could share  
13 with us about the -- the response from the Police Protective  
14 League?

15 MS. MACARTHUR: Okay. So I'm actually glad you asked that  
16 question because that is really critical to bringing about any  
17 type of change.

18 So prior to Chief Bratton coming on board, as you  
19 indicated, there -- there was a different management style, and  
20 there was a very much us-versus-them with our Protective  
21 League. And when Chief Bratton came in, to everybody's  
22 surprise, I think including the president of the Protective  
23 League, he was much more collaborative.

24 So, for example, we oftentimes would contact the  
25 Protective League on a policy that -- we have two different

1 types. If it's going to be impacting a working condition, it's  
2 a meet-and-confer. If it's not, we do a meet and -- and  
3 review. So we -- we give them a heads up. Chief Bratton --  
4 and I know Chief Beck continued this -- he would have a monthly  
5 meeting with the president of the union, and that president --  
6 the president would bring one or two of the other board  
7 members.

8 And so Chief Bratton's perspective in it -- it helped  
9 us in management. As I started to go up the chain in  
10 management -- it -- the perspective was "Hey, they've got their  
11 job to do." They're trying to protect their employees, but we  
12 have our job to do to implement all of these, you know, consent  
13 decree mandates, plus other policies that we were doing,  
14 because we just didn't do consent decree for all those years;  
15 right?

16 COMMISSIONER RUBIN: Right.

17 MS. MACARTHUR: And so that process became critically  
18 important because when there was a difficult policy, and we  
19 oftentimes would work with one of their -- the union  
20 attorneys -- they had a in-house attorney, I think you guys may  
21 have the same thing with ALADS -- but we worked with them, and  
22 said, "Hey. These were the -- these are the things we're  
23 doing." We'd start to talk to them about policy. I was part  
24 and parcel to a lot of that policy development because for a  
25 while I was a captain over the consent decree. I worked for

1 the civilian deputy chief I spoke to, and the union was a  
2 regular outreach that I did.

3 That was very different, and it is what allowed us to  
4 really get some of those policies out because then as soon as  
5 the policy would come out and people would be calling the  
6 union, the union was already well aware of it. And to -- from  
7 my perspective, that was a different -- it goes back to your  
8 point about leadership. It was a different -- truly a  
9 leadership perspective that, traditionally, LAPD did not have.

10 COMMISSIONER RUBIN: Right.

11 MS. MACARTHUR: Traditionally, we were -- we were  
12 oftentimes at war, as you know. You just said the history of  
13 our chiefs. We were oftentimes at war with the -- and  
14 management was at war with the -- the Protective League. But  
15 that forged a relationship going forward where many issues  
16 would, from the league, would actually come forward to us.  
17 They would be saying, "Hey. We got this problem, you know,  
18 going out," and -- and they'd name a division and, you know,  
19 "We really need you to go out there and do an inspection and  
20 things like that."

21 They became partners with us. They always had their  
22 job of protecting the MOU, and thus in turn, trying to protect  
23 their -- their employees. But we did forge a very good  
24 relationship. It wasn't -- we -- we didn't always agree, and  
25 they sometimes still wrote articles in the paper, but the



1 articles would attack the policies. Maybe the articles might  
2 attack management, but they did not attack Bratton. They did  
3 not attack individuals, and I think that's really what's  
4 important. As you know, in conflict in general, when you're  
5 attacking individuals, it becomes much more difficult. When  
6 you're attacking things, subjects, topics, it's -- you can have  
7 a much better conversation about it even when it's -- it's --  
8 there -- there's a lot of disagreement.

9 COMMISSIONER RUBIN: Thank you. That's very helpful.

10 CHAIR KENNEDY: Anyone else? Rob?

11 COMMISSIONER BONNER: Yes. Thank you, Ms. MacArthur.

12 I -- I wanted to just talk to you a little bit more  
13 about the value of rotation in the sheriff's department  
14 stations where deputy cliques/gangs exist. It seems to me it  
15 would be valuable to be able to rotate shot callers and  
16 tattooed members of these cliques out of the particular station  
17 they're in. It's not a total panacea, but I think it would  
18 help.

19 And I'm wondering, just based upon your LAPD  
20 experience, whether the LAPD is able to rotate an officer or  
21 officers from one division to another based upon the needs of  
22 the organization or does the collective bargaining agreement  
23 prevent involuntary rotation; you know, allow it to be grieved,  
24 and the process is so convoluted that you don't involuntarily  
25 rotate anybody. So what -- what's -- what's -- is -- is that

1 feasible at the LAPD, and would you recommend that there be an  
2 ability for the leader -- leadership management of an  
3 organization to be able to rotate officers based upon the --  
4 the needs of the organization?

5 MS. MACARTHUR: So LAPD is a little bit uniquely set up.  
6 So we have mandatory rotations in certain -- certain jobs like  
7 gang units, special problem units, Metropolitan Division,  
8 things like that -- SWAT. We have mandatory rotations training  
9 in a lot of the specialized entities. In Patrol itself, we  
10 don't have mandatory rotations; however, we -- the captains  
11 have the ability to rotate each other within the division from  
12 different shifts, so sometimes we'll break things up on shifts.  
13 Some -- a lot of that's bound by MOU -- the MOU; however, if  
14 there is a problem identified, we can do an involuntary, but  
15 a -- rotation where they move out.

16 Where we do the rotation component is we do it right  
17 out of the academy. So an officer is given -- for example,  
18 they give three -- top three choices, and where they -- what  
19 three divisions they'd like to go to, and management decides  
20 where it is based on need. So where are the openings? We do  
21 look at, you know, we don't want them driving forever from  
22 their homes and things like that, but we try to give them one  
23 of the three choices. After they're there for a year, there is  
24 a mandatory rotation to a second division. And that's what we  
25 were able to do, and we've done that for years, but that's

1 where the -- where the -- the Protective League supported it.

2 Okay. Once they're off probation, the idea is:

3 Okay. Now they have met all the requirements for the State and  
4 the Department, they can now go -- and they don't have that  
5 pall of being a probationary officer at the division they were  
6 at. They get three choices again, but the -- the department  
7 management decides where they go, and it's -- it's usually  
8 based on deployment need and -- and things like that. So those  
9 are the rotation components.

10 We also have that with sergeants. So a sergeant gets  
11 to -- a brand-new sergeant goes to training first before they  
12 ever can supervise. They give -- are given three choices, and  
13 we try to accommodate the three choices. That is a little bit  
14 more difficult because we don't always have the openings where  
15 they might want to go, and then if that -- you know, then we  
16 have to make a decision for them; we try to base it where they  
17 live. They also rotate out after they're off probation, and  
18 that gives -- and I think the value in the rotational component  
19 with -- with the supervisor -- the sergeant, that gives new  
20 supervisors coming into the division pretty frequently. And --  
21 and what we see on a monthly basis is divisions getting a new  
22 super -- someone's coming in and someone's going out. So there  
23 is that fresh blood, so to speak. Fresh eyes on. Bringing  
24 different experiences. Not being beholden, so to speak, to  
25 maybe some of the more difficult elements that you are -- are

1 addressing.

2           We have not been able to get a rotation -- a  
3 mandatory rotation in the field. That just does -- has not  
4 seemed to be a real big problem for us yet. And I mean, I  
5 would have to defer to somebody like Chief Moore to find out if  
6 there's been any issues, but part of our promotional process,  
7 we value having varied experience. So if you want to promote  
8 to sergeant, we value the fact that you've worked two or three  
9 different divisions. Same thing for lieutenant. Same thing  
10 for captain.

11           So, again, it's -- it's -- it's a little bit more  
12 complex than just simply changing the rotation. There is --  
13 truly, there's some value to moving people, finding out if it's  
14 like every eight years or every seven years. But there's  
15 also -- there's some really good police officers -- there's  
16 many actually -- that connect with the division they serve, the  
17 communities they serve, and they -- and -- and they could get  
18 caught up in the mandatory rotation.

19           For a variety of reasons, we haven't been able to go  
20 there with the MOU, but it has not been a big problem as it is  
21 in specialized units like gang units and, you know, things like  
22 that -- special problems units.

23           COMMISSIONER BONNER: Just a quick question. You referred  
24 to MOU. I take it that's an MOU with the Police Protective  
25 League?

1 MS. MACARTHUR: I apologize. Yes. It's our contract --  
2 our -- you know, our contract, and sometimes we sign a  
3 one-year contract, sometimes it's a three-year contract.  
4 It's -- it involves raises, but also all of our methods of  
5 operations, what we can and cannot do, what you can grieve,  
6 what you can't grieve, you know, things along those lines --  
7 representation. Yes.

8 COMMISSIONER BONNER: So it's the functional equivalent of  
9 a collective bargaining agreement?

10 MS. MACARTHUR: Yes. It is the collective bargaining  
11 agreement.

12 COMMISSIONER BONNER: That's what I thought. Okay.

13 MS. MACARTHUR: We just sign it. I apologize.

14 COMMISSIONER BONNER: Yeah. No -- no problem at all.  
15 Thank you.

16 CHAIR KENNEDY: Any other questions? Irma?

17 COMMISSIONER COOPER: You talk -- you talked about  
18 training, you said that --

19 MS. MACARTHUR: I -- I'm not hearing anything.

20 COMMISSIONER BONNER: One moment.

21 COMMISSIONER COOPER: When you talked about training, you  
22 mentioned that you didn't think that new grads from the police  
23 academy should go directly into the jail system. Are there any  
24 departments that are doing that now, and has it had an effect  
25 on the use of force?

1 MS. MACARTHUR: I can't speak to other departments. I  
2 don't know of -- I don't know any, but that's -- but I'm not as  
3 well-versed in the sheriff's side of the shop that go straight  
4 into Custody.

5 I do know there's been times in my career with LAPD,  
6 just because we had relationships with the sheriffs, where  
7 sheriffs were going out to the street and then coming back in  
8 and doing Custody. But the majority of the time that I've  
9 known our sheriffs -- our Los Angeles sheriffs -- they've gone  
10 straight in.

11 There's -- there's a lot of research out there on  
12 custodial officers in prisons, for example, and how difficult  
13 it is in those types of environments when that's the only  
14 people they're seeing. So in the jail, they have -- they're  
15 very limited in any type of tools that they have. So a lot of  
16 the use of force ends up being hands -- hand-on force.

17 So that's why I say the component that I think would  
18 be valuable is for officers to really get their feet wet and  
19 understand how to talk people to jail versus forcibly putting  
20 them in jail -- putting them in handcuffs because I think there  
21 would be value in your officers having that experience coming  
22 into the jails, instead of immediately going to a use of force,  
23 you know, putting hands on somebody and use of force.

24 There's a lot of speaking to people not getting  
25 sucked into the -- when I say "sucked into," that's probably

1 the wrong terminology, but if you're challenged, the  
2 amygdala -- we all know what happens to the amygdala in a fight  
3 or you're threatened -- we sort of go into the fight-or-flight  
4 mode; right? If you have a lot more experience in the field,  
5 and you have a lot of confidence in yourself, you -- the -- the  
6 other party -- the -- the person in custody might be trying to  
7 bait you into a fight, but you may be able to take just a  
8 couple more seconds or maybe another minute to -- to let that  
9 person cool down and not engage in it. When you're young,  
10 you -- you don't have those skillsets to be able to read that  
11 type of situation as quickly.

12 And I just believe honing their skills in the field  
13 means honing their communication skills, which is part of the  
14 de-escalation component. Understanding how to do  
15 self-regulation, part of the de-escalation component, and they  
16 start to hone that. In two years in the field, they can have  
17 so much experience in that arena, and they're going to be  
18 working a lot of times with officers out there in the field  
19 that aren't -- don't want to fight. They'd much rather talk to  
20 someone into jail; right? And then they can take that  
21 experience and go into the jails, and I think the potential  
22 reducing force, or at least the amount of force needed, would  
23 be there.

24 CHAIR KENNEDY: Patti?

25 COMMISSIONER GIGGANS: Thank you so much for all this good

1 information.

2 Follow-up question on practice here in Los Angeles  
3 where the deputies go into Custody --

4 MS. MACARTHUR: I -- I apologize. You're really quiet. I  
5 can barely hear you.

6 COMMISSIONER GIGGANS: Is this thing not on?

7 COMMISSIONER RUBIN: It's on.

8 MS. MACARTHUR: I think it's just those mics sometimes  
9 don't pick up very well.

10 COMMISSIONER GIGGANS: Can you hear me now?

11 MS. MACARTHUR: Oh, yes. Now I can. Thank you.

12 COMMISSIONER GIGGANS: Okay.

13 Follow-up question regarding the policy here in Los  
14 Angeles for new deputies to first do their terms -- their new  
15 work in -- within Custody. Are you aware of other  
16 jurisdictions that do not have that policy and have different  
17 ways to introduce new -- new officers into law enforcement?

18 MS. MACARTHUR: I -- I -- I think Ventura County -- for a  
19 while, they were sending their officers out into the field  
20 first, getting them off probation before they were coming  
21 into -- into Custody. And then they would do this -- these  
22 rotations -- and, again, I don't know how the sheriff is doing  
23 it now in Ventura County -- but Ventura County then would --  
24 every time you promoted, you'd go back in and do a stint, but  
25 they didn't leave you in the jails for long periods of time.



1 So no matter how much time you had on the job, you know that  
2 you might pull a rotation into the jail, but then you're going  
3 to be coming out of the jail.

4 And from my perspective in -- in -- I -- my  
5 doctorate's in psychology, I think that's a better, healthier  
6 way of doing things because we all know if you see the same  
7 thing day in and day out, you start to put that broad brush  
8 across, you know. And in this case with Ventura, they were  
9 doing these rotations so that no one ever -- like, you weren't  
10 stuck -- I hate to use the term weren't "stuck" in jail  
11 forever; right? You'd go to the jail; you knew it was a  
12 temporary situation, which also gives you a different  
13 perspective; you didn't feel trapped and things like that, and  
14 you were able to bring your breadth of experience in and out of  
15 the jail over your career.

16 COMMISSIONER GIGGANS: From your perspective in  
17 psychology, would it be fair to say that we're creating  
18 environments where everyone who's functioning within this kind  
19 of stressful environment 24/7, that we're actually creating  
20 trauma venues for the people who are incarcerated and then of  
21 course law enforcement who is in charge of maintaining and  
22 regulating that environment?

23 MS. MACARTHUR: And I'm actually glad you spoke from both  
24 of those perspectives. I think that being incarcerated is not  
25 normal for humans; right? Just -- just human beings whether

1 you're going in behind locked-closed doors to try to control  
2 the environment, that's stressful in and of itself. Always  
3 being on edge, not knowing if there's going to be a jail riot  
4 or whatever the issue is or somebody with a significant mental  
5 illness that you're trying to control or you're an individual  
6 that is in custody, and -- and you're entering into the  
7 criminal justice system, I think both of those cause trauma.  
8 There's no way of getting around it at this point in our world.  
9 We're always -- we're -- I always say, you know, "Handcuffs are  
10 always going to be a biproduct of public safety." Hopefully  
11 it's not everything about public safety, but there's going to  
12 be that biproduct of it.

13           So anything we can do to minimize trauma for both --  
14 both sides of the coin ends up being critical. So rotating  
15 officers like I described it, I know Ventura used to do,  
16 Ventura County, that is minimizing the exposure to trauma. And  
17 we also know in having mental health resources available for  
18 officers is important. Also, mental health resources available  
19 in the jail for those incarcerated is important. But we know  
20 if an officer, or in this case, a deputy is healthier, they're  
21 going to be able to manage or lessen the trauma exposure.

22           Being a trauma-informed organization means we  
23 recognize there's trauma everywhere, and we do the best to  
24 minimize. So I can't eliminate the trauma that an individual  
25 who's incarcerated -- I can't eliminate it, but I can minimize

1 it by the way I respond. If I'm healthy, I'm going to respond  
2 in a healthy way.

3 COMMISSIONER GIGGANS: One more question. So is your  
4 sense that the stigma that persists around seeking help --  
5 mental illness, depression, anxiety -- that our professional  
6 law enforcement folks could be -- experience, do you think that  
7 the departments -- department, not just here in -- in Los  
8 Angeles, but law enforcement entities around the country -- do  
9 you think that there's enough done within the department to  
10 break down this stigma? I mean, the stigma exists in the  
11 world, of course, in -- in the whole culture. Do you think  
12 enough has been done? Can more be done? What can be done to  
13 support these officers who are under also incredible stress to  
14 destigmatize --

15 MS. MACARTHUR: Destigmatize.

16 COMMISSIONER HARRIS: -- seeking help -- seeking help.

17 MS. MACARTHUR: Yep. Seeking help.

18 And that -- that's actually what my dissertation is  
19 on -- was on -- law enforcement and -- and trying to understand  
20 how we can better serve.

21 So I will say straight up, in general, there is not  
22 enough resources for employees. There's a lot of fear that  
23 surrounds it. This is where leadership from the top through  
24 every rank down to the sergeant has to be very well-informed  
25 about trauma, has to understand how trauma is impacting them

1 themselves, but also supporting the mental health side of the  
2 shop.

3 So, for example -- I'm sorry. Oh, I thought you  
4 still had a question.

5 So, for example, there are things like now that  
6 really didn't exist before COVID, at least readily -- that were  
7 readily available. The Telehealth now can help to reduce  
8 stigma. So agencies all across the country are starting to  
9 contract. It's in the budget to contract with Telehealth.

10 So it doesn't have to -- it no longer has to be a  
11 agency-, for lack of a better word, owned psychologist. Like  
12 LAPD has 16 psychologists, which is great, but there are some  
13 people that just still don't want to be seen by somebody within  
14 the department.

15 So Telehealth has really sort of blown the doors off  
16 of the mindset, and a lot of agencies are starting to get on  
17 board, but still a lot of them aren't, and people who sit in  
18 your situation don't always look at that. That's why I thought  
19 your question was super insightful because trauma has a  
20 cumulative impact on people -- right? -- who are exposed to it.

21 So if officers, deputies, even sergeants,  
22 lieutenants, even captains -- I've talked to several people  
23 throughout -- if they don't have access to a place where they  
24 can feel safe and talk about these kinds of things, then  
25 generally it's -- it's not a peer -- they don't have a peer,

1 they don't want to take it home, there's a lot of variety of  
2 reasons -- we start to see problems surface in an individual  
3 who never had issues interacting with people before; right?

4 So I find that stigma is still -- I -- based on my  
5 research, stigma is still out there. It is getting a little  
6 better. But there are a lot of things that agencies can do  
7 that would support reducing stigma by things like, you know,  
8 contracting with Telehealth.

9 But what everybody said -- so I did a quantitative  
10 and qualitative study. On the qualitative side, I interviewed  
11 people, and this was three large agencies in three parts of the  
12 country. A hundred percent of my interviews said supervisors,  
13 captains, managers make side smartass remarks.

14 "Oh, yeah. You got to go through the shrink."

15 You know, so they're sending a message that is saying  
16 you're weak or you're, you know, you're not good enough.

17 And then that makes them fearful that if they say to  
18 the boss, "Hey. I need -- I -- I have an appointment," and  
19 they want to know why, they think they're going to be viewed as  
20 weak, not prepared for the field.

21 And those are two different things. You can go out  
22 and do a really good job, but you still need that -- you know,  
23 that avenue to be able to release it. And some people can do  
24 it simply because they have a really good friend or a good  
25 partner they can talk to, or a peer -- you know, a peer

1 support, or their -- their significant other, but other people  
2 still don't want to talk to anybody about it.

3 So I think a lot -- I think you could reduce some of  
4 the problems in the jail if -- if we were looking at both  
5 custodial officers/deputies, and -- and those -- those who are  
6 incarcerated through the lens of trauma and have -- and be more  
7 of a trauma-informed organization. And that does not mean that  
8 you're soft on this or soft on that. It just means we're  
9 trying to keep our workforce as healthy as possible because  
10 then they can keep the custodial environment as healthy as they  
11 can.

12 COMMISSIONER GIGGANS: You know, we also know that there  
13 are multiple ways to achieve healing and reducing trauma, and  
14 talk therapy is not for everyone.

15 MS. MACARTHUR: Correct.

16 COMMISSIONER GIGGANS: And there's somatic therapies,  
17 there's all kinds of different -- that kind of can untrap the  
18 trauma that the body holds onto. Now, is that even being  
19 thought about or offered within these systems yet?

20 MS. MACARTHUR: Not in most areas. If you've got -- like,  
21 if you have a -- a pretty progressive organization that has  
22 several different psychologists on -- on site, they may be  
23 looking at those kinds of things, but there's -- I -- I do not  
24 see that out there. I've looked across the country. There  
25 just isn't much of that out there.

1           I think -- and -- and there's always this negative  
2 piece with the VAs, but the VA does a lot of really good  
3 research on this. And so sometimes the VA office can really  
4 point some of these things, and we just aren't doing them  
5 that -- in -- in our line of business. We're just not there  
6 yet.

7           CHAIR KENNEDY: Any other questions --

8           COMMISSIONER GIGGANS: Thank you so much.

9           CHAIR KENNEDY: Any other questions?

10          COMMISSIONER HARRIS: Just quickly.

11          CHAIR KENNEDY: JP?

12          COMMISSIONER HARRIS: First, thank you very much. I -- I  
13 resonate with much of what you said. Like you, I spent 35  
14 years in law enforcement, but with a little different  
15 organization, and the -- the similarities are very apparent to  
16 me. The only area where I think you and I might have a  
17 different discussion is that whole issue of the Custody  
18 environment and what that does to people --

19          MS. MACARTHUR: Yeah.

20          COMMISSIONER HARRIS: -- because that's a whole different  
21 deal. But thank you very much. Like I say, I really --  
22 hearing what you said, I'm going "Yeah. Yeah. Yeah.  
23 Absolutely."

24                 Some of the things you mentioned I know have been  
25 done in the sheriff's department under other sheriffs. When I

1 was the president of ALADS, I used to meet with the sheriff  
2 and/or the undersheriff periodically just for those reasons you  
3 mentioned. It was a very productive time, but that was a long,  
4 long time ago, and I think it should be resurrected again.

5 Just a couple of things though. I want to make sure  
6 I'm clear. You mentioned a two-year rotation with a potential  
7 for an additional year with the approval of the -- of your  
8 division chief. What -- what was that specifically referring  
9 to?

10 MS. MACARTHUR: That was a rotation for our gang units,  
11 and -- and so that our gang units would -- because what we saw  
12 in Rampart, we did not see was a problem throughout the  
13 department, but one problem in Rampart just destroyed the whole  
14 reputation of the department.

15 So the consent decree -- as for Bill Bratton -- Chief  
16 Bratton was a big supporter of rotation. He implemented a lot  
17 of that back in New York when he was commissioner the first  
18 time. And so we worked with our unions to create this option,  
19 and the concern was because you do get it is -- you being in  
20 law enforcement, you understand -- you do get some really  
21 institutional knowledge about certain gangs when you work a  
22 division or something like that.

23 So the -- the rotation was you could do two years in  
24 a gang unit. You could request one additional year, and it had  
25 to be first approved by your supervisor. Then it went up the



1 chain of command with approval or denial by the captain, and  
2 then it went to the -- to the higher-ranking individual.

3 And so, for example, you and I might be partners in  
4 a -- in a gang unit, and you came in and your two-year time is  
5 up, and I only have one year on the...

6 You could actually -- your supervisor could say  
7 "Hey," you know, "Sandy Jo," you know, "is working with her  
8 partner on this case so we really would like her to stay -- him  
9 to stay one more year to work with her on it"; right?

10 So then it could get approved. So you could  
11 ultimately do three years in -- in a gang unit before you  
12 rotated back out. And you could go to another specialized  
13 unit, not a gang unit though, but you could go to training, you  
14 could go back to Patrol, you know, whatever you want. And then  
15 in a year after that, you could be eligible to reapply if an  
16 opening was there. So that's where that rotation was about.

17 COMMISSIONER HARRIS: Okay. Thank you.

18 And then you also mentioned a 5-year out as long as  
19 you're gone for --

20 MS. MACARTHUR: So -- so --

21 COMMISSIONER HARRIS: -- two years.

22 MS. MACARTHUR: Yes, we have in training division.

23 COMMISSIONER HARRIS: Okay.

24 MS. MACARTHUR: And a lot of the training division wasn't  
25 because we ever -- we never found a problem in training, but

1 what we do find in training is that there's so much really good  
2 institutional knowledge that trainers have in terms of tactics  
3 and community relations. All the -- everything 'cause we  
4 trained everything. Bringing them back out to operations was a  
5 good thing, but it also gives them more credibility because  
6 they're not in training for 15, 20 years. And you can  
7 understand where that -- you know, you no longer know the  
8 street.

9 COMMISSIONER HARRIS: Uh-huh.

10 MS. MACARTHUR: So that allows us -- we do -- we can do  
11 the same thing. You get a five-year tour because in some of  
12 the training areas, especially when you're dealing with some of  
13 the specific areas that are required by the State to be expert  
14 in, it takes a while; right? so use of force tactics, things  
15 like that.

16 So we go in -- you can go in for five years, and then  
17 you rotate out, and then being out for a year, you could come  
18 back and reapply. And what we find is we actually take really  
19 great knowledge out to all of the divisions. Most of them go  
20 to -- most of them don't go to a specialized division, they go  
21 back to Patrol, and they end up liking it, and they stay, and  
22 they don't come back. Some come back. But it's -- that has  
23 been -- now that's been a culture shift because in the  
24 beginning this was, like -- and you were president at ALADS, so  
25 you understand. It's like, "No. This is not what we do."

1           But we worked with our -- with our league, and we  
2     created this policy. And we did some grandfathering and things  
3     like that so a few people that were, like, nearing retirement  
4     could stay. But we worked with our union to make sure the  
5     policy was as fair as it could be but also showed how it was  
6     benefiting the department versus benefiting an individual.

7           COMMISSIONER HARRIS: Thank you very much. I really  
8     appreciate it.

9           CHAIR KENNEDY: Any other questions?

10          COMMISSIONER GARCIA: Yeah.

11          CHAIR KENNEDY: Louis?

12          COMMISSIONER GARCIA: Thank you so much for sharing your  
13     insights into the organization here while -- but from your  
14     perspective on what's going -- or in the sheriff's department  
15     and their role in Custody operations, from your perspective,  
16     you know, I think, you know, jails and institutions are -- I  
17     mean, this from a psychological perspective -- you know,  
18     entirely --

19          MS. MACARTHUR: Difficult.

20          COMMISSIONER GARCIA: -- (inaudible) provoking and  
21     dehumanizing. And -- and -- and not only for -- you know, for  
22     the people that are incarcerated in them, but for the many  
23     workers -- you know, the civilian workforce, the deputies,  
24     officers. And, you know, the levels of violence that they see  
25     and have to, you know --

1 MS. MACARTHUR: Experience.

2 COMMISSIONER GARCIA: -- fill out the forms and, you know,  
3 do everything and perhaps, you know, take it home to their  
4 families, you know. And -- but I think, you know, right --  
5 right now where I'm -- or my question is -- is like in here, in  
6 LA County, you know, with the sheriff's responsibility to care  
7 for those in the jails, when you send this us-versus-them  
8 message in a -- in a paramilitary organization, how -- do you  
9 think that that would impact these new deputies that are going  
10 into the jail and the care that they're responsible for?

11 And I think, you know, it's kind of like the "It's  
12 not my responsibility to -- to notice if somebody is having a  
13 psychic -- psychotic break."

14 MS. MACARTHUR: Right.

15 COMMISSIONER HARRIS: "I'll -- I'll reach over to the, you  
16 know, medical staff."

17 But I think it could be better training for these  
18 officers to recognize that'll help the organization as a whole,  
19 ultimately.

20 MS. MACARTHUR: Yes. And -- and to the previous question  
21 about maybe potentially having a disagreement about Custody, I  
22 will be the first person to say I do not -- I do not know that,  
23 the totality of Custody issues.

24 We have a jail where we keep people for the -- for,  
25 you know, a couple of days, and then they get transferred to

1 the sheriff's department. But even in that setting -- we --  
2 our rotations are six months when we have to fill -- backfill  
3 because we don't have enough civilians.

4 We do a lot of training on the civilian side because  
5 we have civilian custody officers that are primarily  
6 responsible for our temporary housing of individuals before  
7 they -- they transfer to the -- to either court or to the  
8 sheriffs, but even there we're very concerned.

9 So we are officers who have to backfill for those  
10 positions. They go out to the field first. They get off  
11 probation. They do all those kinds of things. Then they get  
12 jail training. They get training on how to do it. Our  
13 jailers -- our custodial officers we -- we typically refer to  
14 as jailers, they get not just intense training, which all  
15 Custody has to do by the State -- the State has standards for  
16 that, they do then follow-up training every year, and a lot --  
17 and they have requirements just as police officers -- to do  
18 require -- as -- as does the sheriffs in terms of doing  
19 recurrent training.

20 And I think in those -- the type -- that's why I said  
21 it's -- I would -- if I was advising a new sheriff or a new  
22 chief or a new superintendent, I'd be saying "Look at what's  
23 really in your training."

24 Because as the previous gentleman who was asking me  
25 some questions knows from ALADS, you can have an outline for

1 training, hit all of the State requirements, and still have  
2 really crummy training; right? So looking at what's being  
3 trained, are you -- because you are -- you should be a  
4 trauma-informed organization, which means your officers, your  
5 deputies, your sworn, all have experienced some training about  
6 trauma, not just for themselves, but about the people that they  
7 interact with, things like that. That's where you can really  
8 have an impact because even though they're Custody, they're  
9 still service-oriented, you know, they still should be  
10 service-oriented. We're doing a service to the justice system.

11 And I think -- I mean, I -- I would say there's some  
12 deputies that have been in the jail a very long time and are  
13 just top-notch and everything is done constitutionally  
14 correctly, and they have minimal uses of force. Sometimes  
15 they're going to have uses of force that are pretty  
16 significant, and they had no control over it because they can  
17 only be responding to -- to the behaviors of the incarcerated  
18 individual.

19 But not to do really robust training for somebody  
20 who's in Custody, whether it's a civilian in -- in -- in  
21 Custody, or -- or doing Custody, or a deputy who's in there for  
22 a couple years is a disservice to them because that really  
23 supports them in sort of grounding them back into what they're  
24 mission and what their role is. So I think it's really very  
25 important.

1 COMMISSIONER GARCIA: Thank you.

2 CHAIR KENNEDY: Okay. I don't see any other questions.

3 Mr. Deixler, do you have any concluding questions?

4 MR. DEIXLER: I have no questions, but I have been remiss  
5 in not thanking Dr. MacArthur for her service to the community,  
6 for her appearing here today and testifying as she did.

7 COMMISSIONER RUBIN: Thank you.

8 CHAIR KENNEDY: Thank you very much.

9 MS. MACARTHUR: Thank you all.

10 CHAIR KENNEDY: Thank you very much, Dr. MacArthur.

11 It is 10:55, almost, so we've been going a while. So  
12 we're going to take a 15-minute break and resume at 11:10.

13 MS. MACARTHUR: Thank you.

14 CHAIR KENNEDY: Thank you.

15 (A 15-minute recess was taken from 10:55 to 11:10 a.m.)

16 CHAIR KENNEDY: We're going to get started again. We're  
17 going to get started again. Before we do, Commissioner Bonner,  
18 you wanted to make a comment.

19 COMMISSIONER BONNER: Yeah. Just briefly.

20 Before the first witness was called --

21 Dr. MacArthur -- we had a report from special counsel that  
22 indicated -- unfortunately again -- that witnesses and  
23 potential witnesses, with respect to the existence and impact  
24 of deputy cliques/gangs in the Sheriff's Department, have been  
25 subject to intimidation and retaliation. I mean, the -- the

1 idea of a -- apparently an unmarked sheriff's vehicle  
2 surveilling a person who was a witness in this case, that's an  
3 intimidation tactic. The fact that other individuals have been  
4 harassed and fear of retaliation is of great concern to this  
5 commission and its ability to conduct an investigation into  
6 deputy cliques/gangs.

7 So I'm going to call on the Sheriff, once again, to  
8 end the campaign of intimidation of witnesses and potential  
9 witnesses within the Sheriff's Department regarding the  
10 existence of deputy cliques and their impact, and -- and I  
11 think he could end it if he wanted to.

12 And secondly, I'll call again, I think we've asked  
13 this before, but to go beyond that, to, in fact, direct that  
14 deputies within the Sheriff's Department cooperate --  
15 affirmatively cooperate with the Civilian Oversight Commission  
16 in its investigation and promise them that there will be no  
17 retaliation if they appear and testify before this commission.

18 So I'm requesting the Sheriff to do that, and I  
19 wanted to make that part of the record. No motion or  
20 resolution is necessary, in my opinion.

21 Thank you.

22 CHAIR KENNEDY: Thank you, Commissioner Bonner.

23 So we're going to call our next witness.

24 I just want to say that at some point in time, I have  
25 a professional obligation, so I'm going to have to leave, and



1 our Vice Chair, Commissioner Hicks, is going to take over for  
2 me.

3 So with that, Mr. Deixler, it's our next witness.

4 MR. DEIXLER: Yes. The next witness is Michael Genacco,  
5 and my colleague Ariel Neuman from the Bird Marella firm will  
6 be examining him.

7 CHAIR KENNEDY: Mr. Neuman, thank you so much for  
8 assisting this commission.

9 MR. NEUMAN: Thank you for having me.

10 CHAIR KENNEDY: Can you state your name?

11 MR. GENNACO: Good morning, everybody. My name is  
12 Michael Gennaco.

13 CHAIR KENNEDY: Okay. Can we swear you? So can you raise  
14 your right hand?

15 Do you swear or solemnly affirm, under penalty of  
16 perjury, to tell the truth, the whole truth, and nothing but  
17 the truth?

18 MR. GENNACO: I do.

19 CHAIR KENNEDY: Thank you.

20 Mr. Neuman?

21 MR. NEUMAN: Thank you.

22 Mr. Genacco, could you tell the commission how you're  
23 currently employed and what you do in your current employment.

24 MR. GENNACO: I'm a police practices or law enforcement  
25 expert and have been doing that work for approximately -- since

1 2001 -- about 20 years.

2 MR. NEUMAN: And who -- who hires -- is it OIR Group? Is  
3 that your company?

4 MR. GENNACO: I formed an LLC called OIR Group, and we  
5 work under that umbrella.

6 MR. NEUMAN: Okay.

7 And who hires you to -- to assist them?

8 MR. GENNACO: We generally contract with cities' and  
9 counties' administration to perform these services.

10 MR. NEUMAN: How long have you been with OIR Group?

11 MR. GENNACO: OIR Group started in about 2004, but I've  
12 been involved in the civilian oversight of policing for, again,  
13 over 20 years.

14 MR. NEUMAN: Why don't you walk us through a little bit of  
15 that professional background so the commission understands the  
16 basis for your testimony today.

17 MR. GENNACO: Sure. The older I get, the longer this  
18 takes, Mr. Neuman.

19 But -- but I -- I -- you know, I did go -- started as  
20 an elementary schoolteacher, went to law -- went to law school,  
21 clerked for a judge, and then I went back to Washington.

22 I was doing voting discrimination cases for a couple  
23 years in the Civil Rights Division. Most of my work, though,  
24 in Washington was investigating criminal allegations of federal  
25 crimes -- federal Civil Rights crimes. Those broke down into

1 modern-day slavery cases, hate crimes, and official misconduct,  
2 official misconduct being the most relevant to this morning's  
3 hearing.

4 I had grand jury investigations involving excessive  
5 force, false statements, and other Fourth and Fifth Amendment,  
6 Sixth Amendment violations all over the country. Ended up  
7 presenting to the grand jury, and then when the grand jury  
8 returned indictments, prosecuting those cases in 1994.

9 After 10 years of doing that work in 1994, I moved  
10 over to the U.S. Attorney's Office here in Los Angeles just  
11 down the street but continued that work for another six years  
12 as a chief of the criminal -- as a chief of the Civil Rights  
13 section in the U.S. Attorney's Office.

14 And it was in 2001 when I left to create an oversight  
15 group for the LA County Sheriff's Department back in 2001. I  
16 had a contract with the Board of Supervisors to perform that  
17 work. Did that for 13 years.

18 MR. NEUMAN: What was -- what was the name of the group  
19 that you -- that you were hired to -- to perform that -- that  
20 work for?

21 MR. GENNACO: Yeah. There were six of us full-time, and  
22 we were called OIR, or the Office of Independent Review.

23 MR. NEUMAN: Okay. And what was your mandate as part of  
24 the OIR?

25 MR. GENNACO: Our responsibilities under the contract was

1 to provide oversight of virtually everything the Sheriff's  
2 Department did, both with regard to their responsibilities in  
3 the jails and their Patrol responsibilities. And we were to  
4 ensure that when an allegation of misconduct was presented,  
5 that we independently evaluate those allegations and evaluate  
6 the way in which the Sheriff's Department addressed those  
7 allegations through internal investigations.

8 We are also responsible for reviewing uses of force  
9 and ensuring that there was a robust review of the force  
10 incidents, including the use of deadly force.

11 MR. NEUMAN: And you were reporting to the Board of  
12 Supervisors, you said?

13 MR. GENNACO: Yes. Our contract was with the Board of  
14 Supervisors. The Sheriff, at the time, had no involvement in  
15 selecting us or supervising us or in any other way had any  
16 managerial responsibilities over us.

17 MR. NEUMAN: How did you go about investigating and  
18 evaluating these various items that you just covered, use of  
19 force and so on?

20 MR. GENNACO: Right. We had complete unfettered access to  
21 all investigative materials that were completed by the  
22 Sheriff's Department. We had complete investigative access to  
23 inmate grievances, and we had direct access to the databases  
24 that reflected those investigations as they moved forward.

25 MR. NEUMAN: What was the relationship like with the --

1 who -- who were the sheriffs at the time that you were working  
2 with?

3 MR. GENNACO: Most of the time that we were there it was  
4 Sheriff Leroy Baca, but towards the end of our tenure there was  
5 an interim sheriff by the name of Sheriff Scott.

6 MR. NEUMAN: All right. What was the interaction between  
7 OIR and Sheriff Baca and Sheriff Scott?

8 MR. GENNACO: We didn't always see eye to eye, but we had  
9 a collaborative relationship. And, again, we had full access,  
10 and we also had the full ability to report out what we were  
11 finding -- public reporting.

12 MR. NEUMAN: Was this sort of an in-house position with  
13 the sheriffs or this was really from the outside oversight  
14 position?

15 MR. GENNACO: I considered it oversight. You know, we  
16 were literally housed over the Internal Affairs Group. We were  
17 on the second floor and the first floor, so we actually got to  
18 see they're coming and going, actually physically, as well  
19 as -- as literally. So -- but we -- none of us were employees  
20 of the County for that reason.

21 MR. NEUMAN: What -- what happened to the contract that  
22 you were working under?

23 MR. GENNACO: The contract ended in 2014 and a new system  
24 was going to be put into place which resulted in, eventually,  
25 the inspector general being selected. At that point, it was my

1     desire to move on and to broaden my experiences with other law  
2     enforcement agencies, which I've done for the past eight years.

3           MR. NEUMAN:   Okay.   So that -- that was your time period  
4     working with LASD was in the OIR process?

5           MR. GENNACO:   That's correct.   From 2001 to 2014.

6           MR. NEUMAN:   What were some of the challenges even at that  
7     time that you encountered in your investigations and oversight  
8     role?   Big question.

9           MR. GENNACO:   You got the rest of the day?

10          MR. NEUMAN:   Let's take it -- let's -- let's take a  
11     couple.

12                  Well, let's talk about one of the things we've heard  
13     about here.   The -- the ALADS and PPOA.

14          MR. GENNACO:   All right.

15          MR. NEUMAN:   What was the relationship like with them?

16          MR. GENNACO:   I would say over the years that -- that we  
17     were performing this responsibility there were times in which  
18     we were able to come to common ground.   There were times in  
19     which our interests aligned with the associations who represent  
20     the deputy sheriff, sergeants, lieutenants, and Custody  
21     assistants.   But some -- but I would say the majority of the  
22     times we were probably working in a way that was averse to the  
23     interests of the associations, at least as they saw it.

24          MR. NEUMAN:   Okay.

25                  One of the things that I know you've talked about in

1 the past is the role of county counsel and legal advisors. How  
2 did that impact your work?

3 MR. GENNACO: The preparation of charges and disciplinary  
4 hearings, representation and defense of decisions made by the  
5 Sheriff to impose discipline, the approval of policies, the  
6 development of any continued MOU between the association and  
7 the County, all those things were handled by county counsel.  
8 And to some degree, we found ourselves not in -- not in  
9 congruence with some of their opinions, some of their  
10 approaches.

11 MR. NEUMAN: Can you talk a little bit about that? Give a  
12 little more detail.

13 MR. GENNACO: Sure.

14 All the way back to -- you know, there are so many --  
15 there are so many responsibilities that any attorney -- any  
16 public service attorney working for a city or county has. I  
17 oftentimes get concerned that sometimes their different hats  
18 that they must assume unfortunately or even inherently conflict  
19 with each other.

20 For example, county counsel has responsibility to  
21 defend not only the County, but the County employees who are  
22 sued in Civil Rights cases, for example. And at the same time,  
23 they have a responsibility to ensure accountability for maybe  
24 those same deputies who are being disciplined by the  
25 organization. And I think that there are -- even though you

1 can create a fictional Chinese wall or wall, I do think that  
2 the overall responsibilities are in conflict at times.

3 MR. NEUMAN: Why don't we move to the issues that this  
4 commission has asked us to look into in terms of deputy gangs  
5 and cliques and subgroups. Is that something you encountered  
6 during the time you were in an oversight position?

7 MR. GENNACO: Yes, sir.

8 MR. NEUMAN: And how -- how did you become aware of -- of  
9 that issue and that problem?

10 MR. GENNACO: We were certainly always aware of some of  
11 the historical groups that existed within the organization even  
12 preceding our time. And as we familiarized ourselves with the  
13 organization and got to make contacts with particularly command  
14 staff that had had longer experience with the department, we  
15 certainly heard about those groups and how, at times, those  
16 groups could end up being corrosive and work against the core  
17 values of the organization, and so we certainly had our  
18 antennas up for those concerns. And then there were times in  
19 which the concerns presented themselves in quite stark ways.

20 MR. NEUMAN: What do you mean?

21 MR. GENNACO: For example, there was a time in which --  
22 sort of by happenstance, the Sheriff's Department discovered a  
23 booklet, if you want to call it that. But it was a loosely  
24 gathered group of documents that were setting out tenets of a  
25 clique, and some of the representations in -- in that booklet



1 were antithetical to the core values of the organization.

2 MR. NEUMAN: Do you remember the name of the clique?

3 MR. GENNACO: I don't remember the name of the clique.

4 MR. NEUMAN: What -- what -- what happened to -- after  
5 that booklet was found, if you recall?

6 MR. GENNACO: There was an investigation. There was an  
7 investigation. The investigation resulted, if I recall  
8 correctly, in some action taken against some of the individuals  
9 who were represented -- who are named and it finally identified  
10 as a result of the investigative work that was done. Some of  
11 that discipline held. Others was -- other -- others that were  
12 subject to discipline, if I recall correctly, had their  
13 discipline undone and reversed.

14 MR. NEUMAN: Was it OIR running the investigation or was  
15 Internal Affairs or -- or who?

16 MR. GENNACO: It was an Internal Affairs investigation  
17 that was assisted by us. We provided over -- oversight of that  
18 investigation, as we did with every investigation.

19 MR. NEUMAN: So based on your years in that oversight  
20 role, did you come to a sense of how prevalent this problem was  
21 within LASD, at least during that time period?

22 MR. GENNACO: I -- I would make this comparison based on,  
23 you know, my experience since that time. While I have  
24 encountered isolated instances of cliques being formed by  
25 many -- by a number of the organizations I am now engaged with,

1 I would say that the degree, the prevalence, the number, and  
2 the intensity of clique affiliation, there's nowhere else in my  
3 experience where -- where all of those factors come close to  
4 the existence of these groups in the Sheriff's Department in  
5 LA.

6 MR. NEUMAN: And from your perspective in that oversight  
7 role, what were some of the risks and dangers that you saw  
8 posed by these cliques and gangs?

9 MR. GENNACO: Whenever a self-selected group of law  
10 enforcement officers decide that they are going to form a group  
11 and along with the formation of that group, articulate  
12 expectations of members of that group that run against the  
13 stated core values of the organization and command staff, that  
14 creates a problem.

15 MR. NEUMAN: You -- you've mentioned twice this idea of  
16 values or tenets that run against the values of the  
17 organization and the goals. Can you describe what you mean,  
18 please?

19 MR. GENNACO: Sure.

20 Every law enforcement agency appropriately has lofty  
21 goals for the way in which public safety is performed by that  
22 organization. And every general order or policy these days has  
23 an affirmation of the need to perform public safety in a way  
24 that is consistent with our Constitution, a way that is  
25 consistent with decency, professionalism.

1           More and more agencies are recognizing that the use  
2   of force is an awesome responsibility that should only be used  
3   in the minimal -- only in a minimal circumstance in which it's  
4   absolutely necessary.

5           The tenets of these groups were often inconsistent  
6   with those goals and objectives.

7           MR. NEUMAN: Can you be a bit more specific in terms of  
8   what you recall?

9           MR. GENNACO: I'll just give an example.

10           There were a number of the cliques in which some  
11   time -- once in writing, but often usually understood -- was  
12   that it was seen as a badge of honor or something to be  
13   esteemed to be involved in a use-of-force event or a use-of-  
14   deadly-force event. And those who were involved in a use-of-  
15   deadly-force event intentionally demarcated themselves in a way  
16   such as adding something to the tattoo that they all had  
17   commonly held. Those are the kinds of things I'm talking  
18   about.

19           MR. NEUMAN: You've talked -- or we've talked at least  
20   about the litigation risk and financial exposure as well that  
21   these deputy gangs pose to the County. Can you give your  
22   perspective on that, please?

23           MR. GENNACO: Right.

24           The litigation risk that are a litigative risk  
25   is -- is huge, and it's been proven to be huge in recent years.

1 It -- it isn't my paramount concern, but it is an -- a  
2 collateral concern, which is a litigative risk.

3 But in addition to it being anathema to the whole  
4 recognition of how law enforcement and our communities expect  
5 law enforcement to perform their responsibilities, it does  
6 create all kinds of problems in the litigation arena when an  
7 officer or deputy who has been involved in a deadly-force  
8 incident, for example, is known to belong to a clique.  
9 Plaintiff's lawyers are being more and more masterful at  
10 connecting up the affiliation with that clique with the actual  
11 act of deadly force. And I think it is hurting the County's  
12 position and the litigative posture in a -- in a huge way, and  
13 causing, more likely, there to be settlements, adding dollars  
14 to those settlement amounts; and for those cases who -- that  
15 end up going to trial, which are few and far between, create  
16 significant exposure to the County as a result of that  
17 connection that is being made. The dots are being connected in  
18 the litigative arena. The dots are not being connected so much  
19 in the organization itself.

20 MR. NEUMAN: So that -- that leads to the question I was  
21 going to ask next, which is in the OIR role that you had, was  
22 addressing this issue of deputy gangs and deputy cliques, was  
23 that part of the mandate?

24 I see you nodding yes.

25 MR. GENNACO: Yes, it is part of the mandate. We

1 obviously -- whenever there is an allegation of misconduct,  
2 part of the mandate is to use the investigative process --

3 COMMISSIONER BONNER: Uh-oh.

4 MR. GENNACO: Oh, my gosh.

5 COMMISSIONER BONNER: I just knocked over the flag of the  
6 State of California...

7 And to the state for which it stands.

8 I'm going to have to excuse myself.

9 CHAIR KENNEDY: Thank you.

10 MR. NEUMAN: Go ahead.

11 MR. GENNACO: To which it again stands.

12 COMMISSIONER RUBIN: What'd I miss?

13 MR. GENNACO: I'm sorry. Could you --

14 MR. NEUMAN: Sure.

15 I -- I was asking about OIR's efforts --

16 MR. GENNACO: Yeah.

17 MR. NEUMAN: -- to combat this problem.

18 MR. GENNACO: Yeah.

19 MR. NEUMAN: And I was going to ask you what --

20 MR. GENNACO: Right.

21 MR. NEUMAN: -- what happened and what were the  
22 impediments and were you successful in any regard?

23 MR. GENNACO: Let -- let me put it, first, this way. The  
24 issue is not an easy one. It's not straightforward. So much  
25 of -- of this is sub rosa. The -- the -- the booklet I talked

1 about was a rare example of where it was articulated in  
2 writing.

3           So whenever -- and as a former prosecutor, I know  
4 this -- whenever you are trying to get inside an organization  
5 and identify a -- a conduct that is -- that is inconsistent  
6 with the ideals of the organization, it's going to be difficult  
7 to do. You also have, you know, some rights of association and  
8 some First Amendment rights that also have to be balanced when  
9 you are doing your factual assessment. So it is -- sometimes  
10 is often difficult to establish that this clique was working in  
11 a way that was nefarious and actionable, at least to the formal  
12 disciplinary system.

13           The -- that being said, there are other tools that  
14 should -- that are available and should be available that can  
15 also be used to deal with the problem.

16           MR. NEUMAN: And did OIR make suggestions about using  
17 those tools, and what -- what happened?

18           MR. GENNACO: Yeah. Yes, we did. And some other -- other  
19 actions were taken in an -- in an effort to address the  
20 situation.

21           So, for example, there was a group in one of the  
22 stations that had been identified as hijacking some of the --  
23 some of the command responsibilities in an -- in an -- in an  
24 inappropriate way, but there was no policy that could be used  
25 to effectively result in any disciplinary outcome. So in that

1 case, the department -- based on our encouragement -- ended up  
2 transferring out their ring leaders of the group at that  
3 station to other stations in an effort to undo that clique.

4 MR. NEUMAN: So let's -- let's talk about some of the  
5 ideas that you've had over the years and give your ideas to the  
6 commission. One of their goals is to come up with  
7 recommendations to -- to address the problem, as I understand  
8 it.

9 What about hiring practices, maybe starting at the  
10 beginning? Do you have specific recommendations that you think  
11 might address this problem that could be addressed in the  
12 hiring process?

13 MR. GENNACO: I do.

14 One of the most important things -- based on my  
15 experience, one of the most important things any law  
16 enforcement organization can do and must do is ensure that  
17 people who are coming into the organization are going to be a  
18 fit to be imbued with the authority that public safety must  
19 have in order to do its work. The authority to detain, the  
20 authority to use force, and at times, deadly force is an  
21 awesome responsibility, and it is incumbent upon any law  
22 enforcement organization to ensure that the right people are  
23 being hired for that -- that -- to assume those  
24 responsibilities. So it must be so that an effective  
25 background investigation is done.

1           I think because of, in particular, LA County's issues  
2 with cliques and deputy gangs, that it is incumbent that the  
3 hiring process recognize that concern and identify individuals  
4 who may be prone already to identify with individuals or  
5 philosophies or beliefs that are anathema to -- to modern-day  
6 policing, and I think that is the time in which agencies have  
7 the most control, not only about identifying individuals who  
8 may have already gone down a path that is not consistent with  
9 what you would want a law enforcement officer, brand-new, to  
10 have, but also to sort of set out the rules of engagement, if  
11 you will, and expectations for new hires. That's when law  
12 enforcement, if they choose to, can have a lot more flexibility  
13 on identifying what it is that we expect you to be doing for  
14 the next 20 years of your career.

15           MR. NEUMAN: So some examples I'd like you to comment on,  
16 for instance, are polygraph or forcing disclosures of tattoos  
17 in the hiring process, that sort of thing. It becomes harder,  
18 obviously, it -- it appears at this point -- once somebody is a  
19 tenured deputy. What's your view on doing that in the hiring  
20 process?

21           MR. GENNACO: Right.

22           A polygraph is generally an expectation. It is -- it  
23 is -- it is generally done. I believe it's still being done in  
24 LA County, and that is a -- a standard practice throughout the  
25 state of California. Ironically, state law prohibits the use



1 of polygraphs in internal investigations so you can't use it  
2 once individuals are hired, but you can expose -- and you can  
3 require polygraph examinations.

4           The disclosure of any tattoos that a applicant has or  
5 a new hire has is something also that could be done if an  
6 organization wanted to do that. An expectation that you will  
7 disclose when you get a tattoo throughout your career also  
8 could be done as long as a new hire recognized that that was  
9 going to be requirement at the outset of his or her career in  
10 law enforcement. I think it's much more difficult to do that  
11 once you already have a tenured deputy to have that  
12 expectation.

13           So, again, my point is, there's a lot more  
14 flexibility on managerial controls that can be placed on a new  
15 hire than it is on the current tenured staff.

16           MR. NEUMAN: Are these the types of things that a sheriff  
17 could implement pretty much at any point, or do you have a view  
18 as to when would be an ideal time to implement these sorts of  
19 changes to the hiring process?

20           MR. GENNACO: I think more focus should -- could and  
21 should be placed on that process and providing more  
22 expectations in writing with, you know, the new hires agreeing  
23 and signing that. This is something that obviously needs to be  
24 talked through the association and should be -- there should be  
25 engagement, but I do think that that is something could be done

1 should the head of the agency want to do it.

2 MR. NEUMAN: The -- the last witness talked a little bit  
3 about education and ongoing education for -- for deputies.  
4 What about -- what about training? Have -- have you had  
5 thoughts on that in terms of addressing this problem of deputy  
6 gangs and cliques?

7 MR. GENNACO: I do.

8 When we were there, the Sheriff's Department often  
9 would provide career survival training, if you will, with  
10 regard to issues that presented themselves. For example, there  
11 were some isolated instances of deputies compromising  
12 themselves in the jails as a result of smuggling in contraband  
13 to the inmates and then creating all kinds of issues with  
14 regard to that. As a result of that occurrence, the Sheriff's  
15 Department was able to gain the cooperation of one former  
16 deputy who actually went to prison as a result of his  
17 criminality, and he did a very, very effective video, on his  
18 own, talking about that experience as a sort of caution to all  
19 other deputies: "This is how I ended up getting myself in a  
20 situation where I ended up spending a couple years prison."

21 That same kind of career survival talk could be done  
22 with regard to cliques and gangs. You know, one thing that I  
23 would envision would be having a deputy who has had to be  
24 deposed for hours about him belonging to a Viking gang at -- at  
25 a civil litigation process and showing how -- how that

1 experience was in a stark way. Through the presenting that  
2 video deposition would be a very effective way of -- of  
3 demonstrating to deputies, "This is what you're in for should  
4 you decide to go into that -- on that path, potentially."

5 MR. NEUMAN: That sounds like that could be at both the  
6 academy and ongoing education as well?

7 MR. GENNACO: Absolutely.

8 MR. NEUMAN: Okay.

9 Any other ideas on education that -- that should  
10 be -- that you think should be implemented to address this?

11 MR. GENNACO: I -- I just think that the -- the perils of  
12 belonging to -- to such a group, the -- the -- the featuring of  
13 the policy -- I -- I think that policy that currently exists  
14 certainly could be improved -- but even that the mere -- the  
15 mere fact of that policy and identifying all the kinds of ways  
16 to new deputies and existing deputies how -- how that could  
17 occur would be important.

18 I understand that when the new policy was rolled out  
19 that every deputy had to sign on to that. It's one thing to  
20 sign on to it; it's another thing to be -- to spend a couple  
21 hours talking through it.

22 MR. NEUMAN: What about the statutory definition of  
23 police -- or deputy gangs or police gangs? How does that  
24 affect the problem, and do you have some thoughts on how that  
25 could be addressed?

1 MR. GENNACO: Largely, as a result of what, you know, has  
2 been exposed here in LA County. The California Legislature  
3 recently passed a statute that outlawed, you know, gangs and  
4 cliques in law enforcement. While I applaud the efforts, and  
5 the symbolism is important with regard to that statute, I've  
6 looked at that statute and think that enforcement of the  
7 statute as it currently is constituted would be very difficult  
8 to -- to do.

9 For example, if you look at the statute, it talks  
10 about corrosive on-duty activity but doesn't talk about off-  
11 duty activity, which is where much of the corrosion occurs.  
12 That's just an example where I think that statute could be  
13 improved.

14 That being said, the policies of any organization can  
15 be more stringent than any statute.

16 MR. NEUMAN: So if -- if you have thoughts on what  
17 policies could be adopted in terms of defining these -- these  
18 organizations, these subgroups, and the actions that could lead  
19 to discipline, how would you suggest it be broadened for the  
20 organizations?

21 MR. GENNACO: Again, looking at the current policy that,  
22 you know, was -- was established, there is one actionable  
23 sentence in the whole policy. It's not specific. It doesn't  
24 have definitions. It doesn't have examples. It doesn't have  
25 illustrations of what would cross over the line into actionable

1 misconduct. It -- it's one sentence and vague, ambiguous. It  
2 does -- I mean, it's something, but a lot more could be done in  
3 my view.

4 MR. NEUMAN: More specificity, more examples, more  
5 tightening it up, it sounds like.

6 MR. GENNACO: Correct.

7 MR. NEUMAN: The -- the prior witness talked about some of  
8 the problems in her view that are posed by having deputies  
9 start out in the jails and in the Custody. Is that something  
10 that, in your view, contributes to this problem of deputy gangs  
11 and deputy cliques?

12 MR. GENNACO: Because I've been doing this work in other  
13 jails and other counties for, you know, the eight years since  
14 we ended our tenure with the Sheriff's Department, I've seen a  
15 lot of other systems and every one of them has its flaws.  
16 Every one -- no one is perfect. So you -- you can argue that  
17 the Custody experience can create inurement to, you know, to a  
18 situation in which you're dealing with individuals who are  
19 being kept away from us because of public safety concerns.

20 On -- on the other hand, you could argue that, you  
21 know, a deputy presents a controlled environment. You can, if  
22 you have good mentoring and supervision, use that controlled  
23 environment to start a deputy on a forward path.

24 Other organizations have a dual track system,  
25 which -- in which -- on their specialization so people in

1 Custody are going to be in Custody throughout their career.  
2 People in Patrol are going to be in Patrol throughout their  
3 career. And so there are lots of different ways to slice the  
4 cake.

5 But I think I -- I would suggest that while all of  
6 these systems have pros and cons, I think the most important  
7 thing is effective supervision and ensuring that brand-new  
8 deputies are set on the right path through that effective  
9 mentoring and supervision. And I'm not sure that is done  
10 particularly in -- as well as it could be, particularly in  
11 large organizations where people can get lost in the sauce.

12 MR. NEUMAN: What about jail -- certain jails being  
13 feeders into these deputy gangs? Is that something you've  
14 seen?

15 MR. GENNACO: I think that deputies, to the degree they  
16 have the ability to self-assign -- and there are some -- you  
17 know, clearly some discretion to self-assign to certain  
18 facilities -- that every jail has sort of its own ethos and  
19 develops its own culture. There's no question about that.  
20 It's not unanimous, but there is certainly an overarching sort  
21 of perspective.

22 The mere fact that Central Jail, if anyone spends a  
23 minute there can understand how the mere nature of that  
24 facility can create and contribute to an us-versus-them  
25 situation because of the mere danger that the way in which the

1 facility is presented creates to everybody. I do think that  
2 that, you know, could be a factor in the way in which a clique  
3 culture is developed.

4 And I -- it was our experience that senior deputies,  
5 bonus deputies, individuals who were really not in this -- in  
6 the command staff chain were often much more involved in  
7 helping determine which deputies went to which station once  
8 they came out of the jails. That was -- that should be a  
9 responsibility of command staff, but in reality, it was often  
10 not the responsibility of command staff.

11 MR. NEUMAN: Let's take it one step at a time. The --  
12 you -- you called it "self-assignment into the jails." You  
13 have thoughts on how that could be redone or changed in a way  
14 that might be more effective?

15 MR. GENNACO: I do.

16 I do think that, you know, if -- if an organization  
17 wants to, they can regain control of many managerial  
18 responsibilities. But if they don't assume that control and  
19 have weak first-level supervisors or first-level supervisors  
20 who aren't interested -- lieutenants, captains -- then that  
21 vacuum is going to be filled up by others in the organization  
22 who are not in supervisory positions. And whether that means,  
23 you know, who's going to what station, who's getting what  
24 shift, who's getting what schedule, the scheduling deputies at  
25 the stations, unfortunately, at times assume more authority

1       than the captain of the station in reality.

2               So there are all kinds of supervisory issues that  
3       come into play here.

4               MR. NEUMAN:   So talk about that a little bit.   The -- so  
5       what I think of as the pipeline back to the station from the  
6       jail, how did you see that happening, and how could that be  
7       interrupted?

8               MR. GENNACO:   Because I think there was a managerial  
9       vacuum -- vacuum at times, and I -- because I think that there  
10      were times in which lieutenants and captains assigned to the  
11      jail facilities weren't paying attention to this.   The way in  
12      which sort of informally it happened is that the connection  
13      between some of the fast stations in the county and -- for  
14      example, Central Jail was there -- and there would be an  
15      informal sort of selection process or identification process  
16      of, quote, "hardworking deputies in the jail."   And that can  
17      have a positive connotation; it can also have a negative  
18      connotation depending on how you interpret it.

19              But that mere fact created sort of a pipeline in  
20      which individuals who were identified -- self-identified while  
21      they were in their jail assignments, ended up, to a large  
22      degree, working in -- in stations that more -- more prevalently  
23      filled with individuals belonging to cliques.

24              MR. NEUMAN:   We heard a little bit about the idea of  
25      rotating deputies among stations.   What about in the jails?   Is



1 that something that you think might help address this problem?

2 MR. GENNACO: Yeah. And -- and I do think that there have  
3 been times in which they had -- there had -- that has been  
4 implemented and tried. I'm not sure that it is going on  
5 currently. But I do think that moving deputies who are in a  
6 jail assignment not only maybe between facilities but also  
7 among facilities with a regard to giving them different  
8 responsibilities during the time of their assignment.

9 One, it gives them the opportunity to develop  
10 different skills. It gives them an opportunity to have  
11 different experiences in the various facilities that we have in  
12 the county. And I think it -- it allows deputies to have a  
13 more well-rounded experience when they come out to their Patrol  
14 assignments, and I also think that it would sort of break that  
15 pipeline or at least interrupt that pipeline in a significant  
16 way.

17 MR. NEUMAN: You -- you mentioned that there had been this  
18 policy in the past, hasn't always been enforced. What -- what  
19 sort of enforcement issues did you see in your experience, and  
20 what would you recommend be implemented?

21 MR. GENNACO: Well, you've got to have will to do it. You  
22 can -- you can -- you can say that you want to do it, but then  
23 it's a responsibility of (inaudible) staff all the way from the  
24 sheriff on down to ensure that it's going on.

25 MR. NEUMAN: Audits and that sort of thing?

1 MR. GENNACO: Audits, and then just daily plugging in, you  
2 know, in the -- in the regular meetings that I would expect any  
3 assistant sheriff, undersheriff, or sheriff to have with his or  
4 her command staff. You got to make sure that what he or she is  
5 asked to be done with regard to rotation, with regard to  
6 assignments, is in fact being done, and you need to check on it  
7 and don't just take yes for an answer, but actually dig deeper.

8 MR. NEUMAN: What about rotations among stations? We were  
9 just talking about jails. The prior witness talked more about  
10 rotations among stations. What's your view on -- on that and  
11 how it might impact addressing this issue?

12 MR. GENNACO: I think that the deputies who work various  
13 assignments -- not just Patrol assignments, but special  
14 assignments -- you know, one of the advantages of a large  
15 organization like the LA County Sheriff's Department is that  
16 there are so many different opportunities and so many different  
17 kinds of "sheriffing" that can be done.

18 And I -- I think that -- to the degree that deputies  
19 are encouraged to get involved and volunteer and put in for  
20 various assignments in various stations, as Dr. MacArthur was  
21 saying, I think makes for a well -- more well-rounded deputy.  
22 And that deputy, I think, should be looked at with regard to  
23 promotional opportunities based on that well-rounded  
24 experience.

25 And for those who get stuck or want to stay in one

1 particular station, I do think that there has to be a time of  
2 reckoning in which the department says, "It's time to move on  
3 to another assignment even outside the specialized arena."

4           Again, but we go back to the MOU, and the MOU does  
5 have all kinds of restrictions. I do think that the current  
6 MOU in LA County -- and it's not unique LA County -- but the  
7 current MOU in LA County has allowed the associations to  
8 essentially hijack managerial responsibilities in -- in a very  
9 corrosive way.

10           MR. NEUMAN: Can you explain why, or -- or what aspects of  
11 the MOU do you think have led to that?

12           MR. GENNACO: Yeah.

13           I think that with regard to public safety, in my  
14 view, the bargaining that goes on between associations -- and  
15 I'm all for associations -- I think that associations, you  
16 know, do an effective job of representing their members -- but  
17 in my view, I think the most of that bargaining should be wages  
18 and benefits.

19           But with regard to managerial prerogatives, when  
20 there's intrusion into that area -- and there has been  
21 intrusion into that area in this county and virtually every  
22 other law enforcement organization in the state -- I think that  
23 presents all kinds of problems.

24           MR. NEUMAN: So you're talking about things like  
25 agreements on rotations and tenure and that sort of thing, or

1     what do you mean?

2           MR. GENNACO:  Things like managerial discretion.  The  
3     things that managers are better equipped to decide who goes  
4     where and when than an MOU does.

5           MR. NEUMAN:  I believe other witnesses -- or I may be  
6     wrong -- but you've talked a little bit about the diversity of  
7     the workforce and how that may be relevant to addressing this  
8     problem.  Can you -- can you expound on that, please?

9           MR. GENNACO:  I do think that that obviously is something  
10    that -- that everyone should be looking at.  I do think that by  
11    and large the Sheriff's Department has done a pretty good job  
12    with regard to diversity, at least ethnic diversity.  I think  
13    that -- you know, I think the majority of deputies are actually  
14    Latino -- right? -- as we speak, and I do think that they have  
15    more work to do on gender diversity for sure.  And I think if  
16    you look at the appearances in which cliques have been  
17    identified in LA County, it's not exclusively but almost  
18    exclusively male-generated.

19          MR. NEUMAN:  Going back to something we were talking about  
20    earlier about risk management and sort of litigative risk,  
21    what -- what do you think could be done to change some of the  
22    viewpoints there that may -- may help address this problem in  
23    terms of focusing versus -- focusing on resolving cases and  
24    litigating versus addressing causes and that sort of thing?

25          MR. GENNACO:  Yeah.  The analogy I would have there,

1 Mr. Neuman, is sort of the Brady concerns for deputies who  
2 remain employed but have all kinds of potential integrity  
3 issues with regard to them being witnesses in criminal  
4 prosecutions, and that creates all kinds of problems, not only  
5 for the organization and the district attorney, but also for  
6 the deputies' ability to be an effective -- you know, one of  
7 the, you know, key responsibilities is to be a good witness,  
8 and if you're going to be attacked and cross-examined about  
9 previous misdeeds, it's going to be a problem for you.

10 I think that same analogy could be applied to the  
11 litigative arena. And if your affiliation with a gang or  
12 clique is causing problems to the county counsel's ability to  
13 effectively represent the County's interest, I do think that  
14 that could be -- there could be repercussions for a deputy who  
15 has found himself in that situation.

16 MR. NEUMAN: What about the -- the focus of the lawyers  
17 and county counsel in terms of fear of litigation versus  
18 defending these policies? Is that something you've -- you've  
19 put some thought into?

20 MR. GENNACO: I have.

21 You know, I -- I am -- when we were -- I was in the  
22 Sheriff's Department, to the credit of the Sheriff's  
23 Department, there was, you know, quite a robust risk management  
24 program. I don't know where that is now. But the idea was  
25 that prevention and identification and learning was part of the

1 litigative process so that when a lawsuit came in, and that --  
2 and that lawsuit resulted in a adverse judgment or serious  
3 liability for the County, that the lawsuit will be -- would be  
4 pulled apart with regard to identifying systemic issues or  
5 performance issues of individual deputies that were identified  
6 through that process.

7 I'm not sure the same thing as being done now. More  
8 could have been done then and more could be done now.

9 MR. NEUMAN: What are -- as we think about implementing  
10 some of these solutions -- what are some of the challenges you  
11 would foresee that you can articulate? Obviously, I -- I know  
12 there's a lot but --

13 MR. GENNACO: It's a lot.

14 I mean, I -- I think I've sort of suggested some  
15 ways. I do think that, you know, there is a culture that needs  
16 to be broken, but I think one way in which a culture will  
17 eventually -- could eventually be overcome is it's very  
18 difficult to change the hearts and minds and philosophy  
19 approach to tenured deputies, particularly those have been in  
20 the -- in the game for 10, 15, 18 years. It's hard -- hard to  
21 overcome years of -- of that experience. Brand-new deputies,  
22 not so hard.

23 So we can start now and be hiring a lot more  
24 deputies, probably, in the next couple, three years; you could  
25 start now. You can start to change the culture, and I have

1 seen that. We have been overseeing some of the smaller  
2 agencies in the county, and we have flipped that switch into,  
3 you know, agencies who are close to coming into federal  
4 intervention in a consent decree and a pattern and practice  
5 finding. As a result of continued work and decisions on  
6 hiring, we've been with them now for a dozen years, and they  
7 have flipped that switch. There are no old guard left, and the  
8 new guard is performing differently and consistent with  
9 constitutional ideals.

10 MR. NEUMAN: Thank you.

11 I'll pass the witness.

12 VICE CHAIR HICKS: Thank you, sir, for your testimony.

13 Did commissioners have any questions at this time?

14 I have a couple of -- on behalf of -- Commissioner  
15 Bonner wanted to know. You talked about the jail and your time  
16 at OIR. Were you aware of the 3000 boys and the 2000 boys and  
17 their involvement at Twin Towers -- Men's Central?

18 MR. GENNACO: Yes. Absolutely.

19 VICE CHAIR HICKS: And can you discuss a little bit about  
20 their impact or -- being involved in those gangs?

21 MR. GENNACO: Yes.

22 It was -- it was an illustration of -- of how  
23 brand-new -- relatively new deputies were already being  
24 inculcated into a clique-like system, and it -- and it blew up,  
25 literally, at the Quiet Cannon and -- in which deputies ended

1 up assaulting each other and potentially subjected to criminal  
2 activity. I don't think the DA prosecuted anybody, but they  
3 were subject to internal administrative sanctions as a result  
4 of that.

5 And one thing I probably neglected to -- to say is  
6 that not only do cliques have a serious impact in the way in  
7 which deputies interact with the public, in Patrol, and in the  
8 jails, it also creates turmoil, angst, and all kinds of  
9 dysfunction within the organization with regard to those who do  
10 not belong to the in group but are the out group.

11 VICE CHAIR HICKS: What about the Grim Reapers or the  
12 Fallout [sic] Boys? Were they in effect during your time at  
13 OIR?

14 MR. GENNACO: The -- the cliques that you've mentioned all  
15 existed at one degree or another, at least in -- in reality or  
16 in rumor and history.

17 VICE CHAIR HICKS: You also talked about there being some  
18 sort of celebration, for lack of a better word, when there was  
19 use of force or deadly force.

20 Are you familiar with inking parties?

21 MR. GENNACO: Yes.

22 VICE CHAIR HICKS: And was there anything done to try to  
23 prevent or dismantle inking parties?

24 MR. GENNACO: There were attempts to -- to address that  
25 issue. I do think that most of that was largely ineffectual.



1 VICE CHAIR HICKS: And then my last question, did --  
2 outside of the OIR and then the internal investigations that  
3 are done -- or that were done for these inking parties and the  
4 gangs and excessive force, was there ever a discussion about  
5 bringing an independent outside agency to conduct further  
6 investigations?

7 MR. GENNACO: There -- no, not formally. There was -- I'm  
8 sure this commission recognizes there was a Blue Ribbon  
9 Commission that certainly spent a lot of time looking into that  
10 issue as an outside entity, and Judge Bonner was part of that,  
11 I know.

12 VICE CHAIR HICKS: I have no further questions.

13 Any other commissioners?

14 Commissioner Giggans?

15 COMMISSIONER GIGGANS: Yeah. Thank you for being here --  
16 thank you for being here today.

17 You mentioned that in the statute that outlaws deputy  
18 gangs, you mentioned that it wasn't strong enough, but you said  
19 there was one actionable sentence. What is that sentence?

20 MR. GENNACO: I may have confused the -- I was talking  
21 about the one actionable sentence in the policy.

22 COMMISSIONER GIGGANS: Oh, okay.

23 MR. GENNACO: In the policy.

24 COMMISSIONER GIGGANS: Oh, when it --

25 MR. GENNACO: If you look at the current Sheriff's

1 Department policy, there's one sentence, and then there's a lot  
2 of noise about, you know, how cliques can be destructive.

3 COMMISSIONER GIGGANS: Did -- can you -- I don't have that  
4 in front of me. Do you recall what that is?

5 MR. GENNACO: I'd be paraphrasing, but essentially it says  
6 that cliques -- that deputies are not to belong to cliques that  
7 advocate unconstitutional or illegal practices. That's a high  
8 bar to prove.

9 COMMISSIONER HARRIS: Yeah.

10 Okay. Thank you.

11 VICE CHAIR HICKS: Commissioner Cooper?

12 COMMISSIONER COOPER: My question: You mentioned MOUs.  
13 Can you clarify that because you also mentioned unions, and  
14 that they were hijacking leadership and management roles?

15 MR. GENNACO: Sure.

16 Every law enforcement organization that has  
17 associations or unions as part of that structure, and I think  
18 virtually all do in California, routinely negotiate their  
19 working conditions or their expectations with the city or the  
20 county. As a result -- and -- and based on that negotiation,  
21 there is a Memorandum of Understanding or a contract or -- MOU  
22 is shorthand for that -- that sets out those expectations.

23 And -- and my point, Commissioner Cooper, is that if  
24 you look at the MOU there are a lot of things that managers can  
25 no longer do because they've agreed to no longer do them

1 through the MOU process. And I don't blame the association so  
2 much for the current state of affairs; what I blame is the  
3 County for failing to hold steadfast on ensuring that leaders  
4 of the organization are able to make what has traditionally  
5 been managerial decisions.

6 COMMISSIONER COOPER: Okay. I -- I -- I appreciate that  
7 because my understanding, because I have worked in union  
8 environments, and that was one thing that the companies made  
9 clear: "You are not part of the operations, and you're not  
10 involved in making management decisions."

11 So I was sort of confused when you --

12 MR. GENNACO: Yeah.

13 COMMISSIONER COOPER: -- used the term "MOU" --

14 MR. GENNACO: Yeah.

15 COMMISSIONER COOPER: -- versus union contract.

16 MR. GENNACO: Yeah.

17 COMMISSIONER COOPER: So I think for clarifying that.

18 MR. GENNACO: And -- and if I could just put a finer point  
19 on it, Commissioner Cooper, if the commission was interested.  
20 There -- these are no longer smoke-filled rooms in which this  
21 is all done, but they used to be smoke-filled rooms and they're  
22 sort of the equivalent of a smoke-filled-room situation where  
23 it's all happening in closed doors, and the unions are going to  
24 fight for what the unions want to fight for, including taking a  
25 managerial prerogative if they can get it. It's -- makes

1 sense.

2 But I'm more concerned with what's going on on the  
3 other side, and who it is -- who it is that is saying, "No,  
4 we're not going to do that."

5 And it's usually not the sheriff in that room, it's  
6 usually individuals who have been assigned to do that  
7 responsibility by the lawyers representing the County, and to  
8 the degree that they were -- they were concerned about  
9 accountability, to the degree that there's concern about  
10 oversight, to the degree that there's concern about all these  
11 other issues with regard to do the deputies get to decide where  
12 they work or is that the manager's -- going to be  
13 going -- doing that?

14 All those things, I'm not sure those interests are  
15 being represented at those meetings.

16 COMMISSIONER RUBIN: Interesting point.

17 COMMISSIONER COOPER: Thank you.

18 VICE CHAIR HICKS: Any other questions?

19 And from counsel, did you have any follow up?

20 MR. NEUMAN: No, I don't. I just want to thank  
21 Mr. Gennaco for being here and for his service over the many  
22 years.

23 VICE CHAIR HICKS: Thank you again, sir. Appreciate your  
24 time.

25 MR. GENNACO: And I -- and could I just thank the

1 commission for their good, hard work here under what is  
2 evidently, very stressful situations.

3 COMMISSIONER RUBIN: Thank you.

4 VICE CHAIR HICKS: Thank you.

5 COMMISSIONER RUBIN: Mike, nice to see you.

6 MR. GENNACO: It was great seeing you.

7 VICE CHAIR HICKS: And are there any further witnesses,  
8 Mr. Deixler?

9 MR. DEIXLER: Not today.

10 VICE CHAIR HICKS: Okay.

11 Before we move to the next agenda item, Jennifer, do  
12 you know if we -- how many people we have for public comment?

13 MS. JENNIFER: Five.

14 VICE CHAIR HICKS: Five? Okay.

15 Any closing remarks, Mr. Deixler?

16 MR. DEIXLER: (No audible response.)

17 VICE CHAIR HICKS: I know there's a motion that we have to  
18 entertain. Are we okay on quorum since we lost two?

19 MR. WILLIAMS: We're fine.

20 VICE CHAIR HICKS: We're fine?

21 COMMISSIONER RUBIN: It only counts from the beginning.

22 VICE CHAIR HICKS: Got it. All right.

23 Okay. The next agenda item is -- would be a motion  
24 to ratify the issuance of subpoenas to personally appear and  
25 testify under oath at special public hearings of the Sheriff

1 Civilian Oversight Commission regarding the commission's  
2 investigation into deputy cliques, gangs, and exclusionary  
3 subgroups. And those witnesses were Jefferson Chow and  
4 Angela Walton.

5 Is there a motion?

6 COMMISSIONER RUBIN: I so move.

7 VICE CHAIR HICKS: Thanks.

8 COMMISSIONER HARRIS: I'll second.

9 VICE CHAIR HICKS: All right. And I call for the vote.

10 MR. WILLIAMS: Is there any public comment? Check for  
11 public comment.

12 MS. WILLIAMS: Would anyone like to speak on the motion?

13 COMMISSIONER RUBIN: No.

14 MS. WILLIAMS: No public comment.

15 I'm going to go ahead and conduct the roll call.

16 Commissioner Cooper?

17 COMMISSIONER COOPER: I agree.

18 MS. WILLIAMS: Commissioner Garcia?

19 COMMISSIONER GARCIA: Yes.

20 MS. WILLIAMS: Commissioner Giggans?

21 COMMISSIONER GIGGANS: Yes.

22 MS. WILLIAMS: Commissioner Harris?

23 COMMISSIONER HARRIS: Yes.

24 MS. WILLIAMS: Vice Chair Hicks?

25 VICE CHAIR HICKS: Yay.

1 MS. WILLIAMS: And Commissioner Rubin?

2 COMMISSIONER RUBIN: Yes.

3 MS. WILLIAMS: Motion carries.

4 VICE CHAIR HICKS: Okay. The next agenda item will be  
5 public comment.

6 MS. WILLIAMS: Our first speaker is Leticia Vasquez,  
7 followed by Hilda Pedrosa, followed by Michele Infante.

8 MS. VASQUEZ: Yes.

9 VICE CHAIR HICKS: And everyone will have two minutes.

10 MS. VASQUEZ: First of all, I would like to say thank you  
11 to you all for giving us the opportunity to speak.

12 I'm the mother of Marco Vasquez, who was murdered  
13 almost three years ago, on October 6, 2019. And I -- as I  
14 stand here before you all and hearing the witnesses and those  
15 that didn't come forward, all of the could've, should've,  
16 would've situations are great; right? If some of these things  
17 would have been implemented back then, maybe my -- my son  
18 wouldn't have been murdered. They're great ideas and there are  
19 definitely change -- and room for change.

20 For the witnesses that didn't come through, and that  
21 they're concerned about their promotion, think about -- and  
22 your retaliation that you might be facing -- this shirt  
23 represents the many of us who are suffering for the loss of our  
24 loved ones, and we face that retaliation, that fear, every  
25 single day. Every single day, we worry about whether they're

1 going to shoot another innocent victim, if they're going to  
2 harass another family, if they're going to follow us home from  
3 school, et cetera. So there are a lot of things and a lot of  
4 factors that need to be put in place.

5 I also stood witness to a event that Villanueva was  
6 at. And he looked at us in the eye, and he -- he made sure  
7 that everybody was looking at us. We were doing a silent  
8 protest, and during the silent protest, it was an event for  
9 impacted families of criminals, and well, our criminals wear a  
10 badge. Our criminals stand behind policies and associations  
11 and unions that protect them. He made sure that they looked at  
12 us, and he asked one question that resonates in my mind all the  
13 time.

14 Looking at us, he said, "What are you going to do  
15 about it," you know.

16 And so, Villanueva, this is what we're doing about  
17 it. We are standing before you all, we are making sure that a  
18 corrupt sheriff will have -- be taken out, and that us, the  
19 people, can take him out when needed and when he is violating  
20 the law and not doing what he swore to do -- is to protect us  
21 all.

22 Thank you.

23 VICE CHAIR HICKS: Thank you.

24 MS. WILLIAMS: Hilda Pedrosa followed by Michele Infante,  
25 followed by Donald Harlan.



1 MS. PEDROSA: Hello, everyone.

2 There's just so much in my head, so much stuff that  
3 I -- I wish I could speak about, and I only have less than two  
4 minutes.

5 But first of all, it saddens me and it angers me that  
6 this -- what you've been hearing and seeing in these six  
7 hearings has been what families have been saying. What  
8 Ms. Giggans' passed through -- went through is what we've all  
9 been fearing, what we've all been going through in different  
10 ways. We've heard from all of these other people that were  
11 supposed to be here that were not here, why they're not here.  
12 It's the same reason -- same things that keep happening to us.

13 And I -- I am very angry at the fact that it's true  
14 like we heard today that a lot of these officers, once they've  
15 killed our loved ones, they're being promoted and getting  
16 higher salary because that's what they've done.

17 And all I hear from Mr. Gennaco is that -- is to take  
18 it down and to start all over again. New hires is the thing to  
19 do and to get rid of the current gang members that we have in  
20 our stations because that will happen -- what will happen is  
21 that if we mix the new hires with the current gang members that  
22 we have there, the -- the new hires are going to be spoiled  
23 because we're mixing them together. So it's something that I  
24 hope that you could look into that even if we do get these new  
25 hires and we implement these new things, that it's not going to

1 clean this up. It's not going to make it better because we're  
2 mixing them up.

3 So I do want to tell you that, you know, these  
4 officers, they took away more than just a brother, than a  
5 father, than -- than a son; they took a lot away from us. But  
6 the security, the peace, the trust, the sanity that we have, I  
7 want you to take all of that into consideration.

8 Thank you.

9 VICE CHAIR HICKS: Thank you.

10 MS. WILLIAMS: Michele Infante, followed by Donald Harlan,  
11 followed by our last speaker, Richie Serjanko.

12 MS. INFANTE: Good afternoon. My name is Michele Infante.  
13 I'm with Dignity and Power Now.

14 I think everyone of you should be ashamed of  
15 yourself. You came here, and you allowed somebody to talk for  
16 an hour about something that she cannot do. She really did not  
17 offer any advice. I mean, offering rotations and some of those  
18 ideas -- didn't -- isn't that one of the deputies came up here  
19 and spoke about already recently? Didn't -- didn't Sheriff  
20 Villanueva do slowdowns? Isn't that all part of doing a  
21 rotation? Taking them out and then making it look like he  
22 doesn't have enough money to take care of his community that he  
23 needs to be taking care of; right? And then what happens?  
24 He's changing statistics.

25 And then I even hear somebody even talk about

1 Commissioner Harris. You had -- you talked about giving  
2 somebody the benefit of the doubt. Why aren't you giving the  
3 benefit of the doubt to someone who's incarcerated? How about  
4 Ruby Beltran? How about -- how about Deputy Mercado that  
5 sexually assaulted her? How about Deputy Fernandez that stuck  
6 his hands down her pants and into her vagina? How about giving  
7 her the benefit of the doubt, and -- and giving her an  
8 opportunity and -- to show her truth and tell her truth?

9 But every time, for six years, everyone keeps coming  
10 up here talking about the Sheriff's Department and benefit of  
11 the doubt. You've had how many people in how many years that  
12 you've been doing this work? And you've brought in all these  
13 people and not one has been able to make the change. It's a  
14 culture, and you have to eliminate that whole department and  
15 get rid of everyone, including medical staff that's in there.

16 To come here and hear this -- you take away time --  
17 an hour -- you allowed some woman up there to talk when you  
18 have families out here who's lost a loved one who we -- they  
19 lost a loved one who was killed and murdered, and you want to  
20 give them two minutes. That's not right, and you know that.  
21 And you need to make that change, and you need to start going  
22 after the people that are responsible and that need to be  
23 accountable, and that's the LA County Sheriff's Department and  
24 Alex Villanueva. Nobody gets any benefit of the doubt. If you  
25 can't give it to an inmate, then you don't get to -- you don't

1 get to give that to your department.

2 VICE CHAIR HICKS: Thank you.

3 MS. WILLIAMS: Donald Harlan, followed by Richie Serjanko.

4 MR. HARLAN: Hi. I'm Donald Harlan. I'm here to report  
5 I'm having a problem with the LA County sheriffs, especially in  
6 Santa Clarita.

7 The LA County sheriffs have conspired to place  
8 imposters to pose as my family members, that they're in my  
9 family's house, they have shopped photo albums and ID cards  
10 with my family's name on them, and that the sheriffs are  
11 involved. They keep trying to bring people that -- to die in  
12 my house so they can try and claim it. They keep trying to  
13 pose as one of my family members, and then when that person  
14 dies, they want to try and claim the property.

15 The Sheriff's aware of this, and there's a court  
16 order at the local courthouse, Santa Clarita Courthouse, for  
17 the government and law enforcement to stop trying to  
18 impersonate my family members.

19 On September 7th, I called the sheriffs to the  
20 residence because somebody had supposedly died September 5th  
21 there, and I reported -- tried to report a stolen fifth-wheel  
22 trailer from the property, and the Sheriff refused to take a  
23 report. And in that incident on September 7th, the Sheriff  
24 witnessed impostors, actors showing him fake ID with my  
25 family's names on it and their pictures.

1           There's several other people involved. Let's see --  
2           and specifically, I'm bringing -- I'm bringing it to your  
3           attention because there's a problem with deputy gangs. This is  
4           a white supremacist group. We have Deputy Lee and Deputy  
5           Sullivan, and that they -- they're -- they're definitely in on  
6           it. Also there's -- besides LA County sheriffs, there's LA  
7           County -- and, specifically, Mr. de Leon at the local Santa  
8           Clarita Office. I have recordings of him that he's aware of  
9           the problem, and that he's conspired. Also, the City of Santa  
10          Clarita City Council and Bank of America is in on it.

11          VICE CHAIR HICKS: Thank you so much.

12          MS. WILLIAMS: Thank you so much for your comment.

13          MR. HARLAN: Yeah. I really need some -- I really need  
14          some help, some enforcement. I'm having a serious problem.  
15          Since this last civil war--

16          MS. WILLIAMS: Our next speaker, Richie Serjanko.

17          MR. HARLAN: -- we're having civil war; the law  
18          enforcement doesn't want to do their job.

19          VICE CHAIR HICKS: Thank you, sir. Thank you, sir.

20          MR. HARLAN: The sheriffs doesn't want to do their job.

21          MS. WILLIAMS: Sir --

22          MR. HARLAN: They said sue them.

23          MS. WILLIAMS: -- we need to allow our next speaker to --

24          MR. HARLAN: They don't want to do their job --

25          MS. WILLIAMS: -- have his time.

1 MR. HARLAN: -- they're saying sue them.

2 VICE CHAIR HICKS: Thank you, sir.

3 MR. HARLAN: So they're having civil war.

4 VICE CHAIR HICKS: Thank you.

5 MR. HARLAN: I understand. Okay. I'm going to wait --

6 I'll wait till the end of the meeting.

7 UNIDENTIFIED FEMALE: Okay. Wonderful.

8 MR. HARLAN: I'll be quiet.

9 MS. WILLIAMS: Our last speaker, Richie Serjanko. We have  
10 one more speaker.

11 MR. SERJANKO: Okay. My name is Richie Serjanko. I'm  
12 part of the Check the Sheriff Coalition.

13 I've been pretty supportive of what the commission  
14 has done so far with these special hearings, but I -- I'm very  
15 disappointed in today. Allowing MacArthur to -- to talk for an  
16 hour about things that she can't even do. And I found it  
17 particularly offensive when -- I mean, the commission allowed  
18 her to speak for an hour, but when she spoke up about how the  
19 County doesn't have resources for LASD's, like, for deputies to  
20 get mental health help. Well, what about the families that  
21 LASD kills? They don't get a cent from the County. So we can  
22 talk about resources and money.

23 You allowed someone to come up on the stand to say  
24 that we need more money for LASD deputies' mental health, but  
25 the families who have to deal with the trauma that they place

1 on elders -- Paul Reyes' teenage sister has been harassed by  
2 the deputies. I've been at the Vargas family house when  
3 they've had young members of their families physically  
4 assaulted by -- in front of their house. And so when we talk  
5 about mental health and the resources and the money that this  
6 County is able to provide, they don't get any -- they don't get  
7 any money, but this lady's fucking up here talking about how  
8 the deputies need mental health services.

9 And Commissioner Giggans, you know, I'm sorry that  
10 you're going through this, but Sister Helen Jones, John  
11 Horton's mother, has been talking about this for over a decade.  
12 The Vargas family has been in front of this commission talking  
13 about the deputies' harassment, retaliation, intimidation.  
14 I've experienced it outside my house. They've -- I've seen  
15 them outside my house. Villanueva has run Facebook ads with my  
16 face on it, intentionally putting a target on me. It's what  
17 happens when you go after LASD. It's a culture issue.

18 And is this commission -- for this whole deputy gang  
19 hearings, are -- are we having family members come in to be on  
20 record for -- for this hearing? And if not, that's a serious  
21 fucking problem. And you allowed this lady to talk for an hour  
22 and say that LASD deputies need more mental health services.

23 Thank you.

24 VICE CHAIR HICKS: Thank you, sir.

25 MS. WILLIAMS: Our next speaker, Stephanie Luna.

1 MS. LUNA: Yeah. Hello. My name is Stephanie Luna. I'm  
2 the family of Anthony Vargas. You guys already know my  
3 nephew's story. He was murdered in 2018 by two active known  
4 prospects for the Banditos deputy gang in East LA.

5 Hearing that woman talk for an hour was gravely  
6 concerning for multiple reasons. One of the main reasons being  
7 that she believes that the deputies' mental health is more  
8 important than the mental health of the families that have been  
9 affected by sheriff violence. There's a lot of money that the  
10 County has available to offer sheriff deputies mental health  
11 services. Why that's not happening is none of my business.  
12 What is my business is the fact that the families are not  
13 provided with mental health services, the fact that the  
14 families have to actively seek out our own mental health  
15 services from non-profit organizations. That's a serious  
16 problem.

17 You know, another -- another issue that I'm having is  
18 the two deputies that refused to show up today. One of them  
19 refused to show up because he was in fear of not getting a  
20 promotion, and I can tell you one thing, that that deputy --  
21 you know, you're a coward. My nephew will never, in his life,  
22 be able to get a promotion from a job because he was murdered  
23 by the deputy gang members that you are actively protecting  
24 today.

25 To the deputy that didn't show up for fear of



1 retaliation, families that are here today face retaliation on a  
2 daily basis. Every time we show up to a commission meeting,  
3 every time we show up to a Bord of Supervisor's meeting and a  
4 motion is passed, we have sheriff deputies parked in front of  
5 our cars. There is no doubt in my mind that that's a sheriff  
6 deputy in an undercover car.

7 We have those cars parked in front of our house.  
8 We've been tailgated. We've been followed. We've been  
9 harassed. We haven't faced the harassment that Patti Giggans  
10 has, but I'll tell you who has. The family of 14-year-old AJ  
11 Weber has. AJ Weber's family was raided in the exact same  
12 capacity. There was no media coverage for him. There was no  
13 one that showed up to fight for him. There were no attorneys  
14 that showed up to fight for AJ Weber's family the way that the  
15 county is actively fighting today.

16 I understand that you guys are public officials. I  
17 understand that you guys have a higher position than the rest  
18 of us, but it shouldn't be a you-guys-up-here-and-we're-down-  
19 here. If you guys get protection, the families deserve the  
20 same kind of protection.

21 You know, the sheriffs see the same target that --  
22 that you guys have, they see us the same way. The only  
23 difference between you and us is that you guys have media  
24 attention constantly on you, the families don't. We don't have  
25 that media attention constantly on us. We don't have people

1 constantly watching and making sure that we're okay.

2 VICE CHAIR HICKS: Thank you.

3 MS. LUNA: We have activists and people doing that for us.

4 VICE CHAIR HICKS: Thank you.

5 MS. LUNA: Thank you.

6 VICE CHAIR HICKS: All right. Seeing no other public  
7 comment and no other agenda items, this meeting is adjourned at  
8 12:25.

9 (The hearing was concluded at 12:25 p.m.)

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1 STATE OF CALIFORNIA )  
2 ) ss.  
3 COUNTY OF LOS ANGELES )  
4

5 I, ANN BONNETTE, California CSR No. 6108, Louisiana Court  
6 Reporter No. 85135, Registered Professional Reporter, Certified  
7 Manager of Reporting Services, AAERT CERT D-368, do hereby  
8 certify:

9 That said digitally recorded audio of the Civilian  
10 Oversight Commission Hearing, September 23, 2022, was  
11 transcribed into computer-generated text under my direction and  
12 supervision, and I hereby certify the foregoing transcript to  
13 the best of my ability.

14 I further certify that I am neither counsel for nor  
15 related to any party to said action nor in any way interested  
16 in the outcome thereof.

17 IN WITNESS WHEREOF, I have hereunto subscribed my name  
18 this 19th day of October 2022.

19   
20 \_\_\_\_\_

21 ANN BONNETTE, CSR 6108

22 AAERT CERT D-368  
23  
24  
25

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