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LOS ANGELES COUNTY SHERIFF
CIVILIAN OVERSIGHT COMMISSION
JANUARY 12, 2024
SPECIAL HEARING ON DEPUTY GANGS IN THE SHERIFF'S DEPARTMENT

MEMBERS

- COMMISSION CHAIR SEAN KENNEDY
- COMMISSIONER ROBERT BONNER
- COMMISSIONER IRMA HAGANS COOPER
- COMMISSIONER LUIS GARCIA
- COMMISSIONER PATTI GIGGANS
- COMMISSIONER JP HARRIS
- COMMISSIONER HANS JOHNSON

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ATTENDEES

Commission Chair, Sean Kennedy

COMMISSIONERS:

Robert Bonner

Irma Hagans Cooper

Patti Giggans

JP Harris

Hans Johnson

Luis Garcia

Special Counsel: Bert Deixler; Kendall, Brill & Kelly

Witnesses

Page

1 Alex Villanueva, LASD Sheriff, retired

5

1 P-R-O-C-E-E-D-I-N-G-S

2 CHAIR KENNEDY: Good morning, everyone. We're going to
3 get started.

4 This is a -- it's the ninth Special Hearing of the
5 LA County Sheriff's Civilian Oversight Commission. It's a
6 series of special hearings on deputy gangs and cliques within
7 the Los Angeles County Sheriff's Department.

8 Before we begin, we need to call the roll. Okay.
9 Perfect.

10 (Inaudible)?

11 UNIDENTIFIED MALE SPEAKER: Here.

12 CHAIR KENNEDY: (Inaudible)?

13 He's absent.

14 CHAIR KENNEDY: Commissioner Rob Bonner?

15 COMMISSIONER BONNER: Present.

16 CHAIR KENNEDY: Commissioner Irma Hagans Cooper?

17 COMMISSIONER COOPER: Present.

18 CHAIR KENNEDY: Luis Garcia?

19 COMMISSIONER GARCIA: Present.

20 CHAIR KENNEDY: Commissioner Giggans?

21 COMMISSIONER GIGGANS: Here.

22 CHAIR KENNEDY: James Harris?

23 COMMISSIONER HARRIS: Here.

24 CHAIR KENNEDY: Hans Johnson?

25 COMMISSIONER JOHNSON: Present.

1 CHAIR KENNEDY: Chair Kennedy (inaudible).

2 First, I appreciate -- yeah, we -- to our staff, we
3 have -- we can't fit everyone here on the main bench so we have
4 some of our commissioners on the side, but they don't have a
5 microphone they're going to need.

6 Okay. So we're about to begin this. If there's any
7 new business, there's -- there -- first on the agenda, I wanted
8 to report any updates.

9 I'm the Commission Chair, Sean Kennedy, and our able
10 special counsel, Bert Deixler.

11 I don't have anything to report other than we're
12 going to begin this special hearing.

13 Mr. Villanueva is present and in the room.

14 Thank you for being here.

15 And, Bert, do you want to make any remarks before we
16 begin?

17 MR. DEIXLER: No. I think we would -- we'd like to
18 commence with the witness as long as he's here.

19 CHAIR KENNEDY: Okay.

20 1(b) says, "The issuance for ratification of
21 subpoenas."

22 Mr. Villanueva was subpoenaed long ago and did not
23 appear. But he has chosen to appear today so I don't think we
24 need to issue or ratify any subpoenas because they were already
25 issued.

1 I will inform, Undersheriff Timothy Murakami was also
2 subpoenaed and failed to appear in the past and was asked to --
3 to appear today with Mr. Villanueva, who is present, and former
4 Undersheriff Murakami is not here. I don't see him.

5 Bert, maybe you have more information about that.

6 But I think we should begin with testimony so I'm
7 going to turn it over to you.

8 COMMISSIONER BONNER: (Inaudible).

9 CHAIR KENNEDY: Yes.

10 COMMISSIONER BONNER: (Inaudible) in support of the
11 subpoena (inaudible).

12 CHAIR KENNEDY: Okay.

13 MR. DEIXLER: Our first witness is Alex Villanueva.

14 CHAIR KENNEDY: Before we begin, please raise your hand.

15 Do you solemnly state, under penalty of perjury, that
16 the testimony that you will give in this matter shall be the
17 truth, the whole truth, and nothing but the truth?

18 MR. VILLANUEVA: Yes.

19 CHAIR KENNEDY: Can you state and spell your name for the
20 record.

21 MR. VILLANUEVA: Alex Villanueva. "V" as in "V́ctor,"
22 i-l-l-a-n-u-e-v-a.

23 MR. DEIXLER: Good morning, sir. Welcome to the
24 Civilian Oversight Commission Special Hearing.

25 I've been trying to meet with you since

1 March of 2022. Sir, I heard here lawyers on television say
2 that if the COC wanted to hear your testimony, they should have
3 invited you. I want to show you an exhibit we're going to mark
4 as Exhibit 1.

5 MR. VILLANUEVA: Sir?

6 MR. DEIXLER: -- a March 25th, '22 letter from me to you.

7 Can we put up Exhibit 1, please?
8

9 CHAIR KENNEDY: Well, if this is a question/answer format.
10 So he's going to ask you a question, then you can answer.

11 MR. VILLANUEVA: Okay. (Inaudible).

12 CHAIR KENNEDY: (Inaudible).

13 MR. VILLANUEVA: Okay.

14 Since you guys have spent so many of these special
15 hearings bashing me for hours and hours, I mean, I think you
16 can afford me the opportunity to (inaudible).

17 You can start your question.

18 CHAIR KENNEDY: Well, the problem is that you are one of
19 many witnesses who has testified before this commission. And
20 none of those witnesses gave an opening statement. So we're
21 you just going to treat you like them. And there's no
22 intention to bash you, just get the evidence regarding whether
23 there are deputy gangs within the Sheriff's Department and the
24 impact on the public and community.

25 Go ahead, Bert.

1 MR. DEIXLER: So I was calling your attention to the
2 exhibit numbered 1. I've given you an exhibit book. If you
3 open it, you can see that. It will also be on the on the big
4 board here.

5 This is a copy of a document sent by me on
6 March 25th, 2022.

7 And can you highlight the portion of that document?
8 The second paragraph.

9 "Because of my belief" -- well, why don't you read it
10 into the record, sir? I'll make it easier and faster for
11 everybody.

12 CHAIR KENNEDY: He needs to get his glasses. I think we
13 all understand.

14 MR. VILLANUEVA: The paragraph "Because of my belief"?

15 MR. DEIXLER: Yes. Please, sir, read it into the record,
16 if you would.

17 MR. VILLANUEVA: Sure.

18 "Because of my belief that and we share common
19 goals of ensuring effective and lawful policing so
20 that the residents of Los Angeles County can have
21 high confidence that the LASD and its deputies
22 operate consistent with law, I would appreciate the
23 opportunity to meet with you in person to discuss the
24 investigation and to determine how you can assist to
25 ensure the complete, accurate, and prompt achievement

1 of its goals."

2 MR. DEIXLER: And can we agree that you didn't accept that
3 invitation? We haven't met.

4 MR. VILLANUEVA: Well, I can tell you what --

5 MR. DEIXLER: That will be "yes" or "no," sir. Can we
6 agree that you didn't accept the invitation and we didn't meet?
7 Yes or no.

8 MR. VILLANUEVA: Want to hear from me, or do you want
9 to --

10 MR. DEIXLER: I want you to answer my question, sir.
11 That's how we're going to run it. A traditional courtroom
12 Q and A format. I'll ask the question; you give an answer.
13 I'll have another question; you'll give an answer. Let's
14 proceed in an orderly way, if we can, sir.

15 MR. VILLANUEVA: Let's start with this is not a courtroom.
16 This not a real courtroom. There's no cross-examination
17 possible. There's (inaudible).

18 AUDIENCE MEMBER 1: (Inaudible) show us your Banditos
19 tattoo, Alex.

20 CHAIR KENNEDY: Okay.

21 AUDIENCE MEMBER 2: Answer the question.

22 CHAIR KENNEDY: Now --

23 AUDIENCE MEMBER 1: Your Banditos tattoo.

24 AUDIENCE MEMBER 3: Answer the question.

25 CHAIR KENNEDY: Could -- listen, it's taken us a couple of

1 years to get this testimony. We're here at Loyola Law School
2 trying to develop the evidence in a professional and ethical
3 manner. And the people who have to endure policing by these
4 deputy gangs deserve a full record. We're not going to have
5 that if we treat this forum like some kind of a sideshow or a
6 circus. So I will ask our audience if you could please respect
7 the forum.

8 Our witness, could you please answer "yes" or "no."
9 I'm sure you want to explain. Mr. Deixler will give you a
10 chance to explain, but he needs an answer.

11 MR. VILLANUEVA: Tell you what. I will give a "yes" or
12 "no" answer to the questions Mr. Deixler asks; however, given
13 that I've seen the testimony of former Undersheriff Neal Tyler
14 giving 30-minute responses to questions, I will ask for the
15 same opportunity. Is that all right, Mr. Kennedy?

16 CHAIR KENNEDY: Our intention is to treat you like we
17 treat any other witness.

18 MR. DEIXLER: Would you answer my question, sir, about
19 you -- in response to the invitation I offered you on
20 March 25th, 2022. You didn't accept my invitation and we've
21 never met; is that true?

22 MR. VILLANUEVA: That's true.

23 MR. DEIXLER: And can we look, please, at Exhibit Number
24 2?

25 That's a letter from me, dated May 6th, 2022. And

1 would you read into the record the third and fourth paragraphs
2 of -- of that letter?

3 MR. VILLANUEVA: "May 24th, 2022, at Loyola Law School, in
4 the Robinson Courtroom, the commission will conduct
5 an evidentiary hearing addressing certain information
6 relating to the subjects described above. I
7 anticipate there will be testimony about deputy
8 subgroups known as the Banditos and the Executioners.
9 In addition, I expect that there will be testimony
10 regarding the existence of a subgroup within the
11 Men's Central Jail.

12 "Please accept my invitation to the commission
13 hearing. It will commence at 9:00 a.m. at the date
14 and location described. I would be delighted to work
15 with your scheduler so that the commission may have
16 the maximum opportunity to accommodate your
17 schedule."

18 MR. DEIXLER: Can we agree that you didn't attend on
19 May 24th, 2022?

20 MR. VILLANUEVA: Yes.

21 MR. DEIXLER: Did you, sir, receive a subpoena to appear
22 at the Oversight Commission hearing to testify on
23 July the 1st of 2022?

24 MR. VILLANUEVA: I believe at some point I did receive
25 multiple subpoenas.

1 MR. DEIXLER: Let me ask you take a look at exhibit
2 numbered 3, which is a subpoena addressed to you, sir,
3 requiring your appearance on July 1st, 2022, at 9:00 A.M., at
4 Loyola Law School, Robinson Auditorium. You've seen that
5 subpoena before, haven't you, sir?

6 MR. VILLANUEVA: Yes.

7 MR. DEIXLER: And we -- can we agree that that was a
8 subpoena which you had not complied with until this morning?

9 MR. VILLANUEVA: That's a compound question?

10 MR. DEIXLER: No, it isn't.

11 Would you answer the question, sir. Is this a
12 subpoena that you've not complied with until this morning? Yes
13 or no.

14 MR. VILLANUEVA: I guess, no.

15 MR. DEIXLER: You don't dispute that the
16 Civilian Oversight Commission has authority to issue the
17 subpoena to require your attendance and the attendance of other
18 witnesses of these hearings, do you, sir?

19 MR. VILLANUEVA: I think the appellate court made very
20 clear (inaudible) proper procedure to issue a subpoena, which
21 you refused to follow until now.

22 MR. DEIXLER: Sir, the appellate decision related to the
23 ability to hold you in contempt, not to the question of whether
24 the COC had power; isn't that true, sir?

25 MR. VILLANUEVA: That is false.

1 MR. DEIXLER: I see.

2 Okay. Well, perhaps we'll get back to it if we need
3 to.

4 Am I correct in understanding that in addition to
5 being here pursuant to subpoena that you are also a candidate
6 for public office?

7 MR. VILLANUEVA: Of course. That's why I'm here.

8 MR. DEIXLER: I see.

9 You see this testimony as a part of your campaign; is
10 that a fair summary?

11 MR. VILLANUEVA: No. This is a process of electioneering
12 that the Oversight Commission has engaged in. Like when I was
13 a candidate for reelection, now I'm a candidate for
14 Board of Supervisors, and here we are again.

15 MR. DEIXLER: Are you currently employed?

16 MR. VILLANUEVA: What was that?

17 MR. DEIXLER: Are you currently employed?

18 MR. VILLANUEVA: I'm retired.

19 MR. DEIXLER: I see.

20 And when is the last time you were employed, sir?

21 MR. VILLANUEVA: Last time I was employed was
22 December of 2022.

23 MR. DEIXLER: And was -- after you were -- left the office
24 of Sheriff of Los Angeles County?

25 MR. VILLANUEVA: That is correct.

1 MR. DEIXLER: And you've been unemployed/retired since
2 then; is that true?

3 MR. VILLANUEVA: Retired, yes.

4 MR. DEIXLER: Do you believe that elected officials have
5 an obligation to speak truthfully when addressing the public?

6 MR. VILLANUEVA: Always.

7 MR. DEIXLER: And do you believe that a person seeking
8 elective office has an obligation to tell the truth to the
9 public?

10 MR. VILLANUEVA: Always.

11 MR. DEIXLER: You haven't always told the truth to the
12 public about deputy gangs, cliques, and subgroups in the
13 Sheriff's Department have you, sir?

14 MR. VILLANUEVA: False.

15 MR. DEIXLER: Well, let me show you what you told the
16 public in the debate with Sheriff Luna in your failed
17 reelection campaign.

18 Could you play the excerpt from the
19 September 21st, 1922 (Sic) debate?

20 MR. VILLANUEVA: "But deputy gangs has become a
21 political buzzword, and it's just like unicorns.
22 Everyone knows what a Unicorn looks like. But I
23 challenge you: Name one. Name a single deputy gang
24 member. And I have yet to hear that."

25 MR. DEIXLER: First of all, sir, let me show you a photo,

1 Number 502. That's -- that's a Unicorn, isn't it, sir?

2 MR. VILLANUEVA: Of course.

3 MR. DEIXLER: Let me ask you to take a look at 503. And
4 that's a Caveman, isn't it, sir?

5 MR. VILLANUEVA: What?

6 MR. DEIXLER: That's a Caveman, isn't it, sir?

7 MR. VILLANUEVA: It's retired Undersheriff Murakami. He
8 retired honorably. He disparaged (inaudible) by the name of a
9 tattoo.

10 MR. DEIXLER: Is he a Caveman? Yes or no.

11 MR. VILLANUEVA: He's a human being. He's a retired
12 member of law enforcement in good standing with an impeccable
13 career history, who served his county honorably. And you
14 calling him and trying to reference him as a Caveman is
15 appalling.

16 MR. DEIXLER: Of the 9,000 sworn officers in the LASD, you
17 chose Mr. Murakami to be the undersheriff; is that true?

18 MR. VILLANUEVA: That is correct.

19 MR. DEIXLER: Before you appointed him to the second most
20 important job in the nation's oldest Sheriff's Department, did
21 you ask him if he was still a member of the Cavemen or another
22 gang or clique or subgroup?

23 MR. VILLANUEVA: First, the Sheriff's Department is not
24 even 74 years old. And it's, by far, not the oldest
25 Sheriff's Department in the nation.

1 MR. DEIXLER: I apologize for giving you extra credit.

2 Now, could you answer my question.

3 MR. VILLANUEVA: Repeat your question.

4 MR. DEIXLER: My question was: Before you appointed
5 Mr. Murakami to the job of undersheriff, did you ask him
6 whether he was a member of any gang, subgroup, or clique? Yes
7 or no.

8 MR. VILLANUEVA: No.

9 MR. DEIXLER: Given your position that you were the first
10 sheriff to do anything about the problem of tattooed cliques,
11 subgroups, and gangs, didn't you think it was important to ask
12 Mr. Murakami whether he was a member of one of those
13 organizations?

14 MR. VILLANUEVA: Of course not.

15 MR. DEIXLER: It was no secret that he was a member of the
16 Cavemen, is it?

17 MR. VILLANUEVA: Do you want to know -- do you want to
18 know the truth?

19 MR. DEIXLER: Yeah. That's why we're here. I -- we want
20 to know the truth.

21 It's no secret he was a member of the Cavemen, is it?

22 MR. VILLANUEVA: It's no secret there are subgroups within
23 the Sheriff's Department. Just like it's no secret there are
24 subgroups in the NYPD (inaudible) any of our paramilitary
25 (inaudible). They exist everywhere, and they will always

1 exist. But that's human nature; so...

2 MR. DEIXLER: So would you --

3 MR. VILLANUEVA: Now, can we go from that to try to
4 describe them as being in a gang, well, you're missing the key
5 element, which is misconduct. Please tell me what misconduct
6 Mr. Murakami has engaged in a 42-year career.

7 MR. DEIXLER: I promise you, sir, we'll get to that.
8 Fortunately, analyzing the statute, the proposed policies, and
9 your so-called policy, we'll come to an understanding about
10 what is required to violate the penal code and be -- be a gang
11 member. So let's not -- let's not try to get too far ahead of
12 ourselves.

13 The question was: Lots of people knew at the time
14 that Undersheriff Murakami was a member of the Cavemen; isn't
15 that true?

16 MR. VILLANUEVA: False.

17 MR. DEIXLER: Nobody knew. It was a surprise when first
18 you learned?

19 MR. VILLANUEVA: It's false. As your question is framed,
20 it is false.

21 MR. DEIXLER: Okay. Tell me when you learned he was a
22 member of the Cavemen.

23 MR. VILLANUEVA: Again, that's like the question: "When
24 did you stop beating your wife?" That's a false statement and
25 false claim.

1 MR. DEIXLER: We weren't inquiring about any domestic
2 problems. My question is whether and when you learned --
3 whether and when you learned -- whether and when -- whether and
4 when you learned Mr. Murakami was a Caveman.

5 MR. VILLANUEVA: Put it this way: I knew he was a deputy
6 sheriff. I hired him as (inaudible) in office for 40-plus
7 years at the time with a remarkable career history. Overcoming
8 adversity, overcoming corruption in the Paul Tanaka-Lee Baca
9 regime. (Inaudible) himself with integrity and honesty. At no
10 point, anyone has ever reported (inaudible).

11 MR. DEIXLER: Let me ask you to play 504, which is
12 testimony that was given here by retired Chief Burson on the
13 question of Mr. Murakami.

14 MR. DEIXLER: "What about the undersheriff,
15 Murakami? Did you know him?"

16 MR. BURSON: "Yes, I did."

17 MR. DEIXLER: "And about how long did you know
18 the undersheriff, Murakami?"

19 MR. BURSON: "For approximately 30 years."

20 MR. DEIXLER: "Do you know whether he has a
21 tattoo as a member of a deputy clique?"

22 MR. BURSON: "I understand he has a tattoo of a
23 Caveman on his ankle. Yes."

24 MR. DEIXLER: "And the Cavemen were a deputy
25 clique, as you understood it?"

1 MR. BURSON: "Yes."

2 MR. DEIXLER: Now, East LA Station was your home station
3 when you were a deputy; is that true?

4 MR. VILLANUEVA: Correct.

5 MR. DEIXLER: And were you a Caveman?

6 MR. VILLANUEVA: Excuse me?

7 MR. DEIXLER: Were you a member of the Cavemen?

8 MR. VILLANUEVA: I'm a member of the Sheriff's Department.
9 LA Sheriff's Station.

10 MR. DEIXLER: Were you a member of the Cavemen clique, or
11 were you invited to become one?

12 MR. VILLANUEVA: No.

13 MR. DEIXLER: You understood that membership in deputy
14 cliques is by invitation only; is that true?

15 MR. VILLANUEVA: It could be whatever it is.

16 MR. DEIXLER: You don't know whether it's open season,
17 anybody can join a deputy clique and get a tattoo if they wish?
18 This hasn't come to your attention before today?

19 MR. VILLANUEVA: Maybe you should have asked that question
20 of (Inaudible).

21 MR. DEIXLER: Would you answer my question, sir.

22 MR. VILLANUEVA: Go ahead.

23 MR. DEIXLER: My question quite simply is: Did you
24 understand that deputy clique membership was by invitation
25 only? Yes or no.

1 MR. VILLANUEVA: No.

2 MR. DEIXLER: You had the impression that anybody could
3 join a deputy clique and get a tattoo if they wished; is that
4 fair?

5 MR. VILLANUEVA: I'll say this: (Inaudible) history with
6 the Sheriff's Department going back 50 years, you can say that
7 these subgroups exist. They've always existed in one way or
8 another. Formally, informally, across (inaudible) at the very
9 beginning, 70 -- or 50 years ago. But we're not (inaudible)
10 law enforcement especially (inaudible) as they are today.
11 Things change. Same thing happens with these subgroups.

12 I know you like to refer to them as exclusionary
13 subgroups. But exactly how diverse was the Department in 1970
14 or 1980? Times change. The departments change, personnel
15 change. And the whole issue about subgroups, it's a very
16 informal process and it morphs over time. It does not make it
17 the criminal conspiracy you're trying to paint it.

18 MR. DEIXLER: So things change over time.

19 You strike me as a subscriber to the
20 Los Angeles Times; is that correct?

21 MR. VILLANUEVA: I've subscribed to them, yes.

22 MR. DEIXLER: And do you read the hardcopy, or do you read
23 the online version?

24 MR. VILLANUEVA: I do not want to waste time with a
25 hardcopy.

1 MR. DEIXLER: Well, let me give you the opportunity to do
2 that. This morning's Los Angeles Times front page has a
3 headline that says, "Fight at Bowling Alley Exposes Another
4 Alleged Deputy Gang."

5 And let me find my hardcopy to give you a chance to
6 take a look at the hardcopy of the Los Angeles Times.

7 MR. VILLANUEVA: I've read that article.

8 MR. DEIXLER: And could we put it up -- oh, good. Thank
9 you.

10 The article describes a bunch of tattooed deputies
11 celebrating a promotion by beating up teenagers, flashing guns,
12 taunting them, directing homophobic slurs at them. You read
13 all of that in the newspaper, did you not, sir?

14 MR. VILLANUEVA: I read that.

15 MR. DEIXLER: And this occurred in February of 2020; is
16 that right?

17 MR. VILLANUEVA: (No audible response.)

18 MR. DEIXLER: Well, take a look at the newspaper and see
19 whether it -- it provides that.

20 MR. VILLANUEVA: I believe it says "February of 2022."

21 MR. DEIXLER: It does. Oh, I'm sorry. February of 2022,
22 yes.

23 And that was on your watch. You were still the
24 Sheriff at the time. And so in that regard, the article is
25 correct that there was this incident involving sheriff's

1 deputies in Montclair as I recall; is that how you remember it?

2 MR. VILLANUEVA: Well, let's stop right there. You said
3 according to the Times. You're appointing the Times as a
4 source of information. That's not credible.

5 MR. DEIXLER: Or any of it. I see.

6 MR. VILLANUEVA: (Inaudible).

7 MR. DEIXLER: Were you aware --

8 CHAIR KENNEDY: I just want to say there's no talking from
9 the audience. Both Mr. Villanueva and Mr. Deixler are trying
10 to develop testimony. And I don't think it's fair to either of
11 them for members of the audience to interrupt and break their
12 concentration.

13 Go ahead.

14 MR. DEIXLER: Accepting for the moment as true, the
15 article which describes the behavior, would you agree that's
16 the behavior of a deputy gang?

17 MR. VILLANUEVA: No.

18 MR. DEIXLER: Why is the flashing of a gun, taunting of
19 people by tattooed deputies, in your judgment, not the activity
20 of a deputy gang?

21 MR. VILLANUEVA: That is misconduct by deputies
22 (inaudible). That is no different, because especially in that
23 group, I believe there was untattooed deputies and tattooed
24 deputies, and that does not -- there's no correlation between
25 the two, in fact. (Inaudible) to acknowledge the presence of a

1 -- the existence of a (inaudible) that points that there is no
2 correlation between misconduct in deputy subgroups is correct.

3 MR. DEIXLER: It'll go faster if I ask questions and you
4 can answer them.

5 MR. VILLANUEVA: You want to develop information; right?

6 MR. DEIXLER: You -- this group is identified in the
7 article as the Industry Indians; is that correct?

8 MR. VILLANUEVA: I think the tattoo might be called that.

9 MR. DEIXLER: Well, you were aware at the time you were
10 the Sheriff about the Industry Indians; is that true?

11 MR. VILLANUEVA: Actually, I found out about this incident
12 right about when I was leaving.

13 MR. DEIXLER: So when you were still the Sheriff of
14 Los Angeles County, you were aware of the Industry Indians;
15 correct?

16 MR. VILLANUEVA: Let me repeat myself. I found about this
17 incident right about when I was leaving.

18 MR. DEIXLER: And when you found out about the incident,
19 you learned that there were a group of sheriff's deputies who
20 had a tattoo that said "Industry Indians"; correct?

21 MR. VILLANUEVA: To that effect, yeah.

22 MR. DEIXLER: And they were numbered tattoos; isn't that
23 true?

24 MR. VILLANUEVA: Yes.

25 MR. DEIXLER: And one of the people who have since been

1 discharged had a number 58; isn't that correct, sir?

2 MR. VILLANUEVA: (Nods head in the affirmative.)

3 MR. DEIXLER: And you were aware of all of this before you
4 left the Sheriff's Department; correct?

5 MR. VILLANUEVA: Of that tattoo at Industry Station, no.
6 I found out when I found out.

7 MR. DEIXLER: Found out when you found out. What does
8 that mean? When did you find out, sir?

9 MR. VILLANUEVA: Like I said, as I left office is when
10 this came to our attention.

11 MR. DEIXLER: As you were going down the elevator on your
12 last day of work or sometime before then?

13 MR. VILLANUEVA: Possibly (inaudible) when this came to
14 our attention.

15 MR. DEIXLER: I see.

16 But there had been a internal investigation that had
17 gone on for more than a year; isn't that right?

18 MR. VILLANUEVA: I left in December, the incident took
19 place in February, that's ten months.

20 MR. DEIXLER: You're right. Ten months.

21 There was about a ten-month investigation that had
22 gone on; correct?

23 MR. VILLANUEVA: Depends on when Montclair PD notified our
24 department of this incident.

25 MR. DEIXLER: When Montclair PD notified your department

1 of the incident involving tattooed members of the LASD being
2 involved in gunplay and harassing teenagers, that was something
3 that was important for you to know; correct?

4 MR. VILLANUEVA: Well, if you're pulling the quotations
5 out of the LA Times article, no. The representation of the
6 Times (inaudible).

7 MR. DEIXLER: When you assured the public in your
8 performance in this debate that there were no deputy gangs, you
9 knew of the Industry Indians; is that true?

10 MR. VILLANUEVA: That is false.

11 MR. DEIXLER: By the time of the debate, you didn't know
12 about the Industry Indians; that's your testimony under oath?

13 MR. VILLANUEVA: Yes.

14 MR. DEIXLER: But others in the Department did, and they
15 were conducting an investigation?

16 MR. VILLANUEVA: They were conducting this investigation,
17 yeah.

18 MR. DEIXLER: And did you suspect that they were
19 concealing that information from you?

20 MR. VILLANUEVA: This may come as a shock to you, but
21 every incident that happened on a (inaudible), unless it's
22 something outrageous doesn't go (inaudible).

23 MR. DEIXLER: Would you regard this incident as reported
24 by the LA Times -- assuming that it is true, of course -- would
25 you regard that as outrageous, or just in the ordinary course

1 of business?

2 MR. VILLANUEVA: A dispute off duty, this happens.
3 Especially in a large organization. They're bound to happen
4 (inaudible).

5 MR. DEIXLER: Okay. So why don't you answer my question.

6 Assuming the facts that were reported in
7 Los Angeles Times are true, would you regard the behavior that
8 was reported as outrageous, or in the ordinary course of
9 business?

10 MR. VILLANUEVA: The fact that that's not acceptable
11 behavior (inaudible) misconduct, but there's always two sides
12 to the story.

13 MR. DEIXLER: Well, four deputies and a sergeant were
14 discharged; so what other side of the story is there?

15 MR. VILLANUEVA: Well, assuming discharged -- now, I'm not
16 going to go into this (inaudible) issues regarding the whole
17 issue. But the decision was made by the current
18 administration. And will it survive the review by the Civil
19 Service Commission, no.

20 MR. DEIXLER: Sheriff Luna decided, with the exercise his
21 authority, to terminate these deputies for various reasons
22 including covering up, lying, and gunplay; isn't that fair?

23 MR. VILLANUEVA: It's what the article says. Again, I
24 don't have the information (inaudible). The article, again, is
25 (inaudible).

1 MR. DEIXLER: Well, the article also had a way for you to
2 view the report offered by the Sheriff's Department just by
3 clicking on the highlighted portion, which explained the nature
4 of the discharge; isn't that true? Didn't you read that?

5 MR. VILLANUEVA: I may have.

6 MR. DEIXLER: You weren't concerned enough about an event
7 that occurred on your watch that led to the discharge of two
8 sergeants and deputies to follow through and read the report in
9 the Los Angeles Times?

10 MR. VILLANUEVA: (No audible response.)

11 MR. DEIXLER: It didn't matter to you. You moved on when
12 you're running for the Board of Supervisors; is that true?

13 MR. VILLANUEVA: From the station or...

14 MR. DEIXLER: I'm asking you a question. You didn't worry
15 about it because you -- you've left one job, and now you're
16 moving on to be elected to the Board of Supervisors, you hope.

17 MR. VILLANUEVA: Well, my concern is, obviously, I don't
18 have enough information to form the opinion. And you're giving
19 bits and pieces of information so they're really irrational.

20 MR. DEIXLER: Before you were sworn in on
21 December the 3rd, 2018, as Sheriff, you knew the East LA
22 station was kind of bad news; right?

23 MR. VILLANUEVA: (Inaudible).

24 MR. DEIXLER: You were aware that the then chief but now
25 Undersheriff Tardy has admitted before this commission that the

1 Banditos who operated out of the East LA Station met the penal
2 code definition of a law enforcement gang; correct?

3 MR. VILLANUEVA: That was her claim.

4 MR. DEIXLER: You understood Sheriff Tardy's -- I'm
5 sorry -- Chief Tardy and now Undersheriff Tardy's testimony
6 here in which she identified and acknowledged that the Banditos
7 met the statutory definition of a deputy gang; correct?

8 MR. VILLANUEVA: I understand that now Undersheriff Tardy
9 came here to audition to play their role for then candidate
10 Robert Luna. Yes, I know.

11 MR. DEIXLER: But you didn't learn that she acknowledged
12 that the Banditos were a deputy gang? This is the first you've
13 heard.

14 MR. VILLANUEVA: No. I heard her testimony. She made
15 that claim. I'm not acknowledging that she is correct. She
16 made the claim.

17 MR. DEIXLER: Well, let's see what she said. 505.

18 MS. MOSES: "How about the Banditos in East LA?
19 Are they a deputy subgroup?"

20 MS. TARDY: "Yes, they are."

21 MS. MOSES: "And they identify themselves by a
22 name; right?"

23 MS. TARDY: "They do."

24 MS. MOSES: "And they have an identifying
25 symbol; is that right?"

1 MS. TARDY: "That's correct.

2 MS. MOSES: "Can we pull up, Patricia, Exhibit
3 14?

4 "This is the Loyola Report on deputy gangs, page
5 8 of the document.

6 "If you could zoom in there.

7 "Is that image on the left the symbol that the
8 Banditos out of East LA associate themselves with?

9 MS. TARDY: "Yes, it is.

10 MS. MOSES: "And are you -- are you aware of any
11 Bandito having violated department policy or any
12 fundamental principle of professional policing?

13 MS. TARDY: "Yes.

14 MS. MOSES: "And what are -- what are those
15 violations?

16 MS. TARDY: "There were several performance
17 standards, conduct towards others, and this was part
18 of the Kennedy Hall investigation.

19 MS. MOSES: "So if I understand correctly, we
20 have the Banditos who identify themselves by a name
21 and have an identifying symbol, which we're looking
22 at, and have violated department policy in connection
23 with the Kennedy Hall incident. And so explain to me
24 again how that does not qualify as a law enforcement
25 gang?

1 MS. TARDY: "That's the term that I use is
2 'subgroups,' and I know it's been used here today
3 several times; so...

4 MS. MOSES: "I understand it's your preferred
5 term, but we talked about there being three different
6 factors that would establish a law enforcement gang.
7 And from the description you just gave, the Banditos
8 satisfy all three of them.

9 "So my question is: Why is it not -- why are
10 the Banditos not a law enforcement gang?

11 MS. TARDY: "According to 13670 PC, that is the
12 definition. Correct."

13 MR. DEIXLER: Now, when you learned that -- you had made
14 Tardy the chief during your tenure; is that true?

15 MR. VILLANUEVA: (Nods head in the affirmative.)

16 MR. DEIXLER: When you learned that Chief Tardy -- she was
17 the chief of standards?

18 MR. VILLANUEVA: No.

19 MR. DEIXLER: What was she the chief of?

20 MR. VILLANUEVA: Central Patrol.

21 MR. DEIXLER: Oh, Central Patrol. Of course.

22 When you learned that the person that you had put in
23 charge as a chief of Central Patrol had testified under oath
24 that the Banditos met the definition of a law enforcement gang,
25 what did you do to act immediately to eliminate the Banditos?

1 MR. VILLANUEVA: Tell you what I did. Since the very
2 beginning, I was actually eliminating these subgroups
3 (inaudible) eradicate (inaudible) station. Okay. When I took
4 office, the very first official job I did as Sheriff -- or
5 act -- was to remove the captains at East LA Station.
6 (Inaudible), Chris Perez. We replaced the entire leadership
7 team of the East LA Station.

8 And we took over the investigation that (inaudible),
9 referred the matter to the District Attorney for prosecution.

10 And then we conducted a very (inaudible)
11 investigation that resulted in the termination of four
12 deputies. One retired during that process, and then the
13 suspension without pay of the 22 deputies, some were
14 transferred (inaudible). So we actually did quite a bit.

15 And, however, they (inaudible) gang members.

16 MR. DEIXLER: Right. Right.

17 Well, we'll get into the details of what you just
18 testified to, I promise you, before the end of the evening if
19 we persist at this pace.

20 But -- but let me focus your attention. When Chief
21 Tardy came here and testified to that, did you do anything that
22 hadn't been done before? The people you fired, you fired in
23 2020. Did you do anything in response to your chief of Central
24 Command (Sic) testifying under oath that this was a group of
25 gang members? Yes or no.

1 MR. VILLANUEVA: We elected not to touch this matter only
2 because it became a hot political potato that you guys were
3 eager to jump on if I did anything regarding her testimony,
4 which I believed was false.

5 MR. DEIXLER: So you were aware of the testimony, you knew
6 it was important to the commission and perhaps to the public,
7 and you chose to do nothing; is that fair?

8 MR. VILLANUEVA: (No audible response.)

9 MR. DEIXLER: What did I get wrong?

10 MR. VILLANUEVA: Who are you kidding here, Mr. Deixler?
11 Who are you kidding? While I was trying to actually assert my
12 rights to challenge a lawful subpoena because -- filing more
13 subpoenas after more subpoenas -- without even letting the
14 whole case go through the proper process to the very end, which
15 you end up losing everything. That was a two-step process to
16 issue a proper subpoena, then you chose to then run around or
17 asking the commission here, "Oh, my God. He's violating
18 subpoenas. He's resisting."

19 (Inaudible) ignoring the fact that I've sat down with
20 this Ad Hoc Committee on this very issue. After speaking to
21 the commission, I've been -- I've testified under oath the
22 inspector general on this very issue. But you're also
23 presenting this old story about somehow, we're hiding
24 something. There's nothing to hide. The position of the
25 Sheriff and every decision I make is obviously a problem no

1 matter which way we go. (Inaudible) with the best information.

2 MR. DEIXLER: So, really, back on my question, if you
3 don't mind. Am I correct that in response to Sheriff (Sic)
4 Tardy's testimony under oath, calling the Banditos gang members
5 that you did nothing? Yes or no.

6 MR. VILLANUEVA: I did not do anything with her testimony.

7 MR. DEIXLER: Thank you.

8 We've seen -- we've seen a Unicorn and a Caveman;
9 we've heard about Industry Indians. Did you ever see any Grim
10 Reapers in the LASD?

11 MR. VILLANUEVA: I never examined anyone's tattoos.

12 MR. DEIXLER: Whether you examined their tattoo or not,
13 you knew there were Grim Reapers in the LASD; correct?

14 MR. VILLANUEVA: False.

15 MR. DEIXLER: Well, the first -- your first chief of staff
16 was a Grim Reaper, wasn't he?

17 MR. VILLANUEVA: He was a deputy sheriff.

18 MR. DEIXLER: He was a Grim Reaper; correct?

19 MR. VILLANUEVA: He was a deputy sheriff.

20 MR. DEIXLER: Can we play number 506, which is the
21 testimony of Mr. Del Mese?

22 MR. DEL MESE: "Yes, I was a member of the Grim
23 Reapers.

24 CHAIR KENNEDY: "Thank you.

25 Mr. Forman.

1 MR. FORMAN: "What does it mean to be a member
2 of the Grim Reapers?"

3 MR. DEL MESE: "From my experience, it was a
4 fraternal group that worked hard and received some
5 recognition from their peers."

6 MR. FORMAN: "Why was it called the Grim
7 Reapers?"

8 MR. DEL MESE: "I don't know. I didn't create
9 the name."

10 MR. FORMAN: "Is there a tattoo associated with
11 the deputy clique, the Grim Reapers?"

12 MR. DEL MESE: "I believe there is."

13 MR. FORMAN: "What is that tattoo?"

14 MR. DEL MESE: "A Grim Reaper."

15 MR. FORMAN: "Okay."

16 "That's -- that's the figure of death with
17 the hood and -- and the skull and the scythe?
18 That -- that's --"

19 MR. DEL MESE: "Correct."

20 MR. FORMAN: "Okay."

21 "Are the tattoos numbered -- individually
22 numbered by the deputies who get them?"

23 MR. DEL MESE: "I believe they -- I believe they
24 were at that time."

25 MR. FORMAN: "What do the numbers signify?"

1 MR. DEL MESE: "The order that you received it.

2 MR. FORMAN: "Okay.

3 "Do you know why a deputy clique -- a group
4 of deputies who are charged with protecting people
5 from violence and to uphold the law would choose a
6 symbol of death for their group?

7 MR. DEL MESE: "No.

8 MR. FORMAN: "Okay.

9 "So members could have the tattoo of the
10 Grim Reaper. Would there -- would there be a
11 specific place on the body that members would have
12 the tattoo of the Grim Reaper?

13 MR. DEL MESE: "At that time?

14 MR. FORMAN: "Yes.

15 MR. DEL MESE: "I believe it was on our ankle.

16 MR. FORMAN: "It was left or right, or did it
17 matter?

18 MR. DEL MESE: "I don't know if it mattered.

19 MR. FORMAN: "Okay.

20 "Did you ever get a Grim Reaper tattoo?

21 MR. DEL MESE: "Yes.

22 MR. FORMAN: "And do you still have that tattoo?

23 MR. DEL MESE: "No.

24 MR. FORMAN: "When did you have your tattoo
25 removed?

1 MR. DEL MESE: "2018, 2019. Somewhere in there.

2 MR. FORMAN: "Why did you remove your tattoo of
3 the Grim Reaper?

4 MR. DEL MESE: "Because I believed it had become
5 just something that didn't serve me in any purpose.

6 MR. FORMAN: "Had it served your purpose up
7 until 2018?

8 MR. DEL MESE: "No. It -- it served me no
9 purpose from the day I got it. But it had obviously
10 become a liability.

11 MR. FORMAN: "In what way was having a gang
12 tattoo for a sheriff's deputy a liability?

13 MR. DEL MESE: "Well, I think with the -- in
14 looking at how things have progressed in this issue,
15 the perception is a lot different today than it was
16 in 1990, you know, the -- the whole meaning behind
17 it.

18 "The groups that have been identified by your
19 commission and the activities that they're taking
20 don't lend themselves to professional law enforcement
21 of which I subscribed to.

22 MR. FORMAN: "Is it your testimony that the
23 current conduct of the cliques is not consistent with
24 professional law enforcement? Is that what I heard
25 you say?

1 MR. DEL MESE: "Yes. I -- I believe because of
2 liability.

3 MR. FORMAN: "Could -- well, could you elaborate
4 on that, Mr. Del Mese?"

5 MR. DEL MESE: "I think it becomes a liability
6 to the employee, their career, and the Department.

7 MR. FORMAN: "Is it a 'bad look,' as they say?"

8 MR. DEL MESE: "Yes.

9 MR. FORMAN: "Did your tattoo have a number?"

10 MR. DEL MESE: "Yes.

11 MR. FORMAN: "What was your number?"

12 MR. DEL MESE: "Two-two."

13 MR. DEIXLER: So when you heard your former chief of staff
14 testify about having been a Grim Reaper, number 22, what did
15 you do upon seeing, hearing that testimony, and get at the
16 question of whether the Grim Reapers were a group of deputies
17 acting contrary to good policing standards? What did you do?

18 MR. VILLANUEVA: This is (inaudible).

19 MR. DEIXLER: I'm a dummy, so try and help.

20 MR. VILLANUEVA: Tattoos from subgroups are a point in
21 time in a given place. Grim Reapers tattoo, Lennox station, no
22 longer exist. 1990 -- '80 to the -- I don't know -- 2000 or
23 so. And that's it. They're done. Everyone scatters in all
24 different directions. It is not this conspiracy that a group
25 of deputies who are acting like criminals in that sense.

1 MR. DEIXLER: How do you know that, sir, if you didn't
2 conduct an investigation across the Department to find that
3 out? How do you know that?

4 MR. VILLANUEVA: Real simple. Because we investigate
5 misconduct. If we don't have an allegation of misconduct,
6 there's nothing to investigate. You know how that works --
7 right? -- in employment law?

8 MR. DEIXLER: We've seen or heard about unicorns, Cavemen,
9 Industry Indians, Grim Reapers. There's also a group called
10 the Executioners; is that right?

11 MR. VILLANUEVA: Actually, no, there's not.

12 MR. DEIXLER: Let me show you a tattoo that was worn by
13 Deputy Aldana and by Deputy Jaime Juarez.

14 Show that Exhibit 4.

15 COMMISSIONER BONNER: While we're doing that, is it true
16 that there is not a subgroup within the Sheriff's Department
17 called the Executioners? Is that a "No, there is not one"?

18 MR. VILLANUEVA: (No audible response.)

19 COMMISSIONER BONNER: Is there -- let me make it very
20 simple. During the time you were the Sheriff, was there a
21 subgroup known as the Executioners that operated out of the
22 Compton Station? Just answer that "yes" or "no." Because I
23 didn't understand your previous answer.

24 MR. VILLANUEVA: (No audible response.)

25 MR. DEIXLER: You're the witness. He asked you a

1 question.

2 MR. VILLANUEVA: (Inaudible) is simple. The name
3 "Executioners," (inaudible). And I believe there's testimony
4 from those very same individuals saying they don't recognize
5 the name "Executioner."

6 The great thing for a trial attorney(inaudible), but
7 no.

8 MR. DEIXLER: Do you recognize --

9 MR. VILLANUEVA: That is the kind of tattoo (inaudible).

10 MR. DEIXLER: Do you recognize that as a tattoo by people
11 who describe themselves as Executioners who are a member of the
12 LASD?

13 MR. VILLANUEVA: Well, they never described themselves as
14 Executioners.

15 MR. DEIXLER: It was no secret that Deputy Juarez was a
16 member of this gang or clique or subgroup because he flew an
17 Executioner flag on his truck; isn't that right?

18 MR. VILLANUEVA: I believe that's a compound question
19 there (inaudible) but --

20 MR. DEIXLER: Well, do your best.

21 MR. VILLANUEVA: Let's get real (inaudible) the
22 Executioners for starters (inaudible), but I think the
23 (inaudible) name was Sweeney if I'm not mistaken. And he flew
24 a tattoo -- or a picture of that tattoo on a flag, he had on
25 his truck. I had no personal knowledge of that. If he did,

1 exactly what violation of law was that?

2 MR. DEIXLER: You mean you didn't see the evidence where
3 the flag was placed before the commission for consideration
4 here?

5 MR. VILLANUEVA: (No audible response.)

6 MR. DEIXLER: Let me give you a chance to see it now then.
7 Let's see if you -- if -- it looks familiar. See that? That
8 flag on the right.

9 MR. VILLANUEVA: Yes.

10 MR. DEIXLER: That's an Executioner flag; right?

11 MR. VILLANUEVA: No. Again, I have yet to see anybody put
12 that symbol and put the word "Executioner" on anything.

13 MR. DEIXLER: Well, you know Deputy Juarez in a trial in
14 the Superior Court admitted he was a member of the Executioners
15 and showed his tattoo in open court. You know that, don't you?

16 MR. VILLANUEVA: He never described himself as a
17 Executioner.

18 MR. DEIXLER: Could you put up Exhibit 6 and start at 125
19 so we know who the witness is?

20 If you'd like to read along, you can look at it in
21 the book, or you can look at the screen depending on the
22 quality of your eyesight.

23 MR. VILLANUEVA: What's the exhibit number again?

24 MR. DEIXLER: Exhibit Number 6, it says "(Inaudible) 06."

25 And it begins by Jaime Juarez being sworn as a

1 witness. Do you see that?

2 MR. VILLANUEVA: Okay.

3 MR. DEIXLER: And then if you go to page 131 -- well, let
4 me just stop and ask.

5 Jaime Juarez was a person who was taken off street
6 patrol by your predecessor because he was involved in four
7 shootings; is that fair? Do you remember that?

8 MR. VILLANUEVA: Something like that.

9 MR. DEIXLER: And is it correct that you returned him to
10 the street; correct?

11 MR. VILLANUEVA: (Inaudible) that would be a different
12 issue.

13 MR. DEIXLER: And not only did you return this fellow --

14 MR. VILLANUEVA: Wait. You're misstating what I said. I
15 said (inaudible).

16 MR. DEIXLER: Yeah. But then he worked for you; right?

17 MR. VILLANUEVA: When they exercise independent judgment?

18 MR. DEIXLER: But all decisions, ultimately, were your
19 decision. You're the person elected countywide who is the
20 Sheriff and everybody works for you; correct?

21 MR. VILLANUEVA: (Nods head in the affirmative.)

22 MR. DEIXLER: And so the decisions of anybody in the
23 Department are ultimately your decisions; right?

24 MR. VILLANUEVA: While delegating authority.

25 MR. DEIXLER: I know delegation authorities. My question

1 is slightly different. At the end of the day, this is
2 respondeat superior.

3 MR. VILLANUEVA: Responsible for the decision of every
4 employee.

5 MR. DEIXLER: Okay.

6 And so the decision that was made was to return
7 Juarez to the street, and then the decision was made to promote
8 them to detective; isn't that right?

9 MR. VILLANUEVA: That, at some point happened, yeah.

10 MR. DEIXLER: On your watch, not just some abstract time.
11 While you were the Sheriff of Los Angeles County, this man got
12 to be a detective that was promoted after he was returned to
13 the street; correct?

14 MR. VILLANUEVA: (Nods head in the affirmative.)

15 MR. DEIXLER: Okay.

16 Now, let's go back and say -- now that we've
17 established that -- at page 131.

18 Promotion July of 2022 to detective. That was on
19 your watch; correct, sir?

20 MR. VILLANUEVA: Yes.

21 MR. DEIXLER: And then let's go to page 130.

22 MR. VILLANUEVA: Was he ineligible?

23 MR. DEIXLER: I'm sorry.

24 MR. VILLANUEVA: (Inaudible). Was he ineligible to be
25 promoted?

1 MR. DEIXLER: The decision to promote -- not everybody who
2 would like to be a detective gets to be promoted to detective;
3 correct?

4 MR. VILLANUEVA: (Inaudible) to the rank of detective.
5 There's a process. It's by the process approved by the unions
6 (inaudible) very strict protocol, placed on a list. From that
7 list of people can be selected to be a detective, yes.

8 MR. DEIXLER: Some people get selected, but other people
9 don't get selected; right?

10 MR. VILLANUEVA: Well, I guess I can't recall exactly what
11 the order is. If it's on a list or if it's (inaudible). But
12 if you're placed on the list, you met all the minimum criteria,
13 you get promoted. And whether or not you have a tattoo is not
14 part of the criteria.

15 MR. DEIXLER: Of that I am quite sure, but my question is
16 some people become promoted to detectives and some people don't
17 even though they're on the rankings; correct?

18 MR. VILLANUEVA: Yes. Some people don't make it.

19 MR. DEIXLER: Right. Okay.

20 Some people have their career topped out at -- I
21 don't know -- lieutenant don't get promoted to captain or
22 something higher than that. That's true also, isn't it?

23 MR. VILLANUEVA: Depends on whether the individual ranks
24 at the top or not.

25 MR. DEIXLER: Let me turn your attention to the page 136.

1 Q BY MR. ROMERO: "Can you describe to me the
2 image that's depicted inside the concentric circles
3 on the flag which you've testified that you
4 purchased?"

5 A "It's a skeleton with a helmet
6 holding a rifle."

7 Q "Is this consistent with the tattoo you
8 have on your body?"

9 A "It is."

10 Q "Where do you have that tattoo on
11 your body?"

12 A "My right calf area."

13 Q "Would you please show it to the jury?"

14 A "Yes."

15 MR. DEIXLER: Now, you are familiar with what occurred in
16 this case, and that Deputy Juarez displayed his tattoo of an
17 Executioner, of a skeleton with a helmet holding a rifle, in
18 the Superior Court; is that true?

19 MR. VILLANUEVA: True. Yeah.

20 MR. DEIXLER: And is it your view that having deputies and
21 law enforcement officials who interact with the public who have
22 tattoos with a skeleton with a helmet holding a rifle is in
23 furtherance of good community relations?

24 MR. VILLANUEVA: Well, if they're out there running around
25 in shorts with all these tattoos, maybe. But if they're

1 wearing long pants, I -- that's probably (inaudible) position.

2 MR. DEIXLER: It is -- oh, you went to the academy to be
3 trained when you were -- back in the old days, you were going
4 to be a deputy; right?

5 MR. VILLANUEVA: Yeah.

6 MR. DEIXLER: Can you remember any of the training about
7 where you should get a tattoo or what the tattoos should
8 symbolize or anything like that? Is that part of the official
9 training of persons who would like to be LASD deputies?

10 MR. VILLANUEVA: No.

11 MR. DEIXLER: Let's turn to 137.

12 Q BY MR. ROMERO: "How many other individuals
13 have that same tattoo that you have?"

14 A "The tattoo actually has a number on it,
15 which is 18, my number. So I believe there's
16 40-something."

17 MR. DEIXLER: Now, is it a matter of concern for you that
18 there were 40-something members of the LASD who had that
19 tattoo?

20 MR. VILLANUEVA: Unless they're engaged in misconduct,
21 what they put on their body (inaudible), no.

22 MR. DEIXLER: So it didn't matter to you one way or the
23 other?

24 MR. VILLANUEVA: Again, unless it involved misconduct.

25 MR. DEIXLER: Was it a symbol of being part of a group?

1 MR. VILLANUEVA: A symbol of being part of that
2 (inaudible) at that particular time in history.

3 MR. DEIXLER: I see.

4 So at that particular time in history, there were 40
5 people who had a tattoo of a helmet and a gun, and that didn't
6 denote anything other than "Hey, we work in Compton"?

7 MR. VILLANUEVA: (Inaudible) station.

8 MR. DEIXLER: That's, like, kind of a "I Love Compton"
9 T-shirt. That's the functional equivalent of it?

10 MR. VILLANUEVA: (No audible response.)

11 MR. DEIXLER: There were a number of people --

12 Let's go to 138.

13 -- who Mr. Juarez identified under oath and in the
14 Superior Court who had that tattoo as well.

15 MR. VILLANUEVA: Are you're talking tattoos or misconduct?
16 Where are you going with this? A lot of people have tattoos.

17 MR. DEIXLER: Stay tuned. Stay tuned. You'll see where
18 we're going with this.

19 Q BY MR. ROMERO: "Can you please -- and take
20 your time -- identify the individuals with whom you
21 have firsthand knowledge that they have that tattoo?"

22 A "Okay. So top of my head, Edwin Barajas,
23 Taylor Ingersoll..."

24 MR. DEIXLER: And a few other names that you can see. But
25 you've heard the name Barajas and Ingersoll; correct?

1 MR. VILLANUEVA: (Inaudible), no.

2 MR. DEIXLER: No?

3 It came to your attention that they were involved in
4 a public shooting and that they had a celebratory event at the
5 Heroes Bar to celebrate that public shooting. You knew that,
6 didn't you?

7 MR. VILLANUEVA: No.

8 MR. DEIXLER: That was testified to in the
9 Oversight Commission. And information was placed on the board,
10 which showed an exchange of emails about that. And that never
11 came to your attention, sir?

12 MR. VILLANUEVA: (Inaudible).

13 MR. DEIXLER: You might have heard about that and
14 forgotten about it.

15 MR. VILLANUEVA: You said "celebrate." (Inaudible)
16 describe the shooting itself, it's probably a public shooting.

17 MR. DEIXLER: Well, I'll tell you what. When we get to
18 that part, probably (inaudible), I'll show you the email
19 exchange, the text exchange, and we'll be able to talk about it
20 in some detail.

21 But at this moment, you never heard about it. Nobody
22 told you about it. You didn't read anything about it. It's
23 just this is the first you've heard; is that fair?

24 MR. VILLANUEVA: (Inaudible) Barajas or Ingersoll, and if
25 they were involved in a deputy-involved shooting or (inaudible)

1 circumstances of the shooting and they had a party afterwards
2 to celebrate the fact that they're alive? Shocking. Truly
3 shocking.

4 MR. DEIXLER: Did you learn about the process that
5 Deputy Juarez or Detective Juarez testified to about how
6 members were able to get tattoos?

7 MR. VILLANUEVA: Members in the deputy sheriffs in the
8 Department?

9 MR. DEIXLER: Yeah, yeah. Deputy sheriffs. I don't know
10 where they work, but deputy sheriffs were able to get
11 Executioner tattoos.

12 MR. VILLANUEVA: Pretty sure they got a tattoo; I doubt
13 that they call it Executioners tattoo.

14 MR. DEIXLER: Let me ask you to take a look at page 139,
15 which continues to be Detective Juarez' testimony.

16 Q BY MR. RAMERO: "Is there a voting process
17 from determining who gets to put that tattoo on their
18 body?"

19 A "I wouldn't consider it a voting process.
20 No."

21 Q "What is the deliberative process for who
22 gets that tattoo?"

23 A "So deputies that work patrol -- there are
24 these deputies that are assigned control, they would
25 roundtable."

1 MR. DEIXLER: What does "roundtable" mean in the lexicon
2 of the LASD about the selection of someone who's worthy of a
3 tattoo? How did that work?

4 MR. VILLANUEVA: I've never been part of such a roundtable
5 discussion, but it may come as a shock to you that peer leaders
6 at the rank of deputy decide (inaudible) get a tattoo or not
7 getting a tattoo, invite them or not invite them. I still
8 don't see the misconduct here.

9 MR. DEIXLER: Invite them, did you say? They invite them?

10 MR. VILLANUEVA: Whatever. I'm still missing the
11 misconduct. Where's the nexus for the employer?

12 MR. DEIXLER: Stay tuned. Just stay tuned.

13 You just said "invited." Before you didn't know
14 whether it was by invitation. Is it now your testimony, sir,
15 that you understand that not just anybody can join one of these
16 subgroups and get a tattoo but, rather, it's an invitation-only
17 kind of opportunity; correct?

18 MR. VILLANUEVA: Every place is different. Every subgroup
19 is different, and even when there's not a guarantee, things
20 change over time. (Inaudible).

21 MR. DEIXLER: Tell me, if you will, which of the subgroups
22 you know about were invitation-only and which were open
23 admissions, if you would.

24 MR. VILLANUEVA: (No audible response.)

25 MR. DEIXLER: You have no idea because you've never

1 conducted any departmentwide investigation of subgroups.

2 MR. VILLANUEVA: We investigate misconduct. We don't
3 investigate -- or we don't (inaudible).

4 MR. DEIXLER: Do you think that having sworn officers with
5 tattoos decide who among the group are entitled to have a
6 tattoo is consistent with fundamental principles of
7 professional policing?

8 MR. VILLANUEVA: You saying you want me to apply the
9 standard of Penal Code Section 13670 to a past event, ex post
10 facto? That what you want me to do?

11 MR. DEIXLER: Could you answer my question?

12 MR. VILLANUEVA: Well, you made it a compound question.

13 MR. DEIXLER: No, it wasn't compound.

14 MR. VILLANUEVA: Yes.

15 MR. DEIXLER: Do you think having sworn officers with
16 tattoos deciding who is worthy of a tattoo a violation of
17 fundamental principles of professional policing? Yes or no.

18 MR. VILLANUEVA: It's not a yes or no. If you take it in
19 align with 13670, you have an ulterior motive for this line of
20 questioning, and it is getting really kind of pointless.

21 MR. DEIXLER: It is? Well, I'm going to do the best that
22 I can through the rest of the day.

23 Could you answer my question.

24 MR. VILLANUEVA: If there's no one involved in misconduct,
25 how deputies interact upon each other, as long as they're not

1 harming each other, which is a point of my policy, then with
2 (inaudible) get involved.

3 MR. DEIXLER: I see.

4 So a discriminatory group that's sized, say, based
5 upon race or ethnicity, to invite people to join that group
6 doesn't violate fundamental principles of professional
7 policing -- correct? -- unless there's something more or a
8 shooting, harassment of citizens; is that you're understanding
9 of the penal code?

10 MR. VILLANUEVA: Understanding of the -- actually, what
11 would survive the constitutional muster is that my policy will
12 sustain a challenge. Does it involve prohibiting any group
13 forming or joining that harms other people, be it employees or
14 members of the public? That works. That, we can investigate.
15 That, we can sink our teeth into. Anything outside of that,
16 we're on thin ice. Very thin ice.

17 MR. DEIXLER: So I promise you before you leave, you're
18 going to have a deep dive into the constitutionality of the
19 various proposals and a deep dive into whether your policy is a
20 serious problem --

21 MR. VILLANUEVA: Well, I --

22 MR. DEIXLER: -- so stay tuned.

23 MR. VILLANUEVA: -- I gave all of the commissioner members
24 the decisions county counsel from 2014. The one you guys
25 complained you couldn't get your hands on is sitting right in

1 front of you.

2 MR. DEIXLER: Oh, no, no. I have all the copies of 2014.
3 And you know what we're going to do? I'm going to go through
4 it line-by-line with you, and then I'm going to ask you about
5 2021. Okay? Stay tuned. Don't get -- we're going to go in a
6 systematic way. I promise you you're going to have the
7 opportunity to talk about all these things and so will I.

8 Let me go back to Mr. Del Mese. Before you made
9 Mr. Del Mese the chief of staff, did you ask him whether he was
10 a tattooed member of a gang, clique, or subgroup?

11 MR. VILLANUEVA: No.

12 MR. DEIXLER: You didn't think it was important; correct?

13 MR. VILLANUEVA: I didn't think it was appropriate.

14 MR. DEIXLER: So you thought about it. "Maybe I should
15 ask." And then, "No. That would be wrong for me to do"; is
16 that correct?

17 MR. VILLANUEVA: (No audible response.)

18 MR. DEIXLER: That's wrong.

19 So explain to me why you --

20 MR. VILLANUEVA: I'm going to explain to you.

21 MR. DEIXLER: -- why didn't ask a well-known Grim Reaper,
22 number 22, whether he was a member of this subgroup or clique
23 or gang?

24 MR. VILLANUEVA: Larry Del Mese retired honorably from the
25 Department, lengthy history, impeccable, and I (inaudible). He

1 wasn't fired from the Department, wasn't facing any criminal
2 prosecution. Oh, and he was a deputy sheriff; he's not a Grim
3 Reaper.

4 If you want to describe a tattoo as somehow the
5 person becomes the tattoo, well, that's on you. But I think
6 that's just dishonest.

7 You heard production 50 years of deputy gangs, which
8 is probably 50 years of deputy tattoos (inaudible).

9 But we're dealing with facts here. We're dealing
10 with when I make decisions to promote someone, what they have
11 in ink on their body, because I know there's a certain
12 percentage of the Department that had ink in the past that's
13 not as popular today as it was 20, 30 years ago --

14 MR. DEIXLER: How do you know that?

15 MR. VILLANUEVA: Oh, I've gotten to know very well.

16 MR. DEIXLER: How? Tell me how. What's the methodology?

17 MR. VILLANUEVA: Real simple. If you bothered to read the
18 RAND study and understand math, you'd understand, "Yeah, the
19 problem is actually disappearing because it's less popular;
20 there's more litigation; there's more liability added it."

21 But at the same time, tattoos themselves are getting
22 more and more prevalent throughout the Department.

23 MR. DEIXLER: So you believe the RAND study was valuable;
24 correct?

25 MR. VILLANUEVA: That was a waste time.

1 MR. DEIXLER: So you rely on something that is a waste of
2 time to establish the fact that tattoos are no longer popular;
3 is that -- do I understand that correctly?

4 MR. VILLANUEVA: Actually, you know, I heard -- I gave all
5 the commissioners a bunch of documents -- some of it, they've
6 never seen before -- you guys will have the opportunity to
7 dissect.

8 If you go to the RAND study and the intro, which is
9 page 1 (inaudible) with the fourteen, I think, in roman
10 numerals. Go to the very bottom of the page and they talk
11 about -- they give a little math riddle. Interviewed so many
12 people, so many people responded to our survey. Of those, 16
13 percent said they were invited to have a tattoo.

14 And then they go on to say (inaudible) I can hear is
15 "Oh, sheesh. We went all the way there and we didn't bother
16 asking questions, like, divide between administrations, or
17 maybe 'How about more than five years? More than 10 years ago?'
18 to get some chronological nature." They could've actually
19 ended the conversation right there, but the RAND study was done
20 to provide one thing, leverage for the LA Times, and they did.

21 Critics: "Oh, my God, the problem is growing."

22 "No. It's actually shrinking in size."

23 MR. DEIXLER: "Those folks at the at RAND are a bunch of
24 idiots, and they don't know what they're doing." That's a fair
25 summary; right?

1 MR. VILLANUEVA: No. They know what they're doing.

2 And the sad thing is they got a \$1.5-million tax
3 giveaway -- property tax. And so -- which they didn't mention
4 in their study was (inaudible).

5 MR. DEIXLER: Uh-huh. Okay. Well, thanks for that
6 update.

7 Let me ask you --

8 COMMISSIONER BONNER: Just to let you know for the record,
9 the RAND study did find that the number (inaudible) deputy
10 gangs within the Sheriff's Department was actually increasing.
11 Apparently, Mr. Villanueva did not read that part.

12 MR. VILLANUEVA: Oh, I read the part very well,
13 Mr. Bonner. And if you do the -- follow the math, they elected
14 not to determine that, when they had the ability and they had
15 the means. And they shied away from it.

16 MR. DEIXLER: Right.

17 Mr. Villanueva, let me return you to the subject
18 matter of the Grim Reapers. One of the first acts that you
19 sought to do even before you became the Sheriff of Los Angeles
20 County was to try to restore Carl Mandoyan to the LASD; is that
21 true?

22 MR. VILLANUEVA: Yes.

23 MR. DEIXLER: He had been terminated because of abusive
24 behavior toward a female colleague, to put it as gently as a I
25 can; is that fair?

1 MR. VILLANUEVA: That is the allegation.

2 MR. DEIXLER: Yeah. And you knew he was a Grim Reaper;
3 right?

4 MR. VILLANUEVA: At one point, I heard, yes.

5 MR. DEIXLER: And when did you learn that?

6 MR. VILLANUEVA: A while back. I can't remember when.

7 MR. DEIXLER: Well, did you ask whether he was a Grim
8 Reaper before you tried to use all of your power and influence
9 to have him restored to the LASD, from which he had been
10 discharged for cause?

11 MR. VILLANUEVA: It was a (inaudible). He was a
12 tattooed -- he had a tattoo of a Grim Reaper. He was a deputy
13 sheriff.

14 MR. DEIXLER: Do you think a message of zero tolerance for
15 subgroups, cliques, and gangs was advanced by having three of
16 your chosen leaders to be known members of tattooed cliques?

17 MR. VILLANUEVA: If you'd subpoenaed Mr. Luna, I'd ask him
18 that very same question since he has so many on his own
19 executive staff.

20 MR. DEIXLER: So I appreciate the suggestion, but how
21 about if you answer my question.

22 MR. VILLANUEVA: Well, you need to ask --

23 MR. DEIXLER: I can only have him, sir, testify about what
24 you did before you --

25 MR. VILLANUEVA: In fact, why don't you subpoena for

1 Mr. McDonnell and Mr. Luna? Is that subpoena (inaudible).

2 CHAIR KENNEDY: (Inaudible) the format is that you're
3 going to answer the special counsel's questions, and whether we
4 have other witnesses is for this commission to decide.

5 Go ahead.

6 MR. DEIXLER: Did you think it advanced message of zero
7 tolerance for subgroups, cliques, and gangs to have three of
8 your chosen leaders to be known tattooed clique members? Yes
9 or no.

10 MR. VILLANUEVA: (Inaudible).

11 MR. DEIXLER: What's the hard part?

12 MR. VILLANUEVA: It's real simple.

13 MR. DEIXLER: What's the hard part?

14 MR. VILLANUEVA: Because if they're a member of a subgroup
15 and they had a tattoo 30 years ago and they had exemplary
16 service, am I going to somehow just dismiss them, pretend they
17 don't exist, or even worse, denying to promote them because of
18 a tattoo they got three decades ago. Do you know how that's
19 going to work out when they file the claim? I'm very sure
20 they'd find an attorney that'd be more than happy to jump on
21 that one.

22 MR. DEIXLER: So you knew that these folks had tattoos,
23 and you knew that the tattoos were from a period long past, and
24 you knew that they had resigned from these cliques?

25 MR. VILLANUEVA: I don't ask people if they have tattoos

1 or not. I go by what their work history is, what their
2 reputation is. And that does not involve what ink they have on
3 their body.

4 MR. DEIXLER: When --

5 MR. VILLANUEVA: Unless they put it on their forehead,
6 then we got something to talk about.

7 MR. DEIXLER: When Juarez was promoted to detective, you
8 looked at his full body of work, including four shootings, to
9 make the decision that this man, notwithstanding the fact that
10 he was a tattooed Executioner, should be promoted; is that
11 fair?

12 MR. VILLANUEVA: That's about the dumbest thing I've ever
13 heard.

14 MR. DEIXLER: Oh, I'm going to get dumber as we go.

15 MR. VILLANUEVA: Let's just put it this way: We have
16 hundreds of detectives; we have over a thousand sergeants,
17 about 400 lieutenants. I don't look at the body work of any of
18 them in the position of Sheriff. That's for the other
19 delegation of authority department. That's for the people
20 under my command.

21 MR. DEIXLER: But the final decision is yours; right?

22 MR. VILLANUEVA: Final decision is always mine. My name
23 goes on the teletype, you know.

24 MR. DEIXLER: You like to be sure that people acting in
25 your name are doing the right thing; correct?

1 MR. VILLANUEVA: Yes. Doing the right thing is not
2 engaging in a witch hunt on what type of ink they have on their
3 bodies.

4 MR. DEIXLER: (Inaudible).

5 MR. VILLANUEVA: Do you understand that?

6 MR. DEIXLER: I've never been clear about whether your
7 self-proclaimed first act as a Sheriff was to replace the
8 captain in East LA and then suspend and transfer either 26 or
9 36 people from East LA because they were Banditos, or for some
10 other reason. But while you're here, maybe you can help me
11 understand that.

12 As of December 3rd, 2018, when you were sworn in,
13 were you aware of a deputy clique known as Banditos in East LA?
14 Yes or no.

15 MR. VILLANUEVA: I heard.

16 MR. DEIXLER: Did you know that clique had members in
17 East LA station?

18 MR. VILLANUEVA: I heard.

19 MR. DEIXLER: When did you first learn the identity of the
20 subjects of the Kennedy Hall investigation?

21 MR. VILLANUEVA: Months later.

22 MR. DEIXLER: Without knowing their identities, you did
23 know the Kennedy Hall incident involved East LA deputies; is
24 that true?

25 MR. VILLANUEVA: Yes.

1 MR. DEIXLER: Is it correct that at the swearing in as
2 Sheriff that you arranged for a special reserved section for
3 East LA deputies despite being familiar with the fact that
4 there was this problem in the East LA station?

5 MR. VILLANUEVA: False.

6 MR. DEIXLER: So the witnesses who testified to that here
7 under oath were all lying?

8 MR. VILLANUEVA: They were not aware of (inaudible).

9 MR. DEIXLER: Was there a section sectioned off for
10 East LA members? Yes or no.

11 MR. VILLANUEVA: There were volunteers from that station
12 and from other places with signage that were there (inaudible)
13 reserved places for their fellow employees. Shocking.

14 MR. DEIXLER: I see.

15 So there was no special singling out of the East LA,
16 your home station, for special attention in the first rows of
17 the Sheriff's inauguration.

18 MR. VILLANUEVA: I think it's called -- I think it's
19 called "first come, first serve." Look it up.

20 MR. DEIXLER: And so the people who were in attendance who
21 testified to that are all lying; right?

22 MR. VILLANUEVA: I don't think they're lying; I think
23 they're ignorant, and they're painting their own story.

24 MR. DEIXLER: Let me ask directly. Did you suspend,
25 terminate, or transfer any Banditos simply because they were

1 Banditos as a result of your zero-tolerance policy?

2 MR. VILLANUEVA: That is incorrect.

3 MR. DEIXLER: Well, it's a yes or no. Why is it
4 incorrect?

5 MR. VILLANUEVA: No, I did not do anything because of a
6 tattoo; it was because of misconduct.

7 MR. DEIXLER: It would be fair to say that simply because
8 a person was a member of the deputy clique, Banditos, you
9 didn't terminate or transfer them at all; correct?

10 MR. VILLANUEVA: Of the 36 that were transferred, some of
11 them were part of that group, they were (inaudible) made that
12 decision.

13 MR. DEIXLER: So let me see. You knew that some of the
14 people you transferred were Banditos?

15 MR. VILLANUEVA: I knew they were deputy sheriffs.

16 MR. DEIXLER: You just said "Bandito"; so tell me how you
17 knew they were Banditos.

18 MR. VILLANUEVA: Someone want to read back what I said?

19 CHAIR KENNEDY: No.

20 (Inaudible). You know what he said; right?

21 MR. VILLANUEVA: They were transferred. They were deputy
22 sheriffs. Some of them may have had the tattoo of the Bandito
23 or not. It wasn't the reason why they were transferred.

24 However, I relied on the opinion of Bernie Chavez (phonetic)
25 who was sent in to replace Christopher Ettus (phonetic). I

1 relied on his expertise. He was a captain of the Century
2 Station, and he was someone who had been a captain for a while.
3 (Inaudible). So obviously he was a good choice to put at East
4 LA Station at the time.

5 MR. DEIXLER: When you announced this transfer, did you
6 know whether you were transferring Banditos? Yes or no.

7 MR. VILLANUEVA: No.

8 MR. DEIXLER: You had no idea whether you were
9 transferring Banditos or whether you were transferring people
10 who were just coming to work every day and didn't have any
11 tattoo at all; correct?

12 MR. VILLANUEVA: We were transferring people that had been
13 determined was in their best interest to transfer out of East
14 LA.

15 MR. DEIXLER: Now, you assumed office in November of 2018;
16 correct?

17 MR. VILLANUEVA: Incorrect.

18 MR. DEIXLER: December. I'm sorry. Excuse me. Sloppy
19 with dates.

20 You assumed your office in December of 2018; correct?

21 MR. VILLANUEVA: Correct.

22 MR. DEIXLER: And the suspension is what you have been
23 talking about; that didn't happen until August of 2020; is that
24 true?

25 MR. VILLANUEVA: Yes. Once the Internal Affairs

1 investigation was concluded.

2 MR. DEIXLER: And that -- those investigations, Internal
3 Affairs and criminal investigations, those were not started by
4 you, were they?

5 MR. VILLANUEVA: No.

6 MR. DEIXLER: Those were started by your predecessor,
7 Sheriff McDonnell; is that true?

8 MR. VILLANUEVA: That is correct.

9 MR. DEIXLER: Let me just show you the press release.
10 It's number 7 in your book. That's your announcement on
11 August 13th, 2020, that 26 employees were receiving letters of
12 intent to suspend or terminate as a result of the
13 September, 2018, involvement in Kennedy Hall; is that true?

14 MR. VILLANUEVA: That is correct.

15 MR. DEIXLER: So you said the first thing that you did as
16 Sheriff was transfer the leadership, and that was Captain
17 Perez. Did you transfer in December of 2018 anyone besides
18 Captain Perez, or did you wait until August of 2020 to make
19 this transfer?

20 MR. VILLANUEVA: At the time, we transferred the captain,
21 the operations lieutenant was transferred. I think there was
22 (inaudible).

23 MR. DEIXLER: And were those transfers voluntary or
24 involuntary?

25 MR. VILLANUEVA: Those were involuntary transfers.

1 MR. DEIXLER: So those people were, as you would say it in
2 the Department, "overnighted."

3 MR. VILLANUEVA: Yes.

4 MR. DEIXLER: And so the witnesses who have testified here
5 who contradict that are lying; correct?

6 MR. VILLANUEVA: That is correct.

7 MR. DEIXLER: Okay. They're liars.

8 There was this criminal investigation that was
9 overseen by then Captain Burson; is that true?

10 MR. VILLANUEVA: Yes.

11 MR. DEIXLER: And he, in turn, was overseen by
12 Chief Goodman; is that correct?

13 MR. VILLANUEVA: I believe, at the time.

14 MR. DEIXLER: And they continued in their way until you
15 relieved Chief Goodman of his responsibility; correct?

16 MR. VILLANUEVA: Yes.

17 MR. DEIXLER: And then you promoted Burson to position of
18 chief; is that true?

19 MR. VILLANUEVA: Correct.

20 MR. DEIXLER: Let me show you what you told the public in
21 the debate regarding the treatment that you did on the
22 Kennedy Hall beatdown, Number 508.

23 MR. VILLANUEVA: "I am doing what no other
24 Sheriff has ever done in history. My very first day
25 on the job, I removed the leadership team of East LA

1 Station where the Kennedy Hall incident occurred. I
2 followed up with a criminal investigation,
3 administrative investigation. I fired four deputies
4 for misconduct. I suspended without pay, 22; I
5 transferred 36. I created a policy and implemented
6 the policy in February of 2020."

7 MR. DEIXLER: So let me see whether what you just told the
8 public there was true.

9 You followed it up with a criminal investigation.
10 There already was criminal investigation, wasn't there?

11 MR. VILLANUEVA: It had just started.

12 MR. DEIXLER: There already was a criminal investigation;
13 correct?

14 MR. VILLANUEVA: (Nods head in the affirmative.)

15 MR. DEIXLER: Yes?

16 MR. VILLANUEVA: (Nods head in the affirmative.)

17 MR. DEIXLER: So you didn't follow it up with a criminal
18 investigation. This action was already in motion; correct?

19 MR. VILLANUEVA: After about four weeks of the
20 investigations, depending on how far they got into it, we
21 completed about 95 percent of it, so yes, we did.

22 MR. DEIXLER: They started it, and in the ordinary course
23 of business, the people who were conducting that investigation
24 continued on unless interfered with; correct?

25 MR. VILLANUEVA: Say that last part again?

1 MR. DEIXLER: Continued on unless interfered with;
2 correct?

3 MR. VILLANUEVA: They continued on.

4 MR. DEIXLER: During your administration, there was no
5 investigation of deputy subgroups in any station; is that true?

6 MR. VILLANUEVA: False.

7 MR. DEIXLER: Let me read to you from your sworn testimony
8 before the Office of Independent -- the OIG, page 27, line 9
9 through 15.

10 Q BY CHIEF DEPUTY WILLIAMS: "So, Sheriff
11 Villanueva, do you have any information that there
12 have been any investigations of deputy subgroups at
13 any station from Los Angeles County Sheriff's
14 Department aside from investigations relating to
15 misconduct?"

16 Your answer: "During my administration, there
17 has not been any general investigation of the
18 Department."

19 That was truthful testimony then, and it's truthful
20 testimony now; correct?

21 MR. VILLANUEVA: (No audible response.)

22 MR. DEIXLER: During your administration, there was not
23 any general investigation of the Department; correct?

24 MR. VILLANUEVA: Chief Matt Burson announced that he was
25 going to do some big investigation (inaudible) and never

1 completed that.

2 MR. DEIXLER: Okay. Well, we'll get to that as the day
3 goes on.

4 The only investigations were in connection with what
5 you described as deputy misconduct; is that true?

6 MR. VILLANUEVA: That is correct.

7 MR. DEIXLER: Your press release announced a
8 zero-tolerance policy regarding deputy gangs and cliques; is
9 that right?

10 MR. VILLANUEVA: You missed the last part.

11 MR. DEIXLER: I did?

12 MR. VILLANUEVA: Yes.

13 MR. DEIXLER: What part did I miss?

14 MR. VILLANUEVA: It was the misconduct part.

15 MR. DEIXLER: Let me --

16 MR. VILLANUEVA: (No audible response.) I hope you
17 realize that when you're conducting investigations, (inaudible)
18 misconduct by deputies. (Inaudible) organization (inaudible)
19 from the jails involving sex, and (inaudible).

20 MR. DEIXLER: I see.

21 Well, we'll find out as we go through the day and
22 quickly get into the constitutional law aspect of this
23 examination.

24 You talked about Mr. -- Captain -- then Captain and
25 Chief Burson's announcement.

1 Could we play 511A?

2 "My name is Matthew Burson, and I'm the chief of
3 the Department's professional standards division.
4 And my areas of responsibility include Internal
5 Affairs Bureau, known as IAB, and the Internal
6 Criminal Investigations Bureau.

7 "I am here to strongly denounce alleged deputy
8 subgroups and cliques commonly referred to as deputy
9 gangs.

10 "I have more than 30 years of experience on the
11 Department, and I had -- and I take the utmost pride
12 in this profession. I'm absolutely sickened by the
13 mere allegation of any deputy hiding behind a badge
14 to hurt anyone.

15 "As you have you have heard for decades, LASD
16 has been under intense scrutiny as a result of these
17 groups surfacing in various sheriff stations around
18 the County. Names such as Vikings, Reapers,
19 Regulators, Little Devils, Cowboys, 2000- and 3000
20 Boys, Jump Out Boys, and most recently, Banditos and
21 Executioners have not only caused great embarrassment
22 and concern to the Department, but to the community
23 as well.

24 "Currently, IAB is conducting a comprehensive
25 investigation into the existence of the so-called

1 Executioners at Compton Station; however, our intent
2 is to examine the Department in its entirety.

3 "I want to assure you that this administration
4 has taken an aggressive stance in combating this
5 issue and will utilize any resource necessary to
6 identify those individuals involved in adverse
7 behavior, whether administrative or criminal.

8 "We have also reached out to the FBI for
9 assistance, knowing that with their dedication and
10 expertise, we will accomplish much more than the
11 previous administrations combined as our goal is
12 transparency.

13 "The Department has also implemented a new
14 policy prohibiting the participation of any
15 subversive groups, which is the first of its kind.
16 On behalf --"

17 MR. DEIXLER: So you've seen that before, haven't you?

18 MR. VILLANUEVA: Yes.

19 MR. DEIXLER: You just testified that he did this on his
20 own volition. Do you remember saying that just five minutes
21 ago?

22 MR. VILLANUEVA: Uh-huh.

23 MR. DEIXLER: So this was unauthorized by Chief Burson.
24 He was out on a frolic and detour of his own when he called
25 this press conference, stood behind the lectern under the

1 Hall of Justice symbol, and explained what the new policy was.
2 This was something he just made up from whole cloth, you didn't
3 even know that; right?

4 MR. VILLANUEVA: Actually, (inaudible) said that he could
5 not share his notes or his speech with anybody. In fact, it
6 was in your interview of him.

7 MR. DEIXLER: Could you answer my question?

8 MR. VILLANUEVA: (Inaudible).

9 MR. DEIXLER: Did you know before he was going to announce
10 this policy from the lectern in the Hall of Justice that there
11 was going to be this public press announcement of this
12 groundbreaking opportunity that you, as the leader of the
13 Department, were going to undertake? Did -- you didn't know
14 about that?

15 MR. VILLANUEVA: (Inaudible).

16 MR. DEIXLER: Were you shocked to learn that?

17 MR. VILLANUEVA: (Inaudible).

18 MR. DEIXLER: So you called him into your office, and you
19 disciplined him? You talked to him and said, "Matt, what are
20 you thinking?"

21 MR. VILLANUEVA: (Inaudible).

22 MR. DEIXLER: Did you say something like: "What do you
23 mean by Executioners and Banditos? We never heard of them."

24 MR. VILLANUEVA: (Inaudible).

25 MR. DEIXLER: How do you know if you didn't talk to him

1 about it?

2 MR. VILLANUEVA: (Inaudible).

3 MR. DEIXLER: What was his reason?

4 MR. VILLANUEVA: Because he knows the order the
5 (inaudible).

6 MR. DEIXLER: He was conducting a -- announcing a
7 investigation of the entire Department to root out these
8 cliques, subgroups, and gangs; isn't that what he was saying?

9 MR. VILLANUEVA: Slightly.

10 MR. DEIXLER: Yeah. And let me see if I remember this.
11 When somebody acts in the name of the LASD, they're acting
12 under your authority, under your delegation principle that you
13 taught me earlier in the day; is that right?

14 MR. VILLANUEVA: (Nods head in the affirmative.)

15 MR. DEIXLER: Yes?

16 So this was the same as you standing at that lectern
17 under the Hall of Justice logo and announcing this policy;
18 correct?

19 MR. VILLANUEVA: Let's just say I couldn't call him back
20 and say "Hey, we're not doing it." (Inaudible) --

21 MR. DEIXLER: But you did something that -- that
22 investigation never took place, did it?

23 MR. VILLANUEVA: No, it did not.

24 MR. DEIXLER: Okay.

25 And let's confirm that with Chief Burson's testimony.

1 MR. DEIXLER: "Did the comprehensive
2 investigation of the entire Department that you
3 announced on August 13th, 2020, occur?"

4 MR. BURSON: "No."

5 MR. DEIXLER: Do you remember announcing to the public
6 after Chief Burson had announced this incredible policy in the
7 broad investigation that, in fact, no such investigation ever
8 took place?

9 MR. VILLANUEVA: He did not announce the policy. It was
10 our policy.

11 MR. DEIXLER: Right.

12 After he announced your policy, did you then tell the
13 same public that "Actually, we're not doing that
14 investigation"?

15 MR. VILLANUEVA: Well, at the same time we were committed
16 in the Kennedy Hall investigation, we already initiated the
17 Compton Station investigation. So we had two major
18 investigations and the RAND study that didn't help me at that
19 time.

20 MR. DEIXLER: Fine. But why don't you try my question?
21 My question is pretty precise.

22 Am I correct that -- fully aware that this
23 comprehensive investigation that had been announced widely and
24 publicly didn't take place, was not anything that you ever told
25 the public? Yes or no.

1 MR. VILLANUEVA: I never told the public.

2 MR. DEIXLER: Nor did you tell Chief Burson to tell the
3 public; correct?

4 MR. VILLANUEVA: (Inaudible).

5 MR. DEIXLER: After there was no policy that was going to
6 be adhered to, you didn't tell the public. You didn't tell
7 Chief Burson to tell the public. You didn't tell the
8 undersheriff to tell the public. You hid from the public that
9 the announcement that Chief Burson had given in your name was
10 not going to be followed through; is that fair?

11 MR. VILLANUEVA: That's a lengthy grandstanding there.
12 Let's start from the beginning.

13 There is a policy. We implemented the policy. In
14 fact, there's a whole bunch of things regarding the policy that
15 you've never acknowledged.

16 In fact, you said that "He's done nothing."
17 (Inaudible). And you refuse to acknowledge everything that
18 we've done regarding this issue.

19 The fact that we not only wrote the policy, vetted
20 the policy, went through the meet-and-confer process with the
21 unions, implemented the policy, did a video, had the entire
22 Department, all 17,000 employees watch it, had them sign an
23 attestation form that they watched the video, they understand
24 the contents of the policy --

25 You each have that policy in your documents that I

1 gave to each one of you.

2 And yet you said that I have done nothing. Really?

3 And then that is policy. And, in fact, it's the same
4 policy in effect today that the now Sheriff Luna apparently is
5 using to investigate the case involving this bowling alley,
6 whatever the name is. Imagine that.

7 MR. DEIXLER: So I appreciate that, but that wasn't really
8 what I asked you. So this will go faster if you confine your
9 answers to the questions that I ask, unless you'd like to spend
10 a couple of days here. I don't think you do.

11 MR. VILLANUEVA: (Inaudible) --

12 MR. DEIXLER: So -- so am I correct that having made this
13 loud public announcement of a comprehensive policy and your
14 having full knowledge that that policy that was announced, this
15 comprehensive investigation, was not going to be undertaken,
16 was not undertaken, that you never told the public that what
17 Chief Burson had said on that occasion was not the policy of
18 the Department? Did you ever say that? Yes or no.

19 MR. VILLANUEVA: No.

20 MR. DEIXLER: Well, let's talk about your policies so that
21 we can all have the benefit of really digging into it, if
22 that's okay with you.

23 Your policy wasn't a zero-tolerance policy of
24 subgroups and cliques standing alone, was it?

25 MR. VILLANUEVA: That's how you constitute it.

1 MR. DEIXLER: Well, we'll see. I promise you.

2 It was perfectly open --

3 MR. VILLANUEVA: (Inaudible).

4 MR. DEIXLER: I'm sorry?

5 MR. VILLANUEVA: (Inaudible).

6 MR. DEIXLER: I promise you we're going to see what you
7 know about the Constitution.

8 It was perfectly okay under your policy for a
9 department employee to belong to the Executioners, the
10 Banditos, the Cavemen, the Grim Reapers, so long as they didn't
11 engage in additional misconduct; is that right?

12 MR. VILLANUEVA: What they chose to adorn their body with,
13 what type of ink, I could care less as long they follow policy
14 and treat everyone with dignity and respect toward the
15 employees and the public.

16 MR. DEIXLER: We've already established that these were
17 invitation-only groups; right?

18 MR. VILLANUEVA: We haven't established that.

19 MR. DEIXLER: So you -- you still don't know. You still
20 don't know. As you sit here now, you're not sure whether, as
21 I've said, was an open admission policy to be an Executioner or
22 Bandito, or you have to be invited in; right?

23 MR. VILLANUEVA: I have not done a survey of all these
24 different division deputies.

25 MR. DEIXLER: I read you Juarez' testimony about the

1 roundtable. Do you remember seeing that?

2 MR. VILLANUEVA: (Nods head in the affirmative.)

3 MR. DEIXLER: That wasn't anybody could come in. There
4 was a roundtable, and something like a vote was conducted to
5 become a member of the Executioners. You just saw that; right?

6 MR. VILLANUEVA: And your point?

7 MR. DEIXLER: My point is that it was by invitation, by
8 selection of the roundtable members.

9 MR. VILLANUEVA: I didn't partake with the deputies at
10 that point in time. That may have been the case. Doesn't mean
11 that's the case everywhere.

12 MR. DEIXLER: You don't know whether it's the case or not
13 because you never conducted an investigation of these groups;
14 right?

15 MR. VILLANUEVA: Correct.

16 MR. DEIXLER: Okay.

17 So there's a zero-tolerance policy for LASD employees
18 who engage in misconduct; correct?

19 MR. VILLANUEVA: Yes.

20 MR. DEIXLER: If you engage in misconduct even though you
21 wear a badge, you're not insulated under departmental policy;
22 correct?

23 MR. VILLANUEVA: Right.

24 MR. DEIXLER: It doesn't matter whether a person who's
25 engaged in misconduct is or isn't a member of a subgroup; true?

1 MR. VILLANUEVA: (Inaudible) misconduct.

2 MR. DEIXLER: Yeah.

3 So to the extent you claim to be some kind of force
4 against the deputy gangs, it's really not true, is it? You are
5 a force against misconduct by deputies; isn't that fair?

6 MR. VILLANUEVA: (Nods head in the negative.)

7 MR. DEIXLER: No? How'd I get wrong?

8 MR. VILLANUEVA: One, you're still trying to pretend that
9 deputy gangs exist and lurk in the countryside pillaging,
10 plundering.

11 MR. DEIXLER: It's not even the countryside. In
12 Montclair, in today's LA Times' front page. They're not
13 lurking anywhere. Montclair is a heavily populated area.

14 MR. VILLANUEVA: You realize that I could take all of the
15 police departments outside of LAPD and LA County, add them up
16 all together, multiply them by two, and it'd approximate the
17 size of the Sheriff's Department?

18 If we add up all the misconduct that occurs in all
19 these agencies, and let's throw in LAPD for the same time, the
20 Sheriff's Department is no different. They're no different
21 than NYPD, LAPD, or any other large organization.

22 But somehow, you're trying to say "Oh, these people
23 with tattoos and these things happened over here. Oh, my God.
24 Gangs." Doesn't pass the muster. We don't have the facts that
25 support it?

1 MR. DEIXLER: It doesn't pass muster because everybody's
2 doing it?

3 MR. VILLANUEVA: No.

4 MR. DEIXLER: You know, my mother once told me that she
5 didn't really care what the other children did, that I was
6 responsible for myself. You were responsible for the LASD,
7 weren't you?

8 MR. VILLANUEVA: Yes.

9 MR. DEIXLER: You were responsible for making sure there
10 weren't these subgroups and counterculture organizations
11 operating in -- in contravention of the chain of command. That
12 was your job, wasn't it, as Sheriff?

13 MR. VILLANUEVA: My job was to run the Department, make
14 sure it's run the right way, we did our job, and we hold our
15 employees accountable, and we did (inaudible). That's why I
16 ended up terminating 165 employees. That's why I ended up
17 disciplining over a thousand. We put it on the website so
18 everybody can see exactly what we did.

19 MR. DEIXLER: Out of 165, how many of those were Banditos?

20 MR. VILLANUEVA: I have no idea.

21 MR. DEIXLER: How many were Executioners?

22 MR. VILLANUEVA: (No audible response.)

23 MR. DEIXLER: How many were Grim Reapers?

24 MR. VILLANUEVA: They were all employees of the
25 Department.

1 MR. DEIXLER: Any Industry Indians?

2 MR. VILLANUEVA: They were all employees of the
3 Department.

4 MR. DEIXLER: You had no idea whether they were members of
5 these subgroups, cliques, or gangs because you didn't care;
6 right?

7 MR. VILLANUEVA: I cared about whether they did their job
8 the right way (inaudible) my job as the Sheriff. Now I could
9 go on witch hunts and chase everybody in every subgroup and get
10 rid of all the Baker to Vegas teams, the Baker to Vegas logos,
11 softball team, every other subgroups I can think of, and what's
12 left to actually go out there and work? Oh, there's nobody
13 left.

14 Like, right now, the staffing crisis. There's a fine
15 line between support and accountability. You have to do both
16 ends at the same time.

17 MR. DEIXLER: Let me make sure I understand what you are
18 telling this public here.

19 And, by the way, I'm told you need to speak directly
20 into the microphone because what you have to say is apparently
21 of great interest to people.

22 So are you suggesting that if there was widespread
23 enforcement of a no-subculture, no-gang policy that there would
24 be no deputies and sheriff employees who could enforce the law?
25 Is that what you're telling us under oath?

1 MR. VILLANUEVA: I'm telling you under oath that there is
2 a lot of deputies with tattoos, and if you aim to try eliminate
3 all the deputies with a tattoo with no evidence of misconduct,
4 you're going to create a gargantuan public safety crisis.

5 MR. DEIXLER: Did your policy prohibit members of a deputy
6 subgroup from violating fundamental principles of professional
7 policing?

8 MR. VILLANUEVA: That involved misconduct, yes.

9 MR. DEIXLER: So let me give you an example. If a
10 subgroup decided to not send backup to a non-subgroup member
11 because that non-group member was disliked, would that allow
12 the subgroup member to be disciplined under your policy?

13 MR. VILLANUEVA: Yes.

14 MR. DEIXLER: And do you have some examples of when such
15 people were disciplined for failure to provide backup?

16 MR. VILLANUEVA: Actually, that came from a failed
17 lawsuit. In fact, there's about 12 lawsuits that have failed.
18 They made allegations of -- when was -- oh, prospects and
19 terminology like that, withholding backup, did arrests here or
20 there, and all of these lawsuits keep failing for a fundamental
21 reason. There's a lack of evidence.

22 MR. DEIXLER: Yeah. I know you're an expert on
23 litigation, but my question is really a little different. It
24 was about your activity with the LASD in connection with the
25 termination of people for failing to provide backup to a

1 non-group member. You said that you had terminated many
2 people. I want to know how many people did you terminate for
3 their failure to provide backup to a non-group member? How
4 many? How many?

5 MR. VILLANUEVA: Zero.

6 MR. DEIXLER: Zero.

7 MR. VILLANUEVA: Because they never found an allegation
8 stating it.

9 MR. DEIXLER: Zero is the same thing.

10 MR. VILLANUEVA: You heard me?

11 MR. DEIXLER: Yeah. I heard you say "zero." I'm not
12 great at math, but I know what zero is.

13 MR. VILLANUEVA: (Inaudible).

14 MR. DEIXLER: Yep.

15 How do you know if you've never conducted an
16 investigation?

17 MR. VILLANUEVA: They should've complained. You know,
18 Deputy "X" says, "Hey, I went to this call. It was a priority
19 call, emergent call. I needed backup. I requested backup, and
20 no one showed up."

21 We've done a lot of inquiries around those things,
22 and we come up with zero evidence. And we go through all the
23 logs, the deputy daily worksheets, unit/vehicle, that's UV, all
24 the different databases that we have, and now it turns out it's
25 untrue.

1 MR. DEIXLER: Did you do those investigations?

2 MR. VILLANUEVA: As Sheriff, I relied on people to do
3 those investigations.

4 MR. DEIXLER: Who did the investigation about the failure
5 to provide deputy backup by a Bandito, just to give you an
6 example. Who did that?

7 MR. VILLANUEVA: Well, I can tell you that I believe this
8 issue that you're referencing is from a lawsuit that was from
9 the Jim McDonnell era. Maybe you could subpoena him and ask
10 that question.

11 MR. DEIXLER: No. You're here. I'm going to ask you the
12 question.

13 Who did that investigation, sir, that you're now
14 talking about?

15 MR. VILLANUEVA: It did not happen on my watch. I
16 couldn't tell you who did it.

17 MR. DEIXLER: But you know for sure there were zero
18 terminations because of the failure to provide backup?

19 MR. VILLANUEVA: I've never seen a single sustained
20 investigation happen on my watch.

21 MR. VILLANUEVA: You haven't seen any investigations of
22 it; correct?

23 MR. VILLANUEVA: Again, not on my watch.

24 MR. DEIXLER: Now, so you don't do an investigation,
25 you're never going to see a termination; is that fair?

1 MR. VILLANUEVA: Well, you got to start with a complaint.

2 MR. DEIXLER: Right. And so --

3 MR. VILLANUEVA: We can't make it up and then do an
4 investigation.

5 MR. DEIXLER: So were there complaints about failure to
6 withhold backup that you looked into?

7 MR. VILLANUEVA: From the prior litigation from McDonnell
8 era, they already had it. Of course, you may want to talk to
9 him.

10 MR. DEIXLER: Well, we can only talk about what -- when
11 you were the Sheriff. That's what we're interested in.

12 MR. VILLANUEVA: You're not interested in the four years
13 when McDonnell was Sheriff? That's impressive.

14 MR. DEIXLER: We may get to it, but today, I have you.
15 After all of this effort, I finally have you.

16 MR. VILLANUEVA: This is the ninth hearing, and you still
17 haven't gotten to Jim McDonnell?

18 MR. DEIXLER: We're -- we're still examining you, sir.
19 And you're here, and we want to use your time because it's
20 very, very valuable. You're running for office. We know you
21 have other places to go and other campaign appearances to make.
22 So I'd like you to focus your attention on my questions and
23 don't tell me about Sheriff Baca and don't tell me about
24 Sheriff McDonnell and don't tell me about Sheriff Scott. Deal?

25 MR. VILLANUEVA: Keep going.

1 MR. DEIXLER: Okay. Thank you.

2 MR. VILLANUEVA: Hopefully, we'll get somewhere.

3 MR. DEIXLER: Well, I'm trying.

4 If a subgroup member decided he was going to refuse
5 to assign trainees to a new training deputy who wasn't a member
6 of the clique, would that allow the subgroup member to be
7 disciplined under your policy?

8 MR. VILLANUEVA: Try that scenario again.

9 MR. DEIXLER: If a subgroup member was in charge of
10 assigning trainees and they refused to assign a trainee to a
11 new training deputy because that training deputy was not a
12 member of his clique, would that subgroup member be disciplined
13 under your policy?

14 MR. VILLANUEVA: That would violate policy. Yes.

15 MR. DEIXLER: Okay.

16 And can you think of anytime when such an
17 investigation led to the termination, suspension, or any other
18 discipline against such person?

19 MR. VILLANUEVA: I can't think of any complaint I've ever
20 seen during my time in office. Our prior administrator may
21 have faced that complaint.

22 MR. DEIXLER: But you don't know?

23 MR. VILLANUEVA: You can ask them.

24 MR. DEIXLER: I know I can, but you're here. I think
25 we've established that, haven't we? So your repetitive

1 reference to other witnesses I could speak to is not helpful
2 and just consumes time. So can you confine yourself to what
3 you know?

4 MR. VILLANUEVA: Well, you're the one asking the question,
5 so I'm giving you answers to the one's that do exist. They
6 just don't happen to be on my watch.

7 MR. DEIXLER: Let's take --

8 MR. VILLANUEVA: I know that disappoints you.

9 MR. DEIXLER: Let's take a look at the Penal Code section
10 13670 together. Exhibit 8. And you're very familiar with this
11 policy; correct?

12 MR. VILLANUEVA: Yes.

13 MR. DEIXLER: And let's see. There are three elements for
14 a law enforcement gang; is that true?

15 MR. VILLANUEVA: That's what the Legislature finished, at
16 the end of their (inaudible).

17 MR. DEIXLER: Well, that's what the Penal Code provides;
18 correct?

19 MR. VILLANUEVA: That was the Legislature who wrote that.

20 MR. DEIXLER: The Penal Code is the law of the state of
21 California; correct?

22 MR. VILLANUEVA: Yes.

23 MR. DEIXLER: You're a law enforcement officer -- or you
24 were in your day; correct? Yes?

25 MR. VILLANUEVA: Yeah.

1 MR. DEIXLER: And so you are obliged as a law enforcement
2 officer to enforce the laws that are enacted that appear in the
3 Penal Code. Do I understand that basic principle?

4 MR. VILLANUEVA: Pretty much.

5 MR. DEIXLER: Okay.

6 So what are the three elements for a law enforcement
7 gang?

8 MR. VILLANUEVA: It's right there. Read it.

9 MR. DEIXLER: No. I want you to tell me.

10 MR. VILLANUEVA: If I got to read it myself, hold on.
11 (Inaudible). What is the exhibit number?

12 MR. DEIXLER: This is Exhibit Number 8. (Inaudible).

13 "A law enforcement gang means a group of peace
14 officers within a law enforcement agency who may identify
15 themselves by a name and may be associated with an identifying
16 symbol." Stop there.

17 If you have a deputy who had an Executioner tattoo,
18 would you regard that under the Penal Code as an identifying
19 symbol?

20 MR. VILLANUEVA: Any tattoo is an identifying symbol.

21 MR. DEIXLER: For purposes of the Penal Code.

22 MR. VILLANUEVA: Again, any tattoo is an identifying
23 symbol.

24 MR. DEIXLER: "Who engages in a pattern of on-duty
25 behavior that intentionally violates the law or fundamental

1 principles of professional policing." You see that?

2 MR. VILLANUEVA: Yeah.

3 MR. DEIXLER: So an example would be a tattooed deputy who
4 fails to provide backup when requested because the requester
5 was not a member of his clique. That would be the second
6 element of a law enforcement gang; correct?

7 MR. VILLANUEVA: Your hypothetical is incorrect because
8 this law came into effect January 1st of 2022. And the
9 behavior you're talking about actually precedes that by years.
10 Do you want me to, after the fact, go back in time and find the
11 law? Is that what you want me to do?

12 MR. DEIXLER: Well, let's take the example of the
13 Industry Indians that are in February of 2022. So that
14 occurred at the time that this 13670 was the law; right?

15 MR. VILLANUEVA: Yes.

16 MR. DEIXLER: Okay. And so that would be a group of
17 people associated with a tattoo.

18 MR. VILLANUEVA: Some of them had the tattoo, some didn't.
19 So now what happens?

20 MR. DEIXLER: Why don't we focus our attention on whether
21 people who are non-tattooed get a get-out-of-jail-free card and
22 focus on people who did have a tattoo. Can you do that?

23 MR. VILLANUEVA: Do whatever you want. You're asking the
24 question.

25 MR. DEIXLER: Right. So 13670 applied to the

1 Industry Indians; correct?

2 MR. VILLANUEVA: Applied to deputies.

3 MR. DEIXLER: To the Industry Indians. They are a group
4 with tattoos, at least some of them.

5 MR. VILLANUEVA: You're missing the nexus here. One is
6 (inaudible) visually litigated the (inaudible), and if I look
7 at the track record that involves it, well, that might be their
8 very first time for misconduct. (Inaudible) pattern
9 (inaudible).

10 MR. DEIXLER: Yeah. So we know because we clicked on the
11 link that the Los Angeles Times provided that actually what
12 happened was these folks doubled down and they were
13 intoxicated. They instigated the serpents by opening a car
14 door in a public parking lot to confront the passenger during
15 an investigation, and they failed to cooperate with law
16 enforcement. And in a case with another person, they lied. So
17 that would be kind of a pattern, wouldn't you agree?

18 MR. VILLANUEVA: (Inaudible) incident. I mean, you can
19 try to stretch it out as greater than (inaudible).

20 MR. DEIXLER: So let me make sure I understand what you
21 mean by "pattern." So if I were a deputy bearing a tattoo, and
22 I decided to pull a gun because I was drunk (inaudible) on
23 teenagers at a bowling alley after I had been drinking, and
24 then I failed to cooperate with the locals when they came to
25 investigate, and then when asked about it, I lied about it, you

1 don't think that's the pattern of bad behavior that violates
2 the fundamental principles of professional policing?

3 MR. VILLANUEVA: If they lied during the course of the
4 investigation, that's a terminatable offense right there.

5 MR. DEIXLER: That's a pattern, isn't it? You showed a
6 gun, you didn't cooperate, and then you lied about it during
7 the investigation. That's pretty much of a pattern. How many
8 more things you need for a pattern, sir?

9 MR. VILLANUEVA: (Inaudible) incident, it'd been wise for
10 Montclair Police Department (inaudible). It just so happened
11 the course of (inaudible).

12 MR. DEIXLER: So whether there's pattern is determined by
13 the time. If they ask a lot of questions right away and they
14 lie, then they're insulated from this section of the Penal Code
15 under your interpretation; right?

16 MR. VILLANUEVA: I think the Civil Service will be
17 (inaudible).

18 MR. DEIXLER: So you have no opinion now?

19 MR. VILLANUEVA: Well, there's a lot of information you
20 don't have. And the fact that you (inaudible), I think the
21 reference is laughable.

22 MR. DEIXLER: I see.

23 Well, perhaps I'll have another opportunity to share
24 a laugh when I ask you about the 2021 constitutional opinions.

25 CHAIR KENNEDY: Mr. Deixler, is there an appropriate time

1 for a break?

2 MR. DEIXLER: Any time is great to take a rest.

3 CHAIR KENNEDY: Would you like a break?

4 MR. VILLANUEVA: (No audible response.)

5 CHAIR KENNEDY: Let's take a 15-minute break.

6 (A 15-minute recess was taken.)

7 CHAIR KENNEDY: We're going to go back on the record

8 (inaudible).

9 We discussed a lot of difficult topics here. Most
10 are (inaudible). But we're committed to having a professional,
11 respectful process.

12 Mr. Villanueva is here testifying, and so if you
13 could please refrain from editorial comments or anything like
14 that because it -- my concern is it breaks the concentration of
15 both the witness and our special counsel asking the witness
16 questions. And that's why we're really here today to develop a
17 record regarding issues.

18 So, Mr. Deixler, I'm going to give it back to you.

19 MR. VILLANUEVA: Actually, before you start, Mr. Deixler,
20 (inaudible) having members of this audience that are flipping
21 off my wife and (inaudible) derogatory comments (inaudible).

22 CHAIR KENNEDY: I hope that -- I did not see that. I hope
23 that it's not happening.

24 AUDIENCE MEMBER: (Inaudible).

25 CHAIR KENNEDY: This is Loyola Law School. We're holding

1 a professional hearing. And I hope that everyone is going to
2 respect everybody in this room.

3 Go ahead.

4 MR. DEIXLER: Before the break, sir, we were studying
5 Penal Code section 13670; do you recall that?

6 MR. VILLANUEVA: Yes.

7 MR. DEIXLER: And I was asking you questions about
8 circumstances in which the fundamental principles of
9 professional policing as defined in that statute might be
10 violated under circumstances that I was asking you about. Do
11 you recall that part of your testimony?

12 MR. VILLANUEVA: Yeah.

13 MR. DEIXLER: Would you agree that a group of tattooed
14 deputies who announce and then execute a work slowdown because
15 they do not like personnel decisions violate fundamental
16 principles of professional policing?

17 MR. VILLANUEVA: Could, potentially.

18 MR. DEIXLER: Do you know whether that happened on your
19 watch?

20 MR. VILLANUEVA: It did not happen on my watch.

21 MR. DEIXLER: You're certain of that?

22 MR. VILLANUEVA: I'm relying on the report from Tardy.

23 MR. DEIXLER: April Tardy.

24 Okay. Let me see if we can put up video 512.

25 MR. VILLANUEVA: I wrote a memo on this particular

1 interview (inaudible).

2 MR. DEIXLER: "And when is the last time that
3 there was a work slowdown, to your knowledge, because
4 of a disagreement with superiors in the East LA
5 station?"

6 ANONYMOUS WITNESS: "Last summer.

7 MR. DEIXLER: "And could you briefly describe
8 those circumstances?"

9 ANONYMOUS WITNESS: "Deputies believed they were
10 getting disciplined unfairly by the captain or the
11 Sheriff, and the Banditos called for a work slowdown.

12 MR. DEIXLER: "And -- and was that slow down
13 effective?"

14 ANONYMOUS WITNESS: "For the deputies, yes.

15 MR. DEIXLER: "And did that -- well, how does
16 it -- how did it evidence itself that there was a
17 slowdown in the East LA Station last year?"

18 ANONYMOUS WITNESS: "The arrests at the station
19 dropped. No one was actually taking anyone to jail,
20 and it raised a lot of red flags."

21 MR. DEIXLER: That was a witness who agreed to testify
22 anonymously under --

23 MR. VILLANUEVA: Mickey Mouse?

24 MR. DEIXLER: -- under a voice distorter for fear of
25 retribution from you, sir.

1 My question to you, then, is: A work slowdown in
2 East LA, which this witness has testified to, is that something
3 which violated the fundamental principles of professional
4 policing on your watch?

5 MR. VILLANUEVA: Let's start by stating the obvious. I
6 don't believe in your anonymous witness whatsoever. I believe
7 he's testifying from Disneyland.

8 But the point is, anyone who claims anything about a
9 fear of retaliation -- I had eight people running against me
10 for the reelection, and I don't know how many lawsuits filed against
11 me. None of them appeared to have any fear about doing those
12 type of activities, and yet, somehow this mysterious person
13 claiming some kind of a fear. Exactly how is that fear real?

14 MR. DEIXLER: So you want to answer the question now about
15 whether the testimony evidence is a violation of fundamental
16 principles or professional policing? A work slowdown in East
17 LA, which led to Banditos refusing to make arrests, would that
18 be a violation of fundamental principles of professional
19 policing? Yes or no.

20 MR. DEIXLER: Well, it's very simple. One, it didn't
21 happen. That's not a witness in a real courtroom. That would
22 never happen. And I'll tell you this: There's a work slowdown
23 going on right now. Were you aware of that? Across the entire
24 county.

25 MR. DEIXLER: Would you answer my question, sir? Is a

1 work slowdown undertaken after the pass of a tattooed group in
2 a station, a violation of fundamental principles of
3 professional policing? Yes or no.

4 MR. VILLANUEVA: As a hypothetical, yes.

5 MR. DEIXLER: Okay.

6 Let me ask you now to take a look at testimony, 513.

7 MR. DEIXLER: "And did there come a time when
8 Deputy Juarez was going to leave the Compton Station,
9 and his position as scheduling deputy needed to be
10 filled by somebody else?

11 MR. WALDIE: "Yes, sir.

12 MR. DEIXLER: "And did you have a discussion
13 with Deputy Juarez about a successor for him as
14 scheduling deputy?

15 MR. WALDIE: "Yes, sir.

16 MR. DEIXLER: "And where did that conversation
17 take place?

18 MR. WALDIE: "It took place in my office.

19 MR. DEIXLER: "And was it initiated by him
20 or initiated by you?

21 MR. WALDIE: "He approached me, sir.

22 MR. DEIXLER: "And would you tell me and all the
23 people here what was said by Deputy Juarez on the
24 occasion of his getting ready to leave the Compton
25 Station?

1 MR. WALDIE: "Deputy Juarez was -- it was
2 intended that he stay at Compton Station. He was
3 being released to the field because under a previous
4 administration, he was involved in a -- a large
5 number of deputy-involved shootings, 9-9-8s.

6 "And when the Sheriff took power,
7 Mr. Murakami, undersheriff, granted him his ability
8 to go back to patrol.

9 "And he asked me first, before this
10 meeting, if he could stay in scheduling. He wanted
11 to maintain his power is what I assume. And I sent
12 it up the chain of command, and they said, 'No.' He
13 had to go back to the line, work as a deputy.

14 "And he --

15 MR. DEIXLER: "Let me make sure I understand it
16 before we get into it further.

17 "He had been relieved of responsibility as
18 a patrol deputy because he had been -- been involved
19 in shootings?

20 MR. WALDIE: "He had been relegated to a
21 non-field spot. Low-risk management. No contact
22 with the public.

23 MR. DEIXLER: "Okay. But remained an LASD
24 deputy with responsible power as a scheduling deputy
25 in a fast station at Compton. Do I understand you,

1 so far, correctly?

2 MR. WALDIE: "Yes, sir. He was told not to
3 wear his uniform outside the station.

4 MR. DEIXLER: "Okay.

5 "So please return, if you will, to the
6 narrative of Deputy Juarez and you in your office on
7 that occasion.

8 MR. WALDIE: "When I explained to him that he --
9 he had to go back to the field, according to the
10 chief and according to Chief Vera, he returned
11 shortly after. I forget exactly when. It was within
12 a couple weeks and announced that he had suggestions
13 for his replacement.

14 MR. DEIXLER: "And so Deputy Juarez, who was now
15 being removed from one position to be returned to
16 another, offered the opportunity to advise you as the
17 acting captain who he thought would be up to the task
18 of being the scheduling deputy at Compton. Do I
19 understand that correctly?

20 MR. WALDIE: "Yes, sir.

21 MR. DEIXLER: "And what did Deputy Juarez
22 suggest?

23 MR. WALDIE: Deputy Juarez suggests had a list
24 of about ten individuals who were, as I could see
25 based on being there for the last year-and-a-half,

1 two years, were loyal to him.

2 MR. DEIXLER: "And by 'loyal to him,' do you
3 mean members of the Executioners?"

4 MR. WALDIE: "Some of them, yes; some of them, I
5 assumed that were more intimidated and would follow
6 his orders."

7 MR. DEIXLER: "And -- and given his suggestion
8 of this group of ten, what was your response, sir?"

9 MR. WALDIE: "I told him that I was -- I
10 appreciated his suggestion, but that I was going to
11 ensure that the station had a scheduling deputy that
12 had no affiliation with any tattoo, including my own,
13 for the fairness of the community, for the fairness
14 of station. Because of morale and because of public
15 safety, I did not want that to trickle over into the
16 public, and I -- and he told me that -- well, and
17 that's -- that's what I told him. I said, "Thank
18 you, but no thank you."

19 MR. DEIXLER: "And what did he say in response?"

20 MR. WALDIE: "He said that the guys on the line
21 are telling me that if you do not obey this or follow
22 this request that we are going to initiate a work
23 slowdown."

24 MR. DEIXLER: Sir, that came to your attention during the
25 time that you were the Sheriff; right?

1 MR. VILLANUEVA: Yes.

2 MR. DEIXLER: And if accepted, that would be an example of
3 a fundamental principle of professional policing being
4 violated; is that true?

5 MR. VILLANUEVA: Actually, I think you need to provide the
6 entire context of that extraordinary interview you did. That
7 was Larry Waldie, who sued the Department, lost to a unanimous
8 jury verdict, and tried to make the same claims. The jury did
9 not buy it whatsoever.

10 MR. DEIXLER: Well, actually -- actually, sir, I don't
11 want to get into the litigation that involved employment
12 dispute about whether he was passed over for promotion. My
13 focus is kind of narrow.

14 My question to you is: Assuming that there was this
15 group of Executioners who threatened -- and, in fact, we showed
16 evidence -- slowed down arrests in the Compton Station, would
17 that be a violation of the fundamental principles of
18 professional policing?

19 MR. VILLANUEVA: Well, you didn't show me any evidence
20 whatsoever.

21 MR. DEIXLER: We've shown it at the commission. It
22 doesn't -- you just assume that that's -- we had statistics
23 that we put into evidence. You can assume this.

24 MR. VILLANUEVA: In fact, April Tardy did her own inquiry
25 on the matter, and she wrote a memo on that. And she disputed,

1 said, "There is no work slowdown at either East LA Station or
2 Compton Station." And you have possession of that memo.

3 At least you do.

4 CHAIR KENNEDY: Can you take the microphone?

5 There is a lot of -- we have a full house,
6 Mr. Villanueva, but there's a bunch of people listening from
7 the web and they can't always hear your answer.

8 MR. DEIXLER: So my question is precise. If that
9 testimony is true about a group of Executioners threatening and
10 then acting upon the threat to do a work slowdown, will you
11 agree with me that that is a violation of the fundamental
12 principles of professional policing? Yes or no.

13 MR. VILLANUEVA: The testimony is not true; however,
14 hypothetically, I will agree with you. There's no problem with
15 a hypothetical.

16 MR. DEIXLER: You didn't look into -- you didn't look into
17 this yourself, did you?

18 MR. VILLANUEVA: That's why I rely on the deputy chiefs.

19 MR. DEIXLER: I see.

20 And that was Chief Tardy, now Undersheriff Tardy;
21 correct?

22 MR. VILLANUEVA: That is correct.

23 MR. DEIXLER: That you continued to have confidence in,
24 Chief Tardy; correct?

25 MR. VILLANUEVA: Yes.

1 MR. DEIXLER: Do you know that Chief Tardy, as you saw,
2 agreed that the behavior that was described regarding the
3 Banditos constituted a law enforcement gang under the Penal
4 Code? That's the person upon whom you rely. You agree with
5 that testimony, don't you?

6 MR. VILLANUEVA: I didn't agree with her testimony at all.

7 MR. DEIXLER: So you don't have confidence in her?

8 MR. VILLANUEVA: You're making an absolute, sir. She is
9 entitled to be right and wrong on occasion. It doesn't mean
10 I'll lose total confidence in her.

11 MR. DEIXLER: Well, you had 90 percent confidence in her?

12 MR. VILLANUEVA: She got most things right.

13 MR. DEIXLER: About 51 percent.

14 Let's talk about the investigation of Kennedy Hall
15 and see what that actually looked like.

16 High school physics taught us that Newton's first law
17 that a body in motion will remain in motion unless acted upon
18 by an outside force. And so let's see whether any outside
19 force acted upon the Kennedy Hall investigation.

20 Is it correct you don't recall whether, prior to
21 being sworn as the Sheriff, you discussed the Kennedy Hall
22 incident or the Banditos with Larry Del Mese?

23 MR. VILLANUEVA: I'll tell you what I did prior to being
24 sworn in as Sheriff. I was getting ready to be sworn in as
25 Sheriff. I asked Mr. Bonner, Mr. Kennedy, and you. All three

1 of you have had the -- I would say the -- insulted my integrity
2 by claiming that somehow on the eve of me being sworn in as
3 Sheriff, I engaged in some kind of criminal obstruction of
4 justice. That's disgusting. It's appalling.

5 And I've been reading very carefully what you --
6 you've said in this forum and on these special hearings. And
7 do you know what it took for me to get to the -- in the
8 military, on the Department, speaking truth and power,
9 surviving Paul Tanaka and Lee Baca and then McDonnell. And
10 then overcoming all the -- creating the political upset of the
11 century by becoming elected Sheriff. And on the eve of that,
12 I'm going to turn around and become a criminal? That is
13 exactly what Mr. Bonner was suggested.

14 And you, Mr. Kennedy. For that, you know, you owe me
15 an apology.

16 MR. DEIXLER: Great. So maybe we'll get to that later,
17 but now I've heard precise question and rather than
18 speechifying, why don't you answer my question. Do you need it
19 again, or you're --

20 MR. VILLANUEVA: What's the question?

21 MR. DEIXLER: Is it correct that you don't recall whether
22 prior to being sworn as Sheriff you discussed the Kennedy Hall
23 incident or the Banditos with Larry Del Mese? Yes or no.

24 MR. VILLANUEVA: We did not discuss it.

25 MR. DEIXLER: Is it correct that you had no idea whether

1 Chief Matt Burson directed ICIB Investigator Jeff Chow to
2 cancel interviews in order to make sure they didn't have to ask
3 questions about subculture groups at East LA?

4 MR. VILLANUEVA: Mr. Burson made a lot of claims that are
5 not supported by facts, and that is one of them, which is what
6 Mr. Bonner and you have been hinging all your big conspiracy
7 theory on. And I have the receipts here.

8 MR. DEIXLER: Is it correct, sir, to my question, that you
9 had no idea whether Chief Burson directed
10 ICIB Investigator Chow to cancel interviews in order to make
11 sure they didn't have to ask questions about subculture? Yes
12 or no.

13 MR. VILLANUEVA: What he did on his own time prior to me
14 becoming Sheriff, I have no idea.

15 MR. DEIXLER: Okay.

16 So you don't know whether he did or he didn't;
17 correct?

18 MR. VILLANUEVA: I do not know.

19 MR. DEIXLER: Okay.

20 You had no idea whether he, Matt Burson, later
21 directed Jeff Chow to go ahead, to conduct the interviews with
22 the caveat, that he didn't need to ask questions about the
23 subculture groups at East LA; is that true?

24 MR. VILLANUEVA: I've seen his testimony. I've seen
25 Jeff Chow's testimony. I struggle with both of them.

1 MR. DEIXLER: They're both liars?

2 MR. VILLANUEVA: In this instance, yes, they are.

3 MR. DEIXLER: You have no memory of whether you discussed
4 the case at all with Larry Del Mese while the ICIB
5 investigation was pending; correct?

6 MR. VILLANUEVA: Do you want the yes or no, or do you want
7 the whole story?

8 MR. DEIXLER: I'd like you to answer my question yes or
9 no.

10 MR. VILLANUEVA: Okay. So you don't want the whole
11 picture. All right.

12 No.

13 MR. DEIXLER: Is it correct that despite the public
14 attention around the issue, you never did anything to figure
15 out why the investigation of Kennedy Hall didn't consider the
16 role of the Banditos?

17 MR. VILLANUEVA: (Inaudible). For starters, the week
18 McDonnell conceded on November 26, I've seen the log, your
19 infamous evidence from Jeff Chow's ICIB log, that said on
20 November 27th, the captain/acting chief, or whatever he
21 described, told him not to answer questions.

22 And when McDonnell called me and conceded, we were at
23 East LA College going over how to get this swearing in thing
24 going. I was taking over to the largest Sheriff's Department
25 the nation. You know, just figuring out how we're going to

1 kick ice out of the jails, how we're going to get the body-worn
2 cameras, how we're going to do a -- basically a survey of all
3 the lieutenants and above to get their work history so we could
4 figure out how to repopulate the employee -- the executive
5 ranks that I eliminated. My plate was full.

6 And Mr. Bonner and you and you -- the three of you,
7 somehow think that "Oh, wait a minute. I'm going to figure out
8 and somehow intervene on an ICIB investigation," of which there
9 were probably several dozen going on at the same time that I
10 took over, along with all the Internal Affairs cases. And that
11 is laughable at best, especially considering that your
12 timeframe doesn't line up with the facts when Mr. Burson
13 actually got promoted.

14 MR. DEIXLER: Right.

15 MR. VILLANUEVA: Unless Jeff Chow had a crystal ball.

16 MR. DEIXLER: Right.

17 So I appreciate all of that. It has nothing to do
18 with my question. So let me try --

19 MR. VILLANUEVA: It has everything to do with your
20 question.

21 MR. DEIXLER: -- try to focus you on my question and you
22 try to focus on answering the question I put. Will you do that
23 for me?

24 MR. VILLANUEVA: I can focus on getting the truth so
25 everyone can hear what the --

1 MR. DEIXLER: Oh, I think everybody -- I think everybody's
2 evaluated the truth. So let me -- let me ask you a question,
3 sir.

4 Despite all the public attention around the issue of
5 Kennedy Hall and the investigation, you never looked into why
6 the role of the Banditos was never considered -- isn't that
7 true? -- no matter how busy you were.

8 MR. VILLANUEVA: False.

9 MR. DEIXLER: Okay.

10 Tell me what you did to look into the role of the
11 Banditos.

12 MR. VILLANUEVA: As Sheriff, when I took over, I assumed
13 that ICIB was properly being managed and being led by
14 Captain Burson, and that was not a concern of mine at that
15 level. I'm sorry. And the same thing goes with all the
16 Internal Affairs investigations that were happening at the same
17 time. We took over a whole operation and we let it run.

18 At some point, many months down the road, when it
19 came to the Internal Affairs investigation, I know there was a
20 debate about "Can we ask the question or not?" There was some
21 back and forth. And not my issue to interject myself because
22 I'm not an investigator. I have never been an investigator
23 outside of patrol preliminary investigations. So what they did
24 and how they did it, I had faith that they were doing the right
25 thing.

1 And when it came to the Internal Affairs
2 investigation, then I know they asked all those questions about
3 whether they had tattoos or not, and that resulted in,
4 obviously, based on misconduct, all the decisions that happened
5 after that. That's the normal flow of how things happen on the
6 Department. There's no grand conspiracy in that, no matter how
7 you try to paint it.

8 MR. DEIXLER: Yeah. So thank you, but that wasn't what I
9 asked you. The question I asked you quite precisely was: What
10 did you do to look into the question of why there was no
11 question asked about the role of the Banditos in the
12 investigations? You did not; isn't that fair --

13 MR. VILLANUEVA: I did --

14 MR. DEIXLER: -- (inaudible).

15 MR. VILLANUEVA: That was not my concern at the time.

16 MR. DEIXLER: Right.

17 MR. VILLANUEVA: I had very big fish to fry. You may have
18 noticed.

19 MR. DEIXLER: Yes. We've seen the fish.

20 The delegation principle here is the one you where --
21 well, you didn't look into it, other people did, and you were
22 busy doing -- frying fish; is that fair?

23 MR. VILLANUEVA: Don't you have a better question?

24 MR. DEIXLER: (Inaudible). You were too busy to look into
25 that question notwithstanding all the public attention; right?

1 MR. VILLANUEVA: I was busy trying to take over the
2 Department that was in dysfunction at the time.

3 MR. DEIXLER: Did you learn whether all the witnesses to
4 the Kennedy Hall event agreed to be interviewed by the
5 investigators?

6 MR. VILLANUEVA: There was some point, I heard that some
7 did not want to be interviewed.

8 MR. DEIXLER: You never ordered all deputies to either
9 agree to be interviewed or to assert their rights against
10 self-incrimination; is that true?

11 MR. VILLANUEVA: I don't conduct the investigations.

12 MR. DEIXLER: You never gave that order; is that true?

13 MR. VILLANUEVA: That is very true.

14 MR. DEIXLER: And there was widespread refusal on the part
15 of these deputies to answer questions; isn't that also true?

16 MR. VILLANUEVA: They had 70 people to answer your
17 question. So when you say "widespread," can you be more
18 specific?

19 MR. DEIXLER: You had 90 people who refused to answer
20 questions; is that widespread in your view?

21 MR. VILLANUEVA: Good number.

22 MR. DEIXLER: And you knew about it, didn't you?

23 MR. VILLANUEVA: (No audible response.)

24 MR. DEIXLER: When did you first learn about it? When you
25 were still Sheriff; right?

1 MR. VILLANUEVA: I was putting the whole package together
2 and then so be it.

3 MR. DEIXLER: So when you learned about it, why didn't you
4 instruct these people who were refusing to cooperate with an
5 investigation to cooperate or to assert their constitutional
6 right against self-incrimination? Why didn't you do that?

7 MR. VILLANUEVA: Pretty basic. One is -- and this is true
8 of the FBI -- when it's a criminal investigation, you would get
9 into compelled speech in criminal investigations that doesn't
10 end very well for many reason -- obvious reasons.

11 When you come to Internal Affairs investigation,
12 which is administrative, you can compel speech from everybody,
13 which is exactly what they did.

14 That decision about "Where can we do it? At what
15 point?" wasn't at my level. I had faith --

16 MR. DEIXLER: It's your testimony, sir, that everybody was
17 compelled to answer the questions in the Internal Affairs
18 investigation? Is that your testimony?

19 MR. VILLANUEVA: That's what I just said, yeah.

20 MR. DEIXLER: Let's --

21 Can you play Burson, 515?

22 MR. DEIXLER: "Were you aware that a large
23 number of deputies had already refused to be
24 interviewed in connection with Investigator Chow's
25 investigation?"

1 MR. BURSON: "Yeah.

2 MR. DEIXLER: "When did you learn that fact, if
3 you did?

4 MR. BURSON: "I learned that later on.

5 MR. DEIXLER: "And what effect would knowing
6 that deputies were refusing to be interviewed have
7 upon you as an investigator to determine the motive
8 of -- of a crime?

9 MR. BURSON: "Well, I know policy, they're
10 required to cooperate with any criminal
11 investigation. And I just found it striking that
12 they just arbitrarily refused when they should've
13 been disciplined.

14 MR. DEIXLER: "Did it ever come to your
15 attention that Sheriff Villanueva or
16 Chief of Staff Del Mese or anybody else ordered the
17 non-compliant deputies to actually be interviewed?

18 MR. BURSON: "No.

19 MR. DEIXLER: "As far as you know, after this
20 part of the investigation was shut down and the
21 deputies refused to -- to testify or to be
22 interviewed, they were never instructed that they had
23 to as a matter of sheriff departmental policy; is
24 that fair?

25 MR. BURSON: "Yes.

1 MR. DEIXLER: "Can you think of any reason, as a
2 professional investigator with 30 years' experience,
3 why, on December 7th, 2018, knowing what was known,
4 other than the possibility that somebody had told the
5 Sheriff it was unnecessary as just a fact-finding
6 matter, is there any reason that one would not want
7 to investigate the subculture involvement in a
8 beatdown, deputy-on-deputy fight?

9 MR. BURSON: "No."

10 MR. DEIXLER: Does hearing Chief Burson's testimony
11 refresh your memory that, in fact, there was widespread refusal
12 to be interviewed by the deputies?

13 MR. VILLANUEVA: It's not the same (inaudible). You've
14 made that kind of jump back and forth, which is what he did at
15 the start of the video. Do you want that?

16 MR. DEIXLER: Does it refresh your recollection, sir, that
17 there was widespread refusal on the part of the deputies to
18 testify? Yes or no.

19 MR. VILLANUEVA: The criminal side, yes.

20 MR. DEIXLER: I see.

21 So your testimony is that in the IAB investigation,
22 everyone testified, and upon criminal investigation, there was
23 widespread refusal to testify; correct? Correct?

24 MR. VILLANUEVA: (Inaudible).

25 MR. DEIXLER: Or you don't know?

1 MR. VILLANUEVA: I would somewhat agree with you, yes.

2 MR. DEIXLER: And you didn't compel; correct?

3 MR. VILLANUEVA: Again, it's a criminal investigation.

4 When you compel speech in a criminal -- you're going to be
5 someone who is a subject/witness when you compelled speech,
6 well, now you're going to have to do a criminal prosecution.
7 You should know this.

8 MR. DEIXLER: Oh, they don't have the right to assert
9 their Fifth Amendment privilege against self-incrimination?

10 MR. VILLANUEVA: You're compelling the station.

11 MR. DEIXLER: They can either speak or assert their
12 constitutional right to not speak; isn't that true?

13 MR. VILLANUEVA: Very true.

14 MR. DEIXLER: And that's what the Sheriff ought to do to
15 see out this investigation; correct?

16 MR. VILLANUEVA: The Sheriff doesn't see out the
17 investigation.

18 MR. DEIXLER: You didn't do that, did you?

19 MR. VILLANUEVA: The Sheriff doesn't do the investigation.

20 MR. DEIXLER: Did you ever hear of a police Code of
21 Silence?

22 MR. VILLANUEVA: Yes.

23 MR. DEIXLER: Failing to compel people to cooperate with
24 investigations of wrongdoing is part of police Code of Silence,
25 isn't it, sir?

1 MR. VILLANUEVA: Yes.

2 MR. DEIXLER: You were part of that Code of Silence,
3 weren't you?

4 MR. VILLANUEVA: (Inaudible).

5 MR. DEIXLER: You could have instructed people to
6 cooperate and testify, and you chose not to; correct? You
7 chose not to instruct people that they had to cooperate;
8 correct?

9 MR. VILLANUEVA: I don't know if a sheriff has ever
10 intervened directly in an investigation.

11 In fact, Mr. Max Huntsman, where is that -- there you
12 are. He decided to intervene in the ICIB case and direct what
13 the the investigator should ask, which is not the appropriate
14 role of a inspector general. Now you're part of the -- you're
15 an investigator. There has to be a separation of powers there.

16 MR. DEIXLER: Yeah. So Inspector General Huntsman
17 testified here about the lack of cooperation extended by you
18 and the LASD in connection with his investigation; correct?

19 MR. VILLANUEVA: He made all kinds of outrageous --

20 MR. DEIXLER: Did you he that, sir? You know that.

21 MR. VILLANUEVA: The felony stuff they were trying to
22 spin?

23 MR. DEIXLER: I don't know how many more times you're
24 going to play that game. How did that turn out? Was he
25 charged with anything?

1 MR. VILLANUEVA: Well, it was up to the attorney general.

2 MR. DEIXLER: Is he still the inspector general, sir?

3 MR. VILLANUEVA: Well, if he was a deputy sheriff, he'd
4 have been relieved of duty a long time ago.

5 MR. DEIXLER: And you are not the Sheriff anymore, are
6 you?

7 MR. VILLANUEVA: No.

8 MR. DEIXLER: Okay. So he's inspector general, you're not
9 the Sheriff. Now let's go back to what matters here.

10 MR. VILLANUEVA: Actually, I'm here on my own --
11 voluntarily.

12 MR. DEIXLER: Or you're pursuant to subpoena.

13 MR. VILLANUEVA: Actually, we were going to go to court
14 for this.

15 MR. DEIXLER: No. We were going to court to have you held
16 in contempt for disobedience of the subpoena, and in lieu of
17 that, sir, you showed up here pursuant to that subpoena. So
18 let's not get into a legal battle about that.

19 MR. VILLANUEVA: You're totally --

20 MR. DEIXLER: Oh, yes, yes, yes.

21 MR. VILLANUEVA: I know exactly what the appellate court
22 did. It totally did a two-step process, which you failed to
23 do. That's why I'm here.

24 CHAIR KENNEDY: Talk into the microphone, please.

25 MR. DEIXLER: Let me get back to your charges about

1 Mr. Huntsman.

2 Not only did you not cooperate, but you announced
3 that you would open a criminal investigation of him; is that
4 right?

5 MR. VILLANUEVA: The criminal -- we did not announce a
6 criminal investigation. We initiated that way before any of
7 this happened.

8 MR. DEIXLER: And you mentioned that to the media?

9 MR. VILLANUEVA: After the fact, yes.

10 MR. DEIXLER: After the fact of what?

11 MR. VILLANUEVA: We let the court supervisors know
12 standard protocol in the Sheriff's Department is if you're
13 involved in a criminal matter, and you can get relieved of
14 duty, you don't get to continue doing your job.

15 MR. DEIXLER: Can you --

16 MR. VILLANUEVA: Which is strange because I don't even
17 know why I see Patti Giggans here. She's still a named felony
18 suspect in a matter before the attorney general's office on
19 obstruction of justice and corrupt. And the same thing as
20 Mr. Huntsman right there. And these are fresh cases.

21 Especially the one from -- what was it? -- September of '22?

22 MR. DEIXLER: Is that like carrying concealed weapons and
23 selling the permits to do so? That would be a felony too,
24 wouldn't it?

25 MR. VILLANUEVA: Well, then that case is also being

1 investigated.

2 MR. DEIXLER: By the failure of your investigation;
3 correct?

4 MR. VILLANUEVA: Yes.

5 MR. DEIXLER: And you're a subject to that investigation,
6 aren't you, sir?

7 MR. VILLANUEVA: No, I'm not.

8 MR. DEIXLER: You sure?

9 MR. VILLANUEVA: Oh, yes. I'm very sure.

10 MR. DEIXLER: Time will tell.

11 Let me go back here --

12 MR. VILLANUEVA: Let me hear why? Because we initiated
13 the investigation.

14 MR. DEIXLER: Sure you did.

15 MR. VILLANUEVA: Yes, we did.

16 MR. DEIXLER: Sure.

17 MR. VILLANUEVA: You have my answer because I'm telling
18 the truth that you don't want people to know about, do you?

19 MR. DEIXLER: (Inaudible).

20 AUDIENCE MEMBER: (Inaudible).

21 CHAIR KENNEDY: We're trying to develop the evidence for
22 everyone, and we're not going to be able to do that.

23 MR. DEIXLER: Can we agree that it is important for
24 investigations to determine the motive for a crime?

25 MR. VILLANUEVA: Yes, it is important.

1 MR. DEIXLER: And knowing the motive could help an
2 investigator solve it; is that right?

3 MR. VILLANUEVA: Typically, yes.

4 MR. DEIXLER: And do you know --

5 MR. VILLANUEVA: Depending on what type of crime we're
6 talking about.

7 MR. DEIXLER: Well, how about -- I don't know -- a
8 beatdown by a deputy sheriff on other deputy sheriffs? Would
9 that be important to know whether it was an act on the
10 furtherance of a display of power by a subgroup or whether it
11 was just a drunken brawl? Would that be important to know?

12 MR. VILLANUEVA: It'd be important to know, and it'd also
13 be important to ask the victim -- the alleged victims: "Hey,
14 why did this happen? Who did it? And how (inaudible)?"

15 And based on what they say, you can take your
16 investigation from there. In other words, you don't lead the
17 witness. And I think (inaudible) much about that, considering
18 McMarton's history.

19 MR. DEIXLER: I don't think we have any questions about
20 the McMarton case here. I'm more focused on the beatdown at
21 Kennedy Hall and the failure by you to force people to talk
22 about it. And we'll see; maybe it may interfere with the
23 description of the motive.

24 MR. VILLANUEVA: Let it's put it this way: There's no
25 failure on my part to do absolutely anything. We did our job.

1 The district attorney did their job. And if they saw there was
2 any shortcoming, they had no problem coming back to say, "Hey,
3 you know what? We're concerned about this." Well, you know
4 what? They weren't investigating a bank robbery. They were
5 investigating a brawl where all the parties -- all of them --
6 were drunk at 4:00 in the morning, not exactly the brightest
7 conspiracy to take over the universe.

8 MR. DEIXLER: You had no idea because you wouldn't allow
9 an investigation into the motive.

10 Let me ask you to take a look at Chief --

11 MR. VILLANUEVA: They're the best ones to apply that
12 motive and say, "Hey, they did investigate me because of 'x,'
13 'y,' and 'z.'" They never did.

14 MR. DEIXLER: Could we -- they are plaintiffs in a
15 lawsuit; isn't that right?

16 MR. VILLANUEVA: Oh, yeah.

17 MR. DEIXLER: And for making claims that they were beaten
18 down by Banditos because it was an exercise of power; is that
19 the substance of what's being claimed?

20 MR. VILLANUEVA: They just forgot to mention that when
21 they were interviewed by the ICIB investigation.

22 MR. DEIXLER: You didn't conduct the investigation, nor
23 did you read any of the reports, did you?

24 MR. VILLANUEVA: I read some of them.

25 MR. DEIXLER: When?

1 MR. VILLANUEVA: It's been a few years ago.

2 MR. DEIXLER: How many years ago?

3 MR. VILLANUEVA: (No audible response.)

4 MR. DEIXLER: So you involved yourself in an investigation
5 to the extent that you read reports?

6 MR. VILLANUEVA: No, I read the DA's analysis and I read
7 the summary and that kind of gave me an idea of what happened.

8 MR. DEIXLER: So let me see what Chief Goodman, who was in
9 charge of the investigation, has told the commission
10 (inaudible).

11 MR. DEIXLER: " -- knowledge of the gang
12 involvement shed light on what the motive was for the
13 beating?

14 MR. GOODMAN: "Absolutely.

15 MR. DEIXLER: "Is determining a motive for a
16 potential criminal case important in law enforcement?

17 MR. GOODMAN: "Absolutely. Absolutely.

18 MR. DEIXLER: "And why is that? Why is
19 determining the motive important?

20 MR. GOODMAN: "Motive gives you the road map.
21 Motive gives you the road map to not only continue
22 the investigation on a path that's going to bring
23 some result, but motive also gives you history. It
24 gives you a deeper and better perspective as to why
25 this particular crime happened. Without motive, you

1 really can't investigate anything appropriately or
2 thoroughly. It's impossible.

3 MR. DEIXLER: "Is preventing the investigation
4 of a motive of a crime consistent with fundamental
5 principles of professional policing?"

6 MR. GOODMAN: "Absolutely not."

7 MR. DEIXLER: Chief Goodman was in charge until you
8 replaced him, and Matt Burson was the person who was a
9 them/they supervising the investigation; is that true?

10 MR. VILLANUEVA: Yes.

11 MR. DEIXLER: And Matt Burson has come here explaining the
12 importance as well of understanding the motive. Did you know
13 that?

14 MR. VILLANUEVA: No. (Inaudible).

15 MR. DEIXLER: Did you follow the hearings in real time?

16 MR. VILLANUEVA: Not in real time.

17 MR. DEIXLER: You had a -- you had a lieutenant, as I
18 recall, Sean O'Donnell, who was supposed to monitor the
19 proceedings. Did he report to you in real time about what had
20 been testified to?

21 MR. VILLANUEVA: At the end of the day.

22 MR. DEIXLER: Did you ever watch any of the videos?

23 MR. VILLANUEVA: I've seen some of the videos.

24 MR. DEIXLER: But not all of them?

25 MR. VILLANUEVA: Not every one.

1 MR. DEIXLER: I see.

2 Did you --

3 MR. VILLANUEVA: I was just alarmed by how many were
4 people suing the Department for -- I had terminated. That
5 was -- their overwhelming presence on your witness list was
6 kind of appalling, actually.

7 MR. DEIXLER: Appalling.

8 You followed the media coverage of the hearings?

9 MR. VILLANUEVA: A little bit, yes.

10 MR. DEIXLER: You read regularly the reporting of
11 Alene Tchekmedyan; right?

12 MR. VILLANUEVA: Oh, yeah.

13 MR. DEIXLER: And Cerise Castle on her blog?

14 MR. VILLANUEVA: (Nods head in the affirmative.)

15 MR. DEIXLER: Yes?

16 MR. VILLANUEVA: Yes.

17 MR. DEIXLER: And Frank Stoltze on his blog and on KPCC.
18 Yes?

19 MR. VILLANUEVA: I know of him on some forum.

20 MR. DEIXLER: Kate Cagle on Spectrum One. Yes?

21 MR. VILLANUEVA: Yeah.

22 MR. DEIXLER: John Haskell on ABC News?

23 MR. VILLANUEVA: Yes.

24 MR. DEIXLER: So all of the stuff that we've been talking
25 about was stuff that you knew about because it was all over the

1 media; correct?

2 MR. VILLANUEVA: (Nods head in the affirmative.)

3 MR. DEIXLER: Yes. Okay.

4 And of course you read The New Yorker article by
5 Dana Goodyear, didn't you?

6 MR. VILLANUEVA: Oh, yeah. (Inaudible).

7 MR. DEIXLER: (Inaudible) all lies.

8 Why don't we play Chief Burson's testimony?

9 MR. DEIXLER: "Was Jefferson Chow the lead
10 investigator in the Kennedy Hall beating?

11 MR. BURSON: "Yes.

12 MR. DEIXLER: "And did you regard him as a
13 competent investigator?

14 MR. BURSON: "Yes.

15 MR. DEIXLER: "Prior to the Sheriff's election
16 of 2018, did you believe the Kennedy Hall incident
17 was properly viewed as a criminal investigation?

18 MR. BURSON: "Yes.

19 MR. DEIXLER: "Let me ask you a bit drawing on
20 that long experience. When you were at Homicide and
21 ICIB, was one of the things that was routinely sought
22 to be determined by investigators the motive for
23 alleged wrongdoing?

24 MR. BURSON: "Absolutely. Yes.

25 MR. DEIXLER: "And -- and why is discovering the

1 motive for a crime important for a criminal
2 investigator?

3 MR. BURSON: "Well, I mean, that's -- that's the
4 whole genesis of the crime. You need to determine
5 why that crime occurred, and who was involved.

6 MR. DEIXLER: "Is the discovery of the motive
7 for a crime consistent with professional police
8 practices?

9 MR. BURSON: "Yes.

10 MR. DEIXLER: "And would it have been important,
11 for example, for you to determine whether the
12 Kennedy Hall incident was just a drunken brawl, or an
13 event that involved a clique enforcing its power over
14 other deputies?

15 MR. BURSON: "I'm -- I'm sorry.

16 MR. DEIXLER: "Yeah. What did -- if it -- if it
17 was, why would it matter to you whether you were
18 investigating a drunken brawl or a power assertion by
19 a group -- a clique?

20 MR. BURSON: "Well, I mean, you -- you want to
21 get to the root of -- of what occurred."

22 MR. DEIXLER: As of the date you left office, were deputy
23 cliques or subgroups operating in the LASD?

24 MR. VILLANUEVA: Subgroups exist, yes.

25 MR. DEIXLER: And what subgroups did you know about were

1 existing in the LASD on the date you left office?

2 MR. VILLANUEVA: Well, you used the term "operate."
3 They're deputies working. What they do in their off time is
4 socialize and not operating and (inaudible) is their
5 employment. I think they're really --

6 MR. DEIXLER: I think you need to lean toward the
7 microphone, sir.

8 MR. VILLANUEVA: I think you're really missing when you
9 say the word "operate."

10 MR. DEIXLER: Oh, (inaudible) I will quibble with you.

11 So let's talk about the names of the subgroups or
12 cliques that were existing at the time -- on the day that you
13 left the office of sheriff in response to the election.

14 COMMISSIONER BONNER: Mr. Deixler, I'm just wondering
15 about the flow here, but I do want some degree clear on the
16 record (inaudible) Kennedy Hall.

17 MR. DEIXLER: Please.

18 COMMISSIONER BONNER: (Inaudible) directing your attention
19 to the period of time on December, 2018, did you direct request
20 or suggest to Del Mese or anyone else that the Kennedy Hall
21 investigation should not include questions about subculture
22 groups?

23 MR. VILLANUEVA: Never.

24 In fact, Mr. Del Mese testified, which you kindly
25 ignore. He said he never gave that order that directed the

1 members either. So you kind of overlook it.

2 MR. DEIXLER: That's not true. He said, "Do you recall?"

3 COMMISSIONER BONNER: Do you recall?

4 MR. VILLANUEVA: He was very emphatic about -- no.

5 MR. DEIXLER: He didn't recall, sir. I was here. I heard
6 the testimony.

7 MR. VILLANUEVA: In fact, Mr. Matt Burson was -- you could
8 go to your timeframe -- he was promoted to chief on
9 December 16th of 2018. That teletype was issued a few days
10 prior. So unless, again, Mr. Jeff Chow and Burson had a
11 crystal ball, he was a captain assigned to ICIB, and it took
12 weeks before we figured out who was going to be the division
13 chief or where we were going to put him. So this log from
14 Jeff Chow that you love to parade everywhere was altered after
15 the fact.

16 MR. DEIXLER: Well --

17 COMMISSIONER BONNER: So then a quick follow-up.

18 MR. DEIXLER: Sure.

19 COMMISSIONER BONNER: So it wasn't you (inaudible) it
20 would be somebody else in your direction (inaudible)
21 Investigator Chow -- Sergeant Chow that he wasn't to ask
22 questions relating to subcultures within the East LA Station in
23 conjunction with the Kennedy Hall investigation, it was
24 somebody else.

25 Was Matt -- then, you're saying Matt Burson's

1 testimony under oath was he was lying about how that happened;
2 is that your testimony?

3 MR. VILLANUEVA: Well, between the two of them, they --
4 no. They got it wrong. If, for some reason, Matt Burson, on
5 his own, decided "Hey, I don't want to do that. I need to tell
6 Jeff Chow." Could it have happened? I don't know. But I do
7 know that the log was altered after the fact.

8 MR. DEIXLER: We'll go over it right now. Let's not waste
9 a lot of time. Let's not --

10 CHAIR KENNEDY: Reply to Mr. Deixler.

11 MR. DEIXLER: Yeah.

12 Let me ask you: Was it your decision to promote
13 Matt Burson from captain to chief in December of 2018?

14 MR. VILLANUEVA: Yes.

15 MR. DEIXLER: Did you believe that Captain Burson deserved
16 to become chief?

17 MR. VILLANUEVA: Given what I knew at the time, yes.

18 MR. DEIXLER: Did you believe that Captain Burson was
19 truthful at the time he was promoted by you?

20 MR. VILLANUEVA: Yes.

21 MR. DEIXLER: Did you have confidence in his experience
22 over 30 years at the LASD?

23 MR. VILLANUEVA: Initially, yes.

24 MR. DEIXLER: Before informing Captain Burson of his
25 promotion, with whom did you discuss it?

1 MR. VILLANUEVA: With the undersheriff at the time, which
2 was Ray Lathrop (phonetic), with Tim Murakami, the assistant
3 sheriff. And I think we had Bruce Chase (phonetic), and we
4 had -- not Bruce Chase -- I'm drawing a blank here. Olmsted,
5 Bob Olmsted.

6 MR. DEIXLER: Did you believe Chief Burson was -- well, I
7 should ask: Was there unanimous approval of Chief Burson for
8 the promotion to that job?

9 MR. VILLANUEVA: Yes.

10 MR. DEIXLER: And did you believe he competently handled
11 the position after his promotion?

12 MR. VILLANUEVA: Up to certain point.

13 MR. DEIXLER: Was he truthful in connection with his
14 duties as the chief of standards?

15 MR. VILLANUEVA: Truthful, yes.

16 MR. DEIXLER: Before appointing Captain Del Mese as your
17 chief of staff, did you believe he was competent?

18 MR. VILLANUEVA: Yes.

19 MR. DEIXLER: Before appointing Captain Del Mese as your
20 chief of staff, did you believe he was truthful?

21 MR. VILLANUEVA: Yes.

22 MR. DEIXLER: When you appointed Chief of Staff Del Mese,
23 was he authorized by you to convey any information to members
24 of the LASD on your behalf?

25 MR. VILLANUEVA: No. He took it on pretty much on his

1 own.

2 MR. DEIXLER: He was freelancing in order --

3 MR. VILLANUEVA: Freelancing? He took the initiative. He
4 had the job to take, and there are a lot of things to do
5 about -- things to do as incoming chief of staff.

6 MR. DEIXLER: Did you ever learn Captain, then
7 Chief Del Mese, claimed that you had told him to give an
8 instruction when, in fact, you hadn't?

9 MR. VILLANUEVA: Say that again.

10 MR. DEIXLER: Did you ever learn that Captain, then
11 Chief of Staff Del Mese, had claimed that you had given him an
12 instruction, when, in fact, you hadn't given an instruction
13 like that at all?

14 MR. VILLANUEVA: I believe in his testimony, he said that
15 he did not get that instruction from me that he conveyed to
16 Mr. Burson. In fact, he was pretty emphatic.

17 MR. DEIXLER: Actually, sir, rather than quibble over
18 whether he recalled or didn't recall, why don't you answer my
19 question?

20 Did you have the experience when the chief of staff
21 was working for you of learning that he had falsely attributed
22 to you an instruction? Yes or no.

23 MR. VILLANUEVA: No.

24 MR. DEIXLER: Then maybe you might have forgotten about
25 it, or you don't recall any such instance in which he --

1 MR. VILLANUEVA: I don't recall.

2 MR. DEIXLER: -- falsely claimed to be acting in your name
3 when he wasn't?

4 MR. VILLANUEVA: I don't recall.

5 MR. DEIXLER: You know that the investigator log of
6 Sergeant Jefferson Chow said on November 27th, before you
7 became Sheriff, that Burson told Chow to cancel interviews so
8 that Burson could get a determination of whether Chow had to
9 ask questions about subculture groups at East LA. You're
10 familiar with that log. You've talked about it many times.

11 MR. VILLANUEVA: Yeah. You skipped over the most
12 important part.

13 MR. DEIXLER: Don't tell me what's important. Just answer
14 my questions and we'll decide later what's important.

15 MR. VILLANUEVA: (Inaudible) I know what's important. I
16 know what the public -- is important to the public.

17 MR. DEIXLER: Right. I can tell. You came in second in
18 that -- in that Sheriff race.

19 Answer my questions if you will, sir. Answer my
20 questions.

21 The investigator log shows that on November 27th,
22 before you became Sheriff, Burson told Chow to cancel
23 interviews so that Burson could get a determination of whether
24 Chow had to ask questions about subculture groups. Now, you've
25 seen that entry.

1 Why don't we put it up so everybody can see it. I
2 think it's Exhibit 11.

3 MR. VILLANUEVA: Okay. It looks like from over here, I
4 have a copy myself.

5 MR. DEIXLER: Well, that's great. Let's share it with the
6 people because they also have a desire to know, as you've
7 explained.

8 "Cancelled the interviews due to
9 Captain/Chief Burson. He wanted to make sure I
10 didn't have to ask questions about subculture groups
11 at ELA Station."

12 See that?

13 MR. VILLANUEVA: Yes.

14 MR. DEIXLER: That's -- your testimony is that's a lie,
15 that Chow made that up after the fact?

16 MR. VILLANUEVA: He added it after the fact.

17 MR. DEIXLER: It's a lie that he had received that
18 instruction?

19 MR. VILLANUEVA: How would he know that the captain was
20 going to be Chief Burson? I didn't even know that.

21 MR. DEIXLER: I see.

22 MR. VILLANUEVA: Can you explain that?

23 MR. DEIXLER: Is it a lie that he was told by Chief Burson
24 that he had to check to see if he could ask questions about
25 subculture groups at East LA?

1 MR. VILLANUEVA: That part may be very well true. I have
2 no idea.

3 MR. DEIXLER: So your supposition then is, even if it was
4 backdated or modified or something, that Chief Burson, a man
5 whose integrity you've testified to and whose competency you
6 testified to, made up the idea that this -- that he had to
7 check with somebody to ask questions about subculture groups.
8 That's your testimony under oath?

9 MR. VILLANUEVA: It's obvious he edited it after the fact.
10 Again, is he a fortuneteller?

11 MR. DEIXLER: Do you need the question again?

12 MR. VILLANUEVA: No.

13 MR. DEIXLER: What's the answer to my question? I
14 understand you've told us five times that it was edited, it's
15 phony, it didn't happen.

16 My question direct -- is directed to the reason that
17 Captain Burson would say he had to ask questions about
18 subcultures before he could go forward. What's your reasoning
19 for that? Or is that just a lie?

20 MR. VILLANUEVA: Whatever his reason why -- if he said
21 that -- I do not know what Burson told Chow.

22 MR. DEIXLER: He's got to check with it, if not the chief
23 of staff or the Sheriff.

24 MR. VILLANUEVA: This appears smoking gun. So why
25 wouldn't your smoking gun have information has been edited?

1 You explain that.

2 MR. DEIXLER: Well, I hear your testimony.

3 Investigator Chow has testified as the author of that document.

4 MR. VILLANUEVA: It was also why he was suing the
5 Department. Do you have anybody that's not suing the
6 Department as a witness?

7 MR. DEIXLER: I can't comment --

8 MR. VILLANUEVA: (Inaudible) --

9 MR. DEIXLER: -- comment about how --

10 MR. VILLANUEVA: -- all it is.

11 MR. DEIXLER: I can't comment on how people feel.

12 (Inaudible).

13 MR. VILLANUEVA: Suing the department goes towards
14 motivation and truthfulness.

15 AUDIENCE MEMBER: (Inaudible).

16 CHAIR KENNEDY: We're -- the only people asking questions
17 are Mr. Deixler, and the person answering is Mr. Villanueva.
18 So could we just stick with that part so that we can develop
19 all the evidence?

20 MR. DEIXLER: You are well-familiar with the fact that
21 Chief Burson testified that he had received instruction from
22 Del Mese which specifically said it had come from you. You
23 know that, don't you?

24 MR. VILLANUEVA: Oh, yes. I heard that.

25 MR. DEIXLER: Did you watch the video --

1 MR. VILLANUEVA: I watched the video. I watched the
2 crocodile tears. (Inaudible).

3 MR. DEIXLER: Crocodile tears.

4 Could we play 521?

5 MR. DEIXLER: "Who was Captain Larry Del Mese at
6 the time of this call in November of 2018?"

7 MR. BURSON: "Captain Del Mese was a captain of
8 the Court Services Division. But he was also on,
9 from what I understood, incoming Sheriff Villanueva's
10 transition team.

11 MR. DEIXLER: "Was he, as a captain in the
12 paramilitary structure of LA Sheriff's Department,
13 superior to you?"

14 MR. BURSON: "No. He was equal.

15 MR. DEIXLER: "Was he in a position to -- being
16 in Court Services -- in a position to give you
17 direction at -- on his own given your work in ICIB?"

18 MR. BURSON: "No.

19 MR. DEIXLER: "As best you can recall, what did
20 Captain Del Mese say to you on the 27th of November?"

21 MR. BURSON: "Captain Del Mese called me on
22 behalf of the Sheriff -- the incoming Sheriff,
23 Alex Villanueva, and told me to hold off on any
24 questioning about the investigation including the
25 Banditos until I talked to him -- until I talked to

1 the Sheriff when he would come into office.

2 MR. DEIXLER: "As of November 27th, 2018, was
3 Alex Villanueva the Sheriff of Los Angeles County?

4 MR. BURSON: "No.

5 MR. DEIXLER: "As of November 27th, 2018, who
6 was the Sheriff of Los Angeles County?

7 MR. BURSON: "Jim McDonnell.

8 MR. DEIXLER: "Did you believe that
9 Captain Del Mese was speaking for himself or was
10 speaking on behalf of the incoming but not yet
11 Sheriff, Villanueva?

12 MR. BURSON: "He was definitely speaking on
13 behalf of Alex Villanueva.

14 MR. DEIXLER: "And what was it that he said that
15 caused you to believe that?

16 MR. BURSON: "He said specifically that 'Hey, I
17 talked to the Sheriff. And the Sheriff -- or
18 Alex Villanueva wants you to hold off on any
19 questioning until you talk to me -- until I talk to
20 the Sheriff when he comes into office.'"

21 MR. DEIXLER: "And why did you care about what
22 Captain Del Mese told you on that occasion? Why did
23 it matter to you as a member of the Sheriff's
24 Department?

25 MR. BURSON: "Well, he was working on the

1 incoming Sheriff's transition team, and so he had a
2 direct line to the Sheriff -- of the incoming
3 Sheriff.

4 MR. DEIXLER: "So that entry of November 27th --
5 and I will get to the captain-chief point shortly --
6 but that entry of November 27th, 2018, does that
7 accurately reflect the instruction that you gave to
8 Investigator Chow on that occasion?

9 MR. BURSON: "Yes.

10 MR. DEIXLER: "And does it accurately reflect
11 the instruction you received from Captain Del Mese,
12 which was given to you on behalf of the incoming but
13 not yet Sheriff, Villanueva?

14 MR. BURSON: "Yes."

15 MR. DEIXLER: Those were all lies; correct?

16 MR. VILLANUEVA: Yes.

17 In fact, you know what?

18 MR. DEIXLER: The person whom you have attested to was a
19 truthteller and you promoted is a liar under oath; is that what
20 you're saying? Is that what you're saying? Yes or no. You
21 have to look down to look at me. Just say "yes" or "no."

22 MR. VILLANUEVA: I'm going to tell you --

23 MR. DEIXLER: Yes or no.

24 MR. VILLANUEVA: -- yes, he is a liar.

25 MR. DEIXLER: Okay.

1 MR. VILLANUEVA: And I'll tell you why he's a liar. Of
2 course, you want to hear it; right?

3 You do realize that Chief Goodman -- I terminated
4 him.

5 MR. DEIXLER: Yes. We've already established that in the
6 evidence multiple times.

7 MR. VILLANUEVA: And it doesn't sound like he's going to
8 be very supportive person when it comes to testifying.

9 And Mr. Matt Burson, after all of this long, lengthy
10 thing where he was crying about: Oh, he was so disillusioned
11 by the horrible leader that I was and all that, he wanted to
12 come back to the Department because he heard there was a
13 vacancy in Patrol Division. And I have a whole text exchange
14 with Tim Murakami on this. It's evidence, and you have it in
15 your little books there. So when he wants to come back and
16 he's rejected from coming back, yeah, that goes towards the
17 motive as well as toward truthfulness.

18 This is something a normal, competent jury would
19 understand and appreciate the weight. But, of course, we don't
20 have that here.

21 MR. DEIXLER: Well, I have confidence in the competence of
22 the commission even if you don't.

23 You're aware that Sergeant Jefferson Chow testified
24 at the -- at this commission?

25 MR. VILLANUEVA: Yes.

1 MR. DEIXLER: And he explained the instructions that he
2 gave?

3 MR. VILLANUEVA: You're three for three on lawsuits, but
4 keep going.

5 MR. DEIXLER: And he explained that he memorialized those
6 instructions on the law?

7 MR. VILLANUEVA: Yes, I heard that.

8 MR. DEIXLER: And let me show you his testimony before
9 this body.

10 522.

11 MR. DEIXLER: "In the course of your
12 investigation, did you conclude that it was
13 appropriate to determine whether there was a role of
14 a deputy subgroup in connection with the Kennedy Hall
15 incident?"

16 MR. CHOW: "Yes, sir, it was.

17 MR. DEIXLER: "And -- and is a deputy subgroup
18 also sometimes referred to as deputy clique?"

19 MR. CHOW: "It could be, sir.

20 MR. DEIXLER: "Yeah.

21 MR. CHOW: "It's up to interpretation for each
22 person.

23 MR. DEIXLER: "Yeah.

24 "Why did you believe investigating the
25 involvement --

1 COMMISSIONER BONNER: "Wait -- wait a minute.

2 MR. DEIXLER: "-- of deputies...

3 COMMISSIONER BONNER: "Excuse me. I missed that
4 answer. I'm sorry. I didn't hear it.

5 MR. DEIXLER: "Would you repeat your answer?"

6 COMMISSIONER BONNER: "It's up to..."

7 MR. CHOW: "The personal interpretation.

8 COMMISSIONER BONNER: "A personal -- whose
9 interpretation?"

10 MR. CHOW: "It's -- for me, it's a clique or
11 just a group of people, sir -- group of deputies.

12 COMMISSIONER BONNER: "All right.

13 "But you have heard the term 'deputy
14 cliques'; right?"

15 MR. CHOW: "Yes, sir, I have.

16 COMMISSIONER BONNER: "And you've had heard the
17 term 'deputy cliques' applied to, among others I
18 assume, the -- the Banditos?"

19 MR. CHOW: "Yes, sir.

20 COMMISSIONER BONNER: "And you've heard that
21 term applied to the Executioners?"

22 MR. CHOW: "Yes, sir.

23 COMMISSIONER BONNER: "You've heard that term
24 applied to -- I don't know, the -- you've been there
25 26 years -- the Cavemen?"

1 MR. CHOW: "I've heard that, yes, sir.

2 COMMISSIONER BONNER: "Yeah.

3 "And you've heard that term applied to the
4 Grim Reapers?

5 MR. CHOW: "Yes, sir.

6 COMMISSIONER BONNER: "All right.

7 "I -- so when we use 'deputy cliques,'
8 you'll understand us to mean exclusionary subgroups
9 within the Sheriff's Department that have existed on
10 and off over the years -- over the decades?

11 MR. CHOW: "Yes, sir.

12 COMMISSIONER BONNER: "All right.

13 "Thank you, Mr. Deixler.

14 MR. DEIXLER: "With -- with -- with that
15 background, why do you believe investigating the
16 involvement of a deputy clique was appropriate?

17 MR. CHOW: "Sir, to find out the motive.

18 MR. DEIXLER: "And why is that important in the
19 investigation of criminal -- potential criminal
20 behavior?

21 MR. CHOW: "To give a full understanding of why
22 the incident occurred.

23 MR. DEIXLER: "Would you take a look at Exhibit
24 4, page numbered 4, the entry for November 9th, 2018,
25 at 1530. Would you read into the record the portion

1 of that exhibit numbered 4, page numbered 4, which
2 begins at: 'Also, Lieutenant Chevalier...'

3 MR. CHOW: "I'm sorry, sir. I'm looking for it.

4 MR. DEIXLER: "It's three items from the bottom.

5 MR. CHOW: "Okay.

6 "Read it, sir?

7 MR. DEIXLER: "Yes. Starting with 'also.'

8 MR. CHOW: "'Also, Lieutenant Chevalier advised
9 me OIG wanted additional questions about the
10 subculture groups at East LA. Captain Burson
11 confirmed additional questions needed to be asked.'"

12 MR. DEIXLER: "And did you make that entry?

13 MR. CHOW: "Yes, sir, I did.

14 MR. DEIXLER: "And was that entry truthful at
15 the time you made it?

16 MR. CHOW: "It is still truthful, sir --

17 MR. DEIXLER: "Do you have any...

18 "Still truthful. That's what I'm asking.

19 There's no reason to believe that in any way it's
20 false? it's been changed? it's amended?

21 MR. CHOW: "No, sir.

22 MR. DEIXLER: "Okay.

23 "Did you, in fact, receive the instructions
24 that were reported?

25 MR. CHOW: "Yes.

1 MR. DEIXLER: "Would you look at Exhibit 4, page
2 numbered 5, the entry for November 27th, 2018, at
3 1300 hours.

4 MR. CHOW: "You want me to read it out, sir?"

5 MR. DEIXLER: "Yes, if you would read that into
6 the record.

7 MR. CHOW: "'Canceled interviews due to
8 Captain/Chief Burson. He wanted to make sure I did
9 not have to ask questions about subculture groups at
10 East LA Station. Worked on another case due to the
11 statute date is coming up.'

12 MR. DEIXLER: "Okay.

13 "And was that an entry that you made?"

14 MR. CHOW: "Yes, sir, it is.

15 MR. DEIXLER: "And was that entry truthful at
16 the time you made it?"

17 MR. CHOW: "Yes, sir.

18 MR. DEIXLER: "Did you --

19 MR. CHOW: "Still is.

20 MR. DEIXLER: "-- did you receive the
21 instructions that are recited in that portion of
22 exhibit numbered 4?"

23 MR. CHOW: "Yes, sir.

24 MR. DEIXLER: "Is there any reason to think that
25 any portion of that instruction that is memorialized

1 there is untrue?

2 MR. CHOW: "No, sir.

3 MR. DEIXLER: "Has -- has the record been
4 changed in any way?

5 MR. CHOW: "No, sir.

6 MR. DEIXLER: "Would you take a look, please, at
7 page 5 of Exhibit 4, the entry for December 7th,
8 2018, at 9:00 a.m., and would you read that into the
9 record.

10 MR. CHOW: "Received the go ahead to start
11 interviewing witnesses for the case. Also, the
12 chief, Burson, informed me that I do not need to ask
13 questions about subculture groups at East LA Station.
14 Spoke to Attorney Sherry Lawrence -- representing --
15 and declined to be interviewed.

16 MR. DEIXLER: "And did you make that entry, sir?

17 MR. CHOW: "Yes, sir, I did.

18 MR. DEIXLER: "And is that a truthful recital of
19 the instruction you had received?

20 MR. CHOW: "Yes, sir, it is.

21 MR. DEIXLER: "And in each instance that we have
22 gone over, did you follow the instruction that
23 were -- instructions that were given to you?

24 MR. CHOW: "Yes, sir, I did.

25 MR. DEIXLER: "And -- and why did you follow

1 those instructions?

2 MR. CHOW: "Sir, we're a paramilitary agency,
3 sir.

4 MR. DEIXLER: "And what do you mean by that?

5 MR. CHOW: "We follow orders from chain of
6 command.

7 MR. DEIXLER: "And in this particular case, it
8 had been your starting point that it would have been
9 helpful or wise to investigate the existence of
10 subgroups, cliques, or civil or exclusion
11 organizations; is that true?

12 MR. CHOW: "True.

13 MR. DEIXLER: "Notwithstanding what you believed
14 to be the case, you followed those orders; is that
15 also true?

16 MR. CHOW: "Yes, sir.

17 MR. DEIXLER: "By the way, the subgroup we're
18 talking about is, as Judge Bonner established, is the
19 Banditos in this case; is that correct?

20 MR. CHOW: "Correct.

21 MR. DEIXLER: "Based upon your investigation,
22 did you conclude that this was just a drunken brawl,
23 a mutual combat, or did you believe it was something
24 more serious?

25 MR. CHOW: "My personal belief, something more

1 serious.

2 MR. DEIXLER: "And did you believe that it
3 should've been filed as a criminal case?"

4 MR. CHOW: "Yes, sir, I do."

5 MR. DEIXLER: So you heard the testimony of Chief Goodman,
6 of Chief Burson, Investigator Chow all talking about the
7 importance of learning a motive for this beatdown at
8 Kennedy Hall. Can you think, as a long-term police officer, of
9 any legitimate reason to have held off looking into the motive
10 for the crime?

11 MR. VILLANUEVA: Well, when you're interviewing -- or you
12 already have four identified as potential suspects and think
13 additional report was listed as suspect/victims, you're
14 separating who's who from the zoo. And you're going to
15 interview people. And you can interview 20, 30, 40. I believe
16 they interviewed about 70 people by the end of the ICIB case,
17 if I'm not mistaken. That's a lot of people to interview. And
18 we're doing this on a case that both (inaudible), if it were to
19 be filed, they'd file a misdemeanor, not a felony given today's
20 environment.

21 So how much stock or how much resource do you want to
22 put in it? That's an investigative decision. It's not the
23 Sheriff's decision. No record whatsoever.

24 MR. DEIXLER: Can you think of a reason why a law
25 enforcement officer in this circumstance wouldn't try to

1 understand the motive of this beatdown by a group of subculture
2 members of non-subculture members? What's the reason to not
3 investigate the motive, sir?

4 MR. VILLANUEVA: Well, actually the district attorney laid
5 that out very well. I believe the district attorney -- their
6 declination report said this was a group of more senior
7 deputies that were upset about the work ethic of more junior
8 deputies at the station. Not quite the big criminal
9 conspiracy.

10 MR. DEIXLER: They didn't ask about the subculture
11 involvement -- did they? -- on the instruction that we have now
12 heard repeatedly; correct?

13 MR. VILLANUEVA: The tattoo or not is not going to change
14 the nature of what it was.

15 MR. DEIXLER: You had no idea what motivated it unless you
16 asked the question; isn't that true?

17 MR. VILLANUEVA: A question that's up to investigators to
18 resolve.

19 MR. DEIXLER: And they were told to not ask questions that
20 went directly to the motive, that is the subgroup culture
21 question; isn't that right, sir?

22 MR. VILLANUEVA: You know what? You're going to keep
23 beating around the bush on this. The bottom line is, you know
24 very well that that was between Matt Burson and Jeff Chow, who
25 both have a motive to basically paint me in the worst way

1 possible, and we've already established that. And the record
2 here is very clear that the log was altered after the fact; so
3 trying to interject that somehow he was a chief before I even
4 made him the chief, it shows that the log was altered after the
5 fact. So I can't testify to what went on between them and what
6 Matt Burson told Chow and the investigators. That was
7 ICIB-handled.

8 And in my position as a brand-new Sheriff, literally
9 not even walking in the door yet, and you're describing this
10 grand conspiracy here. It doesn't pass the smell test.

11 MR. DEIXLER: Yeah, well, it does actually -- it doesn't
12 pass the smell test that -- when you won't acknowledge that
13 investigating into the motive related directly to whether this
14 was a subculture group acting to discipline junior deputies who
15 weren't members of the subculture; isn't that key to learning
16 the motive?

17 So Burson was wrong and Goodman was wrong and Chow
18 was wrong. And they're all lying and you're telling the truth;
19 is that what you're saying to us?

20 MR. VILLANUEVA: I'm telling the facts as -- that I know
21 them.

22 (Inaudible.) The fact Mr. Huntsman right over there,
23 in which some are wondering that same log, he presents himself
24 as directing what ICIB is going to ask. I remember when I came
25 across that, I thought: "How inappropriate is the inspector

1 general directing the attention of ICIB? His role as the
2 inspector general is to monitor, critique it when the
3 investigation is done. But trying to tell them how to do their
4 job is inappropriate; it's interference in a criminal
5 investigation."

6 MR. DEIXLER: You instructed Del Mese to tell Burson to
7 tell Chow to not look into the involvement of the Banditos in
8 East LA, your home station; isn't that true?

9 MR. VILLANUEVA: False.

10 MR. DEIXLER: Let me ask you --

11 MR. VILLANUEVA: Emphatically false. In fact, you know
12 what? You keep beating around the bush trying to repeat it
13 again and again. It's not going to make it truer if you keep
14 asking the same question ten different times.

15 The bottom line is I was taking over the job as
16 Sheriff, and somehow you think my first day on the job I'm
17 going to come in and act of obstruction of justice; is that
18 your position? I think that's --

19 MR. DEIXLER: Let the facts speak for themselves, and
20 people will decide for themselves.

21 Could we play 503?

22 MR. VILLANUEVA: Oh, they will. They will decide. And we
23 have people here that are named felony suspects in a matter
24 before the attorney general, and they sit here instead of
25 waiting it out and seeing what happens with the attorney

1 general.

2 MR. DEIXLER: Right.

3 MR. VILLANUEVA: That's how it's supposed to work.

4 MR. DEIXLER: 523.

5 MR. DEIXLER: "How soon after you were promoted
6 did Chief of Staff Del Mese call you?"

7 MR. BURSON: "Well, I called him on the
8 following day, on December 7th."

9 MR. DEIXLER: "And on December the 7th, the day
10 after you were promoted, what was the substance of
11 the conversation between you and Del Mese?"

12 MR. BURSON: "The point of my calling
13 Chief Del Mese was to ask the Sheriff about the
14 investigation that we were told to halt."

15 MR. DEIXLER: "And what was -- what was said by
16 each of you, in general, as you best recall, in that
17 conversation?"

18 MR. BURSON: "Well, again, every time Larry
19 talked, it was on behalf of the Sheriff, and,
20 basically, that's how every conversation started. So
21 in this instance, it was on behalf of the Sheriff."

22 "Go ahead and don't look into the Bandito
23 aspect of the case or the subgroup aspect of the
24 case. Just focus on the alcohol and the fight."

25 MR. DEIXLER: "Did -- did the fact that you had

1 received this instruction lead you to the belief that
2 you were being instructed by the chief law
3 enforcement officer of Los Angeles County, that is
4 the new Sheriff, about how to conduct an
5 investigation?

6 MR. BURSON: "Yes."

7 MR. DEIXLER: Can you think of any reason why
8 Chief Burson, on his own, would've given that instruction
9 that's memorialized on this document? Can you think of any
10 reason?

11 MR. VILLANUEVA: Right here. "Acting assignments and
12 transfers, December 16."

13 He didn't know that he was going to be promoted to
14 chief 'til about -- at the earliest December 14, yet, he is
15 here saying, under oath, on December 7th, as chief, he did "x,"
16 "y," and "z."

17 MR. DEIXLER: Can you think of any reason why he would
18 have given that instruction, sir, on his own?

19 MR. VILLANUEVA: I have no idea.

20 MR. DEIXLER: No idea, do you?

21 MR. VILLANUEVA: No.

22 MR. DEIXLER: He's lying about it and Chow's lying about
23 it and Goodman is lying about it; that's the summary of your
24 testimony on that point, isn't it?

25 MR. VILLANUEVA: Well, the --

1 MR. DEIXLER: That's the summary of your testimony at that
2 point, isn't it, sir?

3 MR. VILLANUEVA: Evidence shows that they altered
4 everything.

5 MR. DEIXLER: They altered everything?

6 MR. VILLANUEVA: Well, the log --

7 MR. DEIXLER: There was no instruction given at all.

8 MR. VILLANUEVA: Exactly. Why would I give that
9 instruction? I can't believe you haven't asked that question.
10 Why would I?

11 MR. DEIXLER: The reason you gave the instruction is that
12 you worked East LA Station, and you wanted to curry favor with
13 the people who were at your home station. How about that as a
14 motive? Would you want to look into it?

15 MR. VILLANUEVA: Curry favor?

16 MR. DEIXLER: If you were investigating you, would you
17 want to look into your connection to the key elements?

18 MR. VILLANUEVA: As a Latino sheriff, I was going to curry
19 favor with the Latino deputies at East LA Station --

20 MR. DEIXLER: Exactly.

21 MR. VILLANUEVA: -- (inaudible); is that it?

22 MR. DEIXLER: Exactly.

23 MR. VILLANUEVA: Okay. I see where we're going with this
24 thing.

25 MR. DEIXLER: Yeah. Exactly.

1 MR. VILLANUEVA: I tell you what. You know what? Getting
2 this job was not easy. Having all of this electioneering going
3 on, as we're doing right now, trying to influence the outcome
4 of the '24 race, is -- it speaks highly of -- or actually, it
5 speaks very poorly of this Oversight Commission.

6 In fact, Hans Johnson right there. He held a
7 fundraiser for candidate Sheriff Luna, and then
8 Supervisor Hilda Solis puts him on this commission. Why are
9 you even here? How can you objectively assess anything I say
10 or do or anything the committee does because you're biased?

11 MR. DEIXLER: Would you --

12 MR. VILLANUEVA: Same thing with you, Patti Giggans. You
13 actually voted on measures about subpoenas on an issue that you
14 were subject of a (inaudible) --

15 AUDIENCE MEMBER: Answer the question.

16 CHAIR KENNEDY: Hey.

17 MR. VILLANUEVA: Were you trying to challenge or question
18 my integrity?

19 MR. DEIXLER: Yes. Yes.

20 Yeah --

21 MR. VILLANUEVA: (Inaudible).

22 MR. DEIXLER: Let me make it clear. We're valiantly
23 questioning your integrity, sir. And we're valiantly
24 questioning the fact that this investigation was shut down.
25 And I'm looking for an explanation for why all of these people

1 on their own would have shut it down.

2 Ever hear of the logic principle called Occam's
3 razor?

4 MR. VILLANUEVA: (Nods head in the negative.)

5 MR. DEIXLER: I didn't do well in physics here, but now
6 let's move into logic.

7 Occam's razor, sir, says that between two theories or
8 explanations, choose the simpler one. The simpler theory is
9 that you told Del Mese, for whatever reason, to shut down,
10 interfere, or halt the investigation of the Banditos, for
11 whatever reason.

12 Del Mese, in turn, told that to Burson, who, in the
13 paramilitary structure, followed what he believed to be the
14 instruction from the soon-to-be-and-actual Sheriff by
15 December the 9th, and Chow did as he was instructed.

16 That's the simpler explanation, rather than three
17 people randomly getting together to manufacture documents and
18 come to testify in public under oath and whine. Would you
19 agree that at least my explanation is the simpler of the two?

20 MR. VILLANUEVA: Your explanation is nowhere close to
21 anything simple. Simple explanation is that we have a corrupt
22 Board of Supervisors with a convicted felon named
23 Mark Ridley-Thomas. Yes. Have we forgot about that?

24 We have another supervisor -- retired supervisor --
25 former supervisor who's a named felony suspect in the same case

1 as Patti Giggans. And that's 40 percent of the Board of
2 Supervisors.

3 You know, we go through all of the motions of the
4 Board with all the false statements included in them.

5 And you bring your motion about calling for my
6 resignation, Mr. Bonner. Where are you? Right there.

7 And you know what? It's not holding up to the test
8 of time.

9 MR. DEIXLER: Yeah. Well, somebody else will decide
10 whether it holds up to the test of time and whether people were
11 right to turn you out by a 30-point margin, but that's not what
12 we wanted to talk about here today.

13 Let's move on to a careful look at your policy,
14 Exhibit Number 11. And this is your policy that you regard as
15 a legendary, unprecedented example of dealing with the question
16 of cliques and subgroups.

17 MR. VILLANUEVA: (Inaudible) Sheriff (inaudible)? That
18 makes it "unprecedented"; correct? If I understand the English
19 language.

20 MR. DEIXLER: Well, (inaudible).

21 Your policy begins with a robust statement:

22 "Departmental personnel shall not participate or
23 join in group of department employees which promotes
24 conduct that violates the rights of other employees
25 or members of the public."

1 That's your broad, robust statement, but membership
2 in a deputy clique or subgroup alone is not clearly defined in
3 this policy, is it?

4 MR. VILLANUEVA: I said misconduct (inaudible).

5 MR. DEIXLER: And as we've described, misconduct is always
6 punishable whether a person is or isn't a member of a subgroup;
7 correct?

8 MR. VILLANUEVA: Correct.

9 MR. DEIXLER: So your policy added absolutely nothing to
10 the state of the play about misconduct; correct?

11 MR. VILLANUEVA: False.

12 MR. DEIXLER: Well, what did it add, if you can't be
13 punished for being a member of a group unless you engage in
14 misconduct and already be punished for engaging in misconduct
15 without this piece of paper?

16 MR. VILLANUEVA: You know what? I actually relied on the
17 opinion of the constitutional law experts. I had to rely on
18 the opinion of county counsel, and they gave a very lengthy
19 explanation in 2014 what former Sheriff John Scott could and
20 couldn't do. I read through that thing as many (inaudible),
21 and it's pretty (inaudible), as per county counsel.

22 I also read the opinion from the ALADS expert that
23 they hired who was a expert of (inaudible). They gave a very
24 lengthy explanation about what you can and can't do. Scott's
25 policy he was proposing, he chose not to (inaudible) the

1 experts.

2 MR. DEIXLER: I promise you, if you leave me some time,
3 we'll go through the 2014 policy, talk about the county
4 counsel's position as reported in the LA Times in 2021 policy.
5 And -- but let me stop for the moment.

6 ALADS, that's the organization of deputies; right?

7 MR. VILLANUEVA: Yes.

8 MR. DEIXLER: You rely upon their for-hire lawyer to give
9 you, as a representative of the County of Los Angeles, legal
10 advice? You don't rely upon the county counsel?

11 MR. VILLANUEVA: Well, when the county counsel was
12 actually providing advice on how to get rid of me from office,
13 they tend to get pretty hostile (inaudible).

14 MR. DEIXLER: So you went to the sheriff deputies who
15 would be regulated by whatever policy you advanced and asked
16 their lawyer to give you an opinion that would be binding on
17 the County and the Sheriff? Is that what you did?

18 MR. VILLANUEVA: Well, the 2014 opinion from county
19 counsel mirrored the 2021 position from ALADS. Somehow,
20 there's a big shift in constitutional law between 2014 and
21 2021. Is that what you're saying?

22 MR. DEIXLER: So let's see what you know about the
23 constitution. I didn't want to go there, but okay.

24 Tell me what the facts are about setting (inaudible).

25 MR. VILLANUEVA: I'm not a lawyer. I can read it, and I

1 can interpret it in terms of how we can affect policy. I rely
2 on constitutional policing advisor that helps us interpret
3 that, but we come to an understanding.

4 I do know this: That you cannot regulate the
5 contents of free speech as an employer when it is not physical
6 to the public, and so that is the facts.

7 MR. DEIXLER: That is not at all what the proposed policy
8 of this commission has suggested, is it?

9 MR. VILLANUEVA: Well, this policy -- you want to
10 eradicate the subgroups and basically fire people because they
11 have a tattoo.

12 MR. DEIXLER: That's entirely different from regulating
13 the content of a tattoo, and you know that because you looked
14 at the 2014 opinion. Yes or no.

15 MR. VILLANUEVA: (Inaudible), and I actually know that the
16 current Sheriff has now withheld promotions because the people
17 had a tattoo from a quarter of a century ago. (Inaudible).
18 We'll see how that goes. Unfortunately, the taxpayers are
19 (inaudible).

20 MR. DEIXLER: Sure.

21 Let me get the 2014 opinion so that we can make
22 sure --

23 MR. VILLANUEVA: (Inaudible) that Sheriff Baca --

24 MR. DEIXLER: Listen to my questions and don't just keep
25 rambling on, please. We have a very limited amount of time

1 here. You know, sundown is about 5:50.

2 Would you put up number 12?

3 And you can look at number 12 in your book, please.

4 And start at the very end. I want to make sure
5 everybody knows what the question was that was asked in 2014 of
6 the county counsel.

7 You have it? The last two pages or so of this
8 document bearing the signature for John L. Scott,
9 September 4th, 2014. You have it, sir?

10 MR. VILLANUEVA: Yeah.

11 MR. DEIXLER: Would you read into the record under the
12 words: "Dear, Mr. Weiss" what was being requested by Sheriff
13 Scott at the time?

14 MR. VILLANUEVA: (Inaudible)?

15 MR. DEIXLER: September 4th, 2014. Or if you can, you can
16 read the Jumbotron over here.

17 See the highlighted in yellow. Would you read that
18 into the record?

19 MR. VILLANUEVA: "Request for formal opinion regarding
20 proposed tattoo policy."

21 MR. DEIXLER: Now, why don't you turn the page -- have you
22 found the page in your documents?

23 Let's look at the next page because I want to make
24 sure we're talking about the same thing. And there is a
25 discussion specifically of what Sheriff Scott was (inaudible).

1 "Tattoos and Brandings." Do you see that?

2 Still can't find it?

3 MR. VILLANUEVA: Okay. I'm seeing the label opinion --
4 oh, there we are.

5 MR. DEIXLER: Oh, we put on a Post-it to make it easier
6 for you. Have you found the blue Post-it? Let's start there.

7 Okay. So you're now placed on the legal opinion that
8 was sought by the Sheriff. And he asked for a formal opinion
9 regarding a proposed tattoo policy; correct?

10 MR. VILLANUEVA: Uh-huh.

11 MR. DEIXLER: Then on the next page, he talks about the
12 proposed policy, and it's about tattoos and brandings; correct?

13 MR. VILLANUEVA: Right.

14 MR. DEIXLER: And then it goes on to talk about prohibited
15 tattoos or brandings; correct?

16 MR. VILLANUEVA: (No audible response.)

17 MR. DEIXLER: Can you see the headings?

18 MR. VILLANUEVA: I'm looking for the "prohibited" part.

19 MR. DEIXLER: You see where it says "tattoos."

20 MR. VILLANUEVA: I got it.

21 MR. DEIXLER: Okay.

22 The next part is "Prohibited Tattoos or Brandings";
23 correct?

24 MR. VILLANUEVA: (No audible response.)

25 MR. DEIXLER: Then turn the page where it relates next to

1 "Pre-employment" and "The Covering of Visible Tattoos or
2 Brandings"; correct?

3 MR. VILLANUEVA: Okay.

4 MR. DEIXLER: There is not a single word in this opinion
5 that talks about the question of whether deputy cliques can be
6 outlawed or restricted. This was entirely a question about
7 tattoos and the content of tattoos would present fundamental
8 First Amendment questions; isn't that true, sir?

9 MR. VILLANUEVA: Your point?

10 MR. DEIXLER: My point is that this has nothing to do with
11 the proposed policy of the commission. This is not an opinion
12 regarding outlawing cliques, deputy gangs, and the like. This
13 is a discussion of whether tattoo content can be regulated.

14 Did you understand that when we read that and indeed
15 included this in your little handout?

16 MR. VILLANUEVA: I understand very well that you're kind
17 of skipping over the county counsel's analysis. And you're
18 going -- jump straight to the opinion on the policy that's
19 written by Sheriff Scott. (Inaudible). I assume you read the
20 whole thing.

21 MR. DEIXLER: Well, I'm pretty good at reading.

22 MR. VILLANUEVA: (Inaudible).

23 MR. DEIXLER: This is all about tattoos. It has nothing
24 to do with outlawing deputy cliques, does it?

25 Or -- you know what? Because you're reading

1 everything, read into the record if you would the reference to
2 deputy cliques and outlawing deputy cliques from the 2014
3 opinion so everybody will have the advantage of knowing. Just
4 read the words or the paragraph that addresses deputy cliques
5 and asks whether they could be outlawed or not.

6 MR. VILLANUEVA: I do know that when you're talking about
7 the clique or a subgroup, you're talking about First Amendment
8 issues, you're talking about the Freedom of Association --

9 MR. DEIXLER: Please read from the opinion that you relied
10 upon and offered in evidence under oath today as the basis for
11 your understanding of the constitution.

12 MR. VILLANUEVA: "When competing interests set forth above
13 force an employee (inaudible) claimed his First
14 Amendment rights had been violated."

15 MR. DEIXLER: And they're talking about tattoos, not
16 cliques, aren't they, sir? Read the word "cliques" as it
17 appears in that exhibit. Where's the word "cliques"?

18 MR. VILLANUEVA: That's kind of the juvenile approach
19 right there.

20 MR. DEIXLER: I don't know what I'm doing. But why don't
21 just do it for everybody? Find the word "cliques." Or say
22 "it's not there."

23 MR. VILLANUEVA: Let's put it this way: I don't think in
24 the policy in the case law does the word "clique" even appear.
25 For deputy gangs are just something new that we don't have a

1 case law yet.

2 MR. DEIXLER: Well, let's take a look at number 13 and do
3 some constitutional law work from 13.

4 "LA County Sheriff has legal power to ban
5 gang-like groups of deputies, county lawyers say."

6 MR. VILLANUEVA: It's the LA Times again. Wow. Imagine
7 that.

8 MR. DEIXLER: Well, we'll get into it. Let's see if
9 there's anything at all that you learned from the LA Times,
10 including the references I think they've given.

11 So will you read into the record, the first
12 highlighted paragraph under the name of your favorite reporter,
13 Alene Tchekmedyiana. Would you read that into the record.

14 MR. VILLANUEVA: "LA County Sheriff Alex Villanueva has
15 broad legal authority to crack down on entrenched,
16 gang-like groups of deputies that have been accused
17 of glorifying violence and whose members have cost
18 taxpayers tens of millions of dollars in legal
19 amounts, according to attorneys for the County."

20 MR. DEIXLER: So this ran on September 16th, 2021. Do you
21 see that reference?

22 MR. VILLANUEVA: Uh-huh.

23 MR. DEIXLER: Yes?

24 MR. VILLANUEVA: (No audible response.)

25 MR. DEIXLER: So as of September 16th, 2021, you knew it

1 was the official position of the county counsel that outlawing
2 cliques, subgroups, and deputy gangs was constitutional;
3 correct?

4 MR. VILLANUEVA: No.

5 MR. DEIXLER: You didn't know that?

6 MR. VILLANUEVA: I knew that county counsel at this point
7 in time had an adversarial relationship with my office and the
8 administration. And I could not find anything out of
9 (inaudible).

10 MR. DEIXLER: So let me make sure I understand this. As
11 of September 16th, 2021, you had rejected the opinion as
12 recited in the LA Times article of the county counsel; is that
13 fair?

14 MR. VILLANUEVA: I think that's fair.

15 MR. DEIXLER: You're not a lawyer; correct?

16 MR. VILLANUEVA: No.

17 MR. DEIXLER: You wouldn't know Garcetti versus Ceballos
18 if it came up and bit you; correct?

19 MR. VILLANUEVA: (Inaudible).

20 MR. DEIXLER: So what are the facts of that case? What
21 are the facts of that case?

22 MR. VILLANUEVA: (Inaudible) the facts of the case --

23 MR. DEIXLER: Yes.

24 MR. VILLANUEVA: -- I'd have to read it.

25 MR. DEIXLER: You haven't read it.

1 But you were offering constitutional opinions?

2 MR. VILLANUEVA: There's also Pickering.

3 MR. DEIXLER: Yes. What are the facts Pickering?

4 MR. VILLANUEVA: I'm getting the basics here. One, on the
5 tattoo side regulating the contents of speech is a problem.

6 And also go into the subgroups. How can you
7 distinguish a subgroup? Oh, you're going to go and strip down
8 all the employees, as Mr. Luna was proposing, and Huntsman, and
9 we're going to get to the bottom of this if we have to strip
10 down all of our employees.

11 Well, there's, one, of the practicalities of it. In
12 fact, that was halted in court. There's an injunction on that.

13 And what exactly are you going to do when you
14 determine that maybe 20 percent of your workforce has tattoos?
15 Are you going to somehow set them on a shelf or fire all 20
16 percent of the Department because they had had a tattoo? Or do
17 you have any evidence of misconduct they were investigating
18 there? It's not so difficult.

19 MR. DEIXLER: So the opinion didn't relate to tattoo, did
20 it? This opinion in September 16th, 2021, when the LA Times
21 ran this article, it was -- we had passed the tattoo point. We
22 understood content regulation. We knew what couldn't be done.
23 This was a different focus, wasn't it, sir? Wasn't it?

24 MR. VILLANUEVA: You know what? The same person in county
25 counsel who wrote the 2014 opinion somehow had an epiphany in

1 2021, wrote the opposite opinion; right? It's the very same
2 person.

3 MR. DEIXLER: Sure.

4 Can we just go back now to the facts?

5 MR. VILLANUEVA: (Inaudible) --

6 MR. DEIXLER: Turn the page --

7 MR. VILLANUEVA: -- you're talking about the L.A. Times
8 (inaudible).

9 MR. DEIXLER: Yeah. So let's go on to the next page. The
10 first paragraph on the next page says:

11 "The confidential legal opinion issued last
12 month by the Office of County Counsel knocks down
13 claims --"

14 MR. VILLANUEVA: Wait. Where is that?

15 MR. DEIXLER: On the next page in that exhibit.

16 MR. VILLANUEVA: Okay. Go ahead.

17 MR. DEIXLER: "The confidential legal opinion issued last
18 month by the Office of County Counsel knocks down
19 claims by Villanueva that he's limited in what he can
20 do to combat the problem, and that attempt to
21 prohibit deputies from joining the groups would
22 violate their constitutional rights. A copy of the
23 memo was obtained by the Times."

24 Now --

25 MR. VILLANUEVA: Thank you, Mr. Deixler.

1 MR. DEIXLER: I appreciate being thanked.

2 MR. VILLANUEVA: You don't even know why I'm thanking you.
3 You unwittingly showed the collusion between the LA Times and
4 county counsel. I appreciate it.

5 MR. DEIXLER: Well, there was a confidential brief
6 opinion. Thank you. You were --

7 MR. VILLANUEVA: (Inaudible) on the LA Times. Think about
8 that.

9 MR. DEIXLER: You were a trained investigator; right?

10 MR. VILLANUEVA: (Inaudible) investigation, no.

11 MR. DEIXLER: And you get the Times online, rather than
12 the physical copy. We established that earlier; correct?

13 MR. VILLANUEVA: (Inaudible).

14 MR. DEIXLER: Sure. Or you could learn about gangs in the
15 LASD if you wanted to also; right?

16 MR. VILLANUEVA: I think that's (inaudible).

17 MR. DEIXLER: But if you take a look at this particular
18 web posting, you see the words "confidential legal opinion" in
19 blue? See that?

20 MR. VILLANUEVA: (No audible response.)

21 MR. DEIXLER: What does that tell you as a trained
22 investigator and a regular reader of online newspaper?

23 MR. VILLANUEVA: It's a hyperlink.

24 MR. DEIXLER: Hyperlink to what?

25 MR. VILLANUEVA: I don't know.

1 MR. DEIXLER: So as a trained investigator, the Sheriff of
2 the Los Angeles Sheriff's Department and a person interested
3 deeply in the First Amendment, you linked on that and read that
4 full opinion, didn't you? Or did you decide, "Oh, no. It's
5 too complicated"?

6 MR. VILLANUEVA: At some point, I read it, yes.

7 MR. DEIXLER: And so when you read it, you were able to
8 confirm that the summary that was provided by the LA Times was
9 in fact truthful and accurate; correct?

10 MR. VILLANUEVA: Wrong.

11 MR. DEIXLER: Okay. Well, let's go through it and see
12 where it's wrong.

13 The next paragraph, it says --

14 MR. VILLANUEVA: You're missing the point here.

15 MR. DEIXLER: No, I'm not. Answer my questions, sir.

16 MR. VILLANUEVA: I'm answering your question. And I'm
17 following what is written here in the Times.

18 It says right here that "the Office of County
19 Counsel, issued last month" -- blah, blah, blah --
20 "knocks down claims by Villanueva."

21 Because they're asserting the Times of using their
22 power of the press to assert that the county counsel's opinion
23 is the right one, and that you're making that assumption. I'm
24 not making that assumption, because I had to reconcile that
25 with the assumption of the ALADS opinion, and, yes. "Oh, you

1 know, yeah, there are other attorneys that are actually not
2 working for county counsel."

3 MR. DEIXLER: I think we know where the -- I think we've
4 been over the reliabilities on your accuracy of this legal
5 opinion to inform as to official matter, the policy of a
6 official legal counsel. So I think we've been over that. And
7 I think what they're saying is not that inconsistent with the
8 willy-nilly constitutional opinions they've been offering from
9 2018 and forward.

10 But let's study this together. We want to learn. We
11 want to learn about the First Amendment.

12 MR. VILLANUEVA: You know what? You want to go through an
13 opinion that I disagree with. Do you have any other
14 constitutional law expert that can offer a different opinion?

15 MR. DEIXLER: Many. There are tons of cases on this
16 subject matter, sir. Tons of cases. We'll get to it, I
17 promise you. We're going to give you a research project by the
18 end of this examination. Okay?

19 I'm going to tell you the name of the cases that I'd
20 like you to read. Will you read them, when you come back next
21 week, have read those to discuss those.

22 MR. VILLANUEVA: You know, you have to actually interpret
23 the law and you have to produce policy that you can enforce
24 that's practical and also allows for the operation of the
25 organization. And the wholesale of stripping down of the

1 employee to see if they have a tattoo and then firing them or
2 deny them a promotion is not permissible.

3 MR. DEIXLER: We'll see when we get to the proposed policy
4 of this commission whether that calls for stripping down people
5 and denying promotions based upon what's revealed.

6 MR. VILLANUEVA: (Inaudible) and had the Sheriff send out
7 a letter telling everybody "Send us a photo of your tattoo."

8 MR. DEIXLER: Will you do me a favor? Let's study here
9 this constitutional issue in more detail. You're not a lawyer
10 and you're not a judge, and so maybe we can learn something
11 together from the LA Times.

12 MR. VILLANUEVA: That won't happen.

13 MR. DEIXLER: Won't happen. Okay.

14 Quote, in the next paragraph, "The County's
15 compelling interest in --" are you looking down or
16 are we reading together?

17 MR. VILLANUEVA: Go ahead.

18 MR. DEIXLER: "'The County's compelling interest in
19 restoring or increasing public trust in the LASD and
20 preventing the harm subgroups cause to the county,
21 LASD and community members justifies a policy that
22 bans participation in subgroups,' closed quote,
23 county attorneys wrote in the memo to the Sheriff's
24 Civilian Oversight Commission, an independent
25 watchdog group."

1 Now, do you agree that the County has a compelling
2 interest in restoring or increasing public trust in the
3 Sheriff's Department?

4 MR. VILLANUEVA: The County had compelling interests in
5 removing an honest Sheriff from office. And they did
6 everything under their power to achieve that goal.

7 MR. DEIXLER: Yeah. That wasn't my question, sir.

8 MR. VILLANUEVA: Well, that's what the County was
9 compelling. If you're asking about compelling county
10 interests, that's what they did.

11 MR. DEIXLER: I asked you about public trust in the LASD.
12 Do you think that that was a compelling interest during the
13 time you were the Sheriff?

14 MR. VILLANUEVA: Yes.

15 MR. DEIXLER: You believed there was compelling interest
16 in having the public trust the LASD; correct?

17 MR. VILLANUEVA: It should've been. This commission spent
18 countless hours trying to convince the public that I'm the
19 leader of a gang, and I'm covered in tattoos. And I have
20 people that actually believed that.

21 AUDIENCE MEMBER: Let's see them then.

22 MR. VILLANUEVA: See.

23 AUDIENCE MEMBER: Let's see your tattoos.

24 MR. VILLANUEVA: There you go. Case in point.

25 AUDIENCE MEMBER: Show them.

1 MR. VILLANUEVA: So that effort has been very successful.
2 It's successful.

3 MR. DEIXLER: Yeah. I wasn't at the hearing at which any
4 evidence was produced about whether you have tattoos, whether
5 they're concealed, so I don't know what you're talking about,
6 sir. But let me focus your attention on this particular
7 constitutional opinion.

8 We can jump down to:

9 "'Since taking office at the end of 2018,
10 Villanueva has said they're trying to determine which
11 of the Department's 10,000 deputies belong to one of
12 the many groups would amount to, quote, 'an
13 inquisition.'"

14 And that's something you said many times; correct?

15 MR. VILLANUEVA: I've said it; that is true. This?

16 MR. DEIXLER: And that --

17 MR. VILLANUEVA: (Inaudible).

18 MR. DEIXLER: -- and that -- and that was an accurate
19 summary, including a quote of things you said. That appeared
20 in the LA Times; correct?

21 MR. VILLANUEVA: Somewhat, yes. It's hard to say what was
22 actually said and what the time period was.

23 MR. DEIXLER: And they're --

24 MR. VILLANUEVA: (Inaudible) two different things.

25 MR. DEIXLER: And the Times, in it's usual on one hand; on

1 the other hand, the quote goes on to say, quoting you:

2 " 'That would be inappropriate and wildly
3 speculative,' the Sheriff said last year. 'We're
4 trying to run an organization, not engage in a witch
5 hunt.' "

6 That was an accurate quote and a fair summary of your
7 view --

8 MR. VILLANUEVA: And that's an accurate statement --

9 MR. DEIXLER: -- of the constitutional opinion; correct?

10 MR. VILLANUEVA: Accurate statement.

11 MR. DEIXLER: Right. So the Times had it right?

12 MR. VILLANUEVA: That quote, yes.

13 MR. DEIXLER: Okay.

14 We want to make sure we fully understand your point
15 of view.

16 "To justify his stance, Villanueva has referred
17 the legal direction that the County Counsel Office
18 gave sheriff's officials in 2014." That's the very
19 opinion we've been chatting about; right?

20 MR. VILLANUEVA: Yes.

21 MR. DEIXLER: Okay.

22 And you did refer to that repeatedly as justification
23 for your desire to not conduct the inquisition; is that fair?

24 MR. VILLANUEVA: Somewhat.

25 MR. DEIXLER: Okay. So Times got, at least, that portion

1 of the sentence correct.

2 "Saying lawyers concluded that banning the
3 graphic matching tattoos that group members often got
4 or forbidding the deputies from associating with a
5 particular organization would violate their free
6 speech rights."

7 That's exactly what you've been talking about.

8 That's a direct quote. And the hyperlink there was
9 to some pictures of graphic matching tattoos; is that
10 right?

11 MR. VILLANUEVA: I didn't look at those hyperlinks, but I
12 believe so.

13 MR. DEIXLER: When you did read the opinion, you decided
14 to not look at the supporting materials.

15 MR. VILLANUEVA: They're pictures of tattoos.

16 MR. DEIXLER: You've seen them?

17 MR. VILLANUEVA: It doesn't mean it points to misconduct.
18 It points to something that you'll never admit.

19 MR. DEIXLER: Not only had you seen the pictures, you've
20 seen them in real life and then in the locker room when you
21 were a sheriff -- a deputy sheriff.

22 MR. VILLANUEVA: I didn't bother looking at other people
23 in the locker room, particularly when they're undressing.

24 MR. DEIXLER: "'A copy of the 2014 legal opinion obtained
25 by the Times showed it was less expansive than Villanueva's

1 portrayal and narrowly addressed just one issue: whether a
2 proposed policy banning certain kinds of tattoos would pass
3 constitutional muster.'"

4 Now, you read that in September of 2021; correct?

5 MR. VILLANUEVA: (No audible response.)

6 MR. DEIXLER: And that was accurate, wasn't it?

7 MR. VILLANUEVA: I think here we're -- we're looking at
8 overlapping either criminal theories or actually applying case
9 law through policy and make it work, strengthen. And that's a
10 completely different animal, which I don't think you really
11 appreciate.

12 MR. DEIXLER: "'The legal opinion that is referenced here,
13 obtained by the Times, was less expansive than your portrayal
14 and narrowly addressed one issue: whether the proposed policy
15 banning certain kinds of tattoos would pass constitutional
16 muster.'"

17 We just studied that 2014 opinion. I asked you to
18 find anything about cliques or subgroups and the like, and
19 every single heading related to tattoos. Don't you remember
20 that, sir?

21 MR. VILLANUEVA: Oh, I remember it very well, (inaudible).

22 MR. DEIXLER: You agree with the Times when they say that
23 it was narrowly focused on tattoos, don't you?

24 MR. VILLANUEVA: I'm not in a position to agree with the
25 Times on anything, given their track record.

1 But I'll tell you this: As the elected Sheriff, it
2 may come as a shock to you, but I had the right to actually
3 create and implement policy. Are they 100 percent effective?
4 80 percent effective? We don't know. But that's a starting
5 point. But it's a starting point that I took that no other
6 Sheriff ever took. In fact, even the current Sheriff, now with
7 13 months in, and he still hasn't taken a step. This meet and
8 confer and I'm making (inaudible). So what's the big hold up
9 here?

10 MR. DEIXLER: All right.

11 Okay. So I understand your unhappiness as a result
12 of the election which caused you to lose your office.

13 MR. VILLANUEVA: You're hyper-focused on my decisions as
14 Sheriff amongst a really -- what exactly are you trying to get
15 at? What's your purpose?

16 MR. DEIXLER: Just answer my questions and it'll be very
17 clear to everybody in the room, even if not clear to you.
18 Let's focus your attention here.

19 MR. VILLANUEVA: I think you're electioneering. It's what
20 you're doing right now.

21 MR. DEIXLER: Will you concede that the LA Times' report
22 on the scope of the 2014 legal opinion addressed only a policy
23 banning certain kinds of tattoos was an accurate reflection of
24 what we just studied about 2014? Yes or no.

25 MR. VILLANUEVA: 2014 counsel offered the counsel opinion.

1 The 2021 ALADS' opinion suspiciously shared a lot of the same
2 case law. Well, gee. I wonder why? Why is that?

3 MR. DEIXLER: The ALADS' opinion offered by the
4 adversaries and to the County is the one you choose to rely
5 upon rather than the opinion of county counsel. I just want to
6 make that very clear on the record.

7 MR. VILLANUEVA: Well, the county counsel actually
8 counseled the Board of Supervisors on how to explore every way
9 to remove me from office. Exactly why I don't rely on
10 adversarial counsel? Who would?

11 MR. DEIXLER: The next page of this summary of you
12 (inaudible), which was hyperlinked, and which we read, says in
13 quotes, "'Because a ban on subgroups is connected to employees'
14 conduct in their capacity as LASD personnel, not as private
15 citizens, it likely does not implicate the First Amendment.'"
16 You see that?

17 MR. VILLANUEVA: (Nods head in the affirmative.)

18 MR. DEIXLER: And do you have reason to believe that that
19 is an inaccurate statement of First Amendment law?

20 MR. VILLANUEVA: (Inaudible).

21 MR. DEIXLER: Do you have any reason to believe that is an
22 inaccurate statement of First Amendment law?

23 MR. VILLANUEVA: Give me that page again?

24 MR. DEIXLER: It's the next page. It's page 3.

25 MR. VILLANUEVA: Okay.

1 Are we talking LA Times or are we talking...

2 MR. DEIXLER: We're talking the quotation in the LA Times
3 narrowly derived from the opinion which you clicked on
4 (inaudible).

5 MR. VILLANUEVA: Okay. Hold on.

6 MR. DEIXLER: It's directly under a photograph of -- it's
7 a photo of a gang tattoo of Deputy Sheriff Aldana. Do you
8 recognize that photograph --

9 MR. VILLANUEVA: Yes.

10 MR. DEIXLER: -- from earlier today?

11 " 'Because a ban on subgroups is connected to
12 employees' conduct in their capacity as LASD
13 personnel, not --"

14 MR. VILLANUEVA: False.

15 MR. DEIXLER: "-- not as private citizens."

16 MR. VILLANUEVA: False statement right there.

17 MR. DEIXLER: That's a false statement of --

18 MR. VILLANUEVA: Yeah.

19 MR. DEIXLER: -- of law or --

20 MR. VILLANUEVA: It's a false statement of this opinion
21 from county counsel.

22 MR. DEIXLER: That in quotes, that is not an accurate
23 recital of what the county counsel's office; is that your
24 testimony under oath?

25 MR. VILLANUEVA: It says "the memo." Okay. Now take that

1 memo, and is it a part of case law, or is it the opinion county
2 counsel citing case law? Two different things.

3 MR. DEIXLER: It is? Why?

4 MR. VILLANUEVA: It says, "The memo said." They're not
5 referencing the case law citation there. In fact, it's
6 relating it to LASD personnel.

7 MR. DEIXLER: This is the opinion of county counsel.
8 You're wrong --

9 MR. VILLANUEVA: The county counsel, they'll give any
10 opinion that the Board of Supervisors tells them to give. And
11 we know that time and time again.

12 MR. DEIXLER: So when did you first decide you wouldn't
13 follow the advice of county counsel?

14 MR. VILLANUEVA: Probably when they tried to obstruct my
15 ability to do my job and remove me from office. I figured,
16 "No, that's not the right people to --"

17 MR. DEIXLER: When is that? Tell me when.

18 MR. VILLANUEVA: That was pretty early on.

19 MR. DEIXLER: But you continued to rely upon the opinion
20 of county counsel when you make reference to the 2014 opinion.
21 So sometimes you rely on them, sometimes you don't?

22 MR. VILLANUEVA: Okay. Because in 2014, I wasn't Sheriff.

23 MR. DEIXLER: Yeah, but you're relying on it now, aren't
24 you, sir?

25 MR. VILLANUEVA: Because in 2014, the relationship between

1 county counsel and the Sheriff at the time, which was
2 John Scott, was a pretty neutral one. And that was a -- it was
3 a (inaudible).

4 MR. DEIXLER: So the --

5 MR. VILLANUEVA: If you cannot understand my relationship
6 with county counsel in 2021, well, oh, boy.

7 MR. DEIXLER: So by 2021, the county counsel was joining
8 the many witnesses we had here in lying in the course and scope
9 of your duty about what was permissible; is that fair?

10 MR. VILLANUEVA: Let's call the many plaintiffs in
11 different lawsuits that you lined up here.

12 MR. DEIXLER: You call it whatever you want.

13 MR. VILLANUEVA: That's what they are.

14 MR. DEIXLER: Do you agree that the county counsel is just
15 one of the rabble of people lying, saying poor things that were
16 untrue as of the time that they wrote this opinion?

17 MR. VILLANUEVA: We don't have enough time in the day to
18 point out all the things that have been said falsely from the
19 Board of Supervisor, from county counsel, from this commission.
20 And I'm not going to spend that time.

21 MR. DEIXLER: Well, I wasn't asking you that question, and
22 we don't want to spend that time either. What we want to do is
23 focus on the constitutional issue that you have expressed and
24 which was not backed up, according to the LA Times, by an
25 opinion in 2021, by the county counsels, which was the Sheriff

1 lawyer, not ALADS, but the Sheriff's --

2 MR. VILLANUEVA: No, no, no. It was not the Sheriff's
3 lawyer. They told me very specifically they were attorneys for
4 the Board of Supervisors. They made it painfully repetitive
5 that we don't represent you, we represent the Board of
6 Supervisors.

7 MR. DEIXLER: Represent the office -- the office of
8 Sheriff and not you, personally, of course.

9 MR. VILLANUEVA: No.

10 In fact, when the Board of Supervisors sued me, that
11 was a -- that was early on. And, in fact, that was my first
12 month on the job. So an adversarial relationship, I haven't
13 heard any.

14 So an opinion from 2021, do you think I was going to
15 accept county counsel's opinion?

16 MR. DEIXLER: So in 2021, you knew the opinion; you
17 rejected the opinion. And when you announced the fact that you
18 believe the opinion was wrong, you wouldn't comply; is that
19 fair?

20 MR. VILLANUEVA: It was wrong on both times. Wrong
21 because of the interpretation of lies -- I understood it -- and
22 wrong because the implications that I'm implementing the
23 policy, wrong for the Department.

24 And look at what we have right now. We have a huge
25 staffing crisis where more than 30 percent of the Department

1 disappeared. Yeah. Patrol stations operating at 30 percent
2 vacancy rate. Deputies working back-to-back double shifts two
3 to three, four days in a row. That's a huge crisis. And a lot
4 of it boils down to this hostile relationship between, now, the
5 Sheriff and the line of staff. And that is avoidable.

6 MR. DEIXLER: So let me make sure we fully appreciate
7 this. Do you think the constitutional opinion of the county
8 counsel and their view as expressed in this newspaper article,
9 that one cannot be a member of a deputy clique if policies are
10 enacted to prevent it, has caused people to retire from the
11 Department or to not seek membership in the Department? Is
12 that what's going on?

13 MR. VILLANUEVA: Well, I'll tell you this --

14 MR. DEIXLER: "If I can't be a member of a deputy clique
15 or a gang; I don't want to be a member of the LASD"; is that
16 what you're saying?

17 MR. VILLANUEVA: What I'm saying is that when you throw
18 your own employees under the bus for political posturing
19 purposes, you don't hire a lot of people. Yes, that's what
20 happens.

21 When you have a policy like you're tending to do,
22 like Mr. Huntsman tried to enforce, everyone send in photos of
23 their tattoos, that is a very hostile working environment, and
24 you're not going to attract a lot of people to it. And this is
25 no big mystery here, sir.

1 MR. DEIXLER: Let me --

2 MR. VILLANUEVA: By the way, when we hire people, they do
3 have to divulge what tattoos they have. And we actually
4 separate real gang tattoos from our applicants because they
5 don't have that right of privacy at the time when we do the
6 (inaudible).

7 MR. DEIXLER: Wow. So it's okay under the First Amendment
8 to ask a potential employee about their tattoos?

9 MR. VILLANUEVA: Yes.

10 MR. DEIXLER: And if they lie about it, then they'd be
11 terminated?

12 MR. VILLANUEVA: They do get terminated.

13 MR. DEIXLER: For lying about their tattoos.

14 MR. VILLANUEVA: They get terminated for lying.

15 MR. DEIXLER: So the fact that you have a tattoo, even a
16 gang tattoo, is no obstacle to being hired at the LASD?

17 MR. VILLANUEVA: If you have a gang tattoo, that is a big
18 obstacle for being hired. A real gang, not a phantom gang.

19 MR. DEIXLER: I see. So if it says "Executioner" and they
20 broadly show their Executioner tattoo like Superman, that's
21 perfectly okay. You could be hired for that. But if it says
22 "MS-13," you can't get hired; is that what you're saying?

23 MR. VILLANUEVA: MS-13 is an actual gang that commits
24 crime, and every member of it pretty much has a long rap sheet.

25 AUDIENCE MEMBER: (Inaudible).

1 CHAIR KENNEDY: We're trying to, like, get through this
2 hearing. We're not going to get through the hearing and
3 develop the evidence if we keep having people from the audience
4 offer comments. So could we just finish this hearing? This
5 evidence is going to be valuable to everyone in this room no
6 matter what side you're on.

7 Go ahead.

8 MR. VILLANUEVA: Mr. Deixler, have you actually read the
9 ALADS opinion (inaudible)?

10 MR. DEIXLER: Yes. Many times. It doesn't hold an ounce
11 of weight. It's clearly a contrived opinion, unsupported by
12 applicable law and directly contrary to the opinion of county
13 counsel.

14 MR. VILLANUEVA: Are you with the bar?

15 MR. DEIXLER: I am, sir. Yes.

16 MR. VILLANUEVA: And you're published.

17 MR. DEIXLER: I've argued many a case that --

18 MR. VILLANUEVA: How?

19 MR. DEIXLER: -- has been published, yes, sir.

20 MR. VILLANUEVA: Are you published?

21 MR. DEIXLER: Of course they have been. I've had many --

22 MR. VILLANUEVA: You've written works on the constitution?

23 MR. DEIXLER: (Inaudible) works on the constitution, and
24 I've practically --

25 MR. VILLANUEVA: (Inaudible) not a constitution?

1 MR. DEIXLER: Why am I engaging with you?

2 Let me ask you, sir, if we could now take a look at
3 the proposed policy of the COC and study that together.

4 UNIDENTIFIED SPEAKER: (Inaudible).

5 MR. DEIXLER: Give me a moment to find the document so we
6 can put it up on the screen and study it together.

7 MR. VILLANUEVA: By the way, the package that I provided
8 everybody here on the commissioners have a lot of documents you
9 hadn't seen before, including correspondence from
10 Sheriff John Scott from the Jim McDonnell era, from Catherine
11 Mattis (phonetic).

12 CHAIR KENNEDY: We'll review it.

13 MR. VILLANUEVA: And a lot of good points to the concerns
14 about the relationship and the actions of the COC and the OAB
15 that's surprisingly been consistent throughout four different
16 administrations.

17 MR. DEIXLER: Trying to locate the COC policy, if I can
18 have another moment to find this.

19 CHAIR KENNEDY: Take all the time that you need,
20 Mr. Deixler.

21 MR. DEIXLER: I'm sorry.

22 COMMISSIONER COOPER: Do you need a copy of it?

23 MR. DEIXLER: Well, I had a copy.

24 UNIDENTIFIED SPEAKER: Eleven.

25 MR. DEIXLER: This is the extant policy. I'm looking for

1 the proposed policy, which I can't put my hand on. So --

2 COMMISSIONER COOPER: You can take a copy of this one.

3 MR. DEIXLER: Okay. Let me do that, in the interest of
4 time.

5 COMMISSIONER BONNER: Please put up the policy for the
6 commissioners.

7 MR. DEIXLER: The Civilian Oversight Commission to propose
8 policy prohibiting deputy cliques.

9 And you have seen the proposed policy which was
10 offered by the Department -- by the Oversight Commission?

11 MR. VILLANUEVA: (Inaudible).

12 MR. DEIXLER: And it --

13 COMMISSIONER BONNER: (Inaudible).

14 MR. DEIXLER: (Inaudible).

15 (Inaudible) I'll read it. And I'm sorry that I can't
16 quite put my hand on the (inaudible).

17 Did you take that back, Judge Bonner?

18 COMMISSIONER BONNER: We had it faxed it over.

19 MR. DEIXLER: There we go. Thank you.

20 So this policy is not about tattoos:

21 "Department personnel shall not participate in, join,
22 or solicit other Department personnel to join a
23 deputy clique."

24 Could you also put up 11 so we can compare and
25 contrast policies?

1 The one that's on the board, that's the existing
2 policy; right?

3 "Shall not participate or join," and then we talked
4 about how it had to be connected to misconduct. Remember that,
5 sir?

6 MR. VILLANUEVA: Yes.

7 MR. DEIXLER: Okay.

8 So this policy says that as a matter of policy, you
9 cannot participate in, join, or solicit others to join a deputy
10 clique. And then it defines what a deputy clique is. That is:

11 "Sheriff's deputies from a particular patrol
12 station who self-associate, self-identify, and
13 exclude other deputies assigned to the same station
14 or unit, subgroup within a particular station or
15 unit."

16 Will you agree with me that that very specific
17 expression of proposed policy is broader than the extant policy
18 about the need for specific wrongdoing; that is, at work, you
19 can't be a member of one of these groups without regard to
20 whether you commit misconduct? See the difference?

21 MR. VILLANUEVA: I can see that there's a reason why I
22 (inaudible).

23 MR. DEIXLER: Can you see the difference, sir?

24 MR. VILLANUEVA: A slight difference. But that difference
25 tipped it for me, constitutionally speaking.

1 MR. DEIXLER: You're a constitutional stalker now? Have
2 you published?

3 MR. VILLANUEVA: Only for investigating.

4 MR. DEIXLER: Oh, okay. So rather than offering your
5 constitutional opinion to this panel much (inaudible), you can
6 see that it covers a different set of circumstances. No
7 misconduct, but simply joining a clique is the problem under
8 this; correct?

9 MR. VILLANUEVA: Well, as you describe it, yes.

10 MR. DEIXLER: Yes.

11 And it goes on to say:

12 "Any Department employee who participates in or
13 joins a deputy clique or solicits another employee to
14 join a deputy clique will be subject to discipline."

15 See that?

16 MR. VILLANUEVA: Yeah.

17 MR. DEIXLER: And that fits exactly into the First
18 Amendment opinion, which we've studied through the
19 Los Angeles Times; isn't that right?

20 MR. VILLANUEVA: We didn't study anything in the
21 Los Angeles Times.

22 MR. DEIXLER: Sure we did. We've spent some time here
23 this morning and I read it to you and it was quoted. Remember
24 that?

25 MR. VILLANUEVA: What the Times writes and says don't

1 relate to reality.

2 MR. DEIXLER: Ever?

3 MR. VILLANUEVA: No.

4 MR. DEIXLER: Okay.

5 So we don't need to discuss the Garcetti test, the
6 Pickering test because you're not a constitutional scholar, and
7 you don't know about that; right?

8 MR. VILLANUEVA: Well, I probably could send you a column
9 where the ALADS opinion was wrong if that's what you're asking.

10 MR. DEIXLER: From beginning to the end, it was a
11 purchased opinion by somebody who was hired as a --

12 MR. VILLANUEVA: It wasn't county counsel's opinion?

13 MR. DEIXLER: Will you let me -- you asked me a question,
14 and I decided to respond. I think it is an opinion which holds
15 no water, in my opinion. But it doesn't matter. We're focused
16 on the county counsel's opinion and the proposed policy of this
17 commission.

18 MR. VILLANUEVA: That's not a purchased policy?

19 (Inaudible).

20 MR. DEIXLER: Do you think that a law enforcement agency
21 can make a -- fire a member of a group like the Ku Klux Klan
22 without any wrongdoing other than membership?

23 MR. VILLANUEVA: You attacked me from a process that's
24 situated in the past from previous administrations. I think
25 employees with, like, a swastika tattoo, and the opinion of

1 county counsel was we could not terminate them.

2 MR. DEIXLER: Really?

3 MR. VILLANUEVA: Yeah.

4 MR. DEIXLER: When was that?

5 MR. VILLANUEVA: Goes back probably five, ten years.

6 MR. DEIXLER: So sometime in 2010s, there is a opinion of
7 county counsel which says that Nazis can't be terminated for
8 being Nazis?

9 MR. VILLANUEVA: The problem was the tattoo and the
10 employee's attitude and actions (inaudible).

11 MR. DEIXLER: I see.

12 But I'm asking you a slightly different question. A
13 membership in a gang, like say, the Ku Klux Klan, you will
14 agree with me that membership in Ku Klux Klan would allow a
15 person to be terminated as a law enforcement officer; correct?

16 MR. VILLANUEVA: Yes. We can draw a nexus between a
17 nefarious organization and their conduct (inaudible).

18 MR. DEIXLER: And there are reported cases that we
19 constitutional scholars know about where the Ku Klux Klan issue
20 is specifically addressed regarding law enforcement; correct?

21 MR. VILLANUEVA: (Nods head in the affirmative.)

22 MR. DEIXLER: And the same thing with regard for the
23 Outlaws motorcycle gang; correct?

24 MR. VILLANUEVA: (Nods head in the affirmative.)

25 MR. DEIXLER: You know about those cases.

1 MR. VILLANUEVA: Yeah. That's why they're called Outlaws.

2 MR. DEIXLER: Okay. And so the question here is whether
3 you can treat an Outlaw as people who participate in a deputy
4 clique which contains the characteristics identified and
5 defined in this proposed policy; correct?

6 MR. VILLANUEVA: Yes.

7 MR. DEIXLER: Yes.

8 And the county counsel says that's constitutional;
9 correct?

10 MR. VILLANUEVA: County counsel (inaudible).

11 MR. DEIXLER: Yes, it is.

12 Okay. How much more --

13 CHAIR KENNEDY: It's 1:00 (inaudible). Do you -- how much
14 time -- do you have a time limit?

15 MR. VILLANUEVA: I --

16 CHAIR KENNEDY: What's your time limit?

17 MR. VILLANUEVA: Again, is there some point? We've been
18 going around in circles here.

19 MR. DEIXLER: So can you come back? When can you come
20 back? Let's set another date, and we'll be happy to let you
21 go.

22 MR. VILLANUEVA: I'll come back after you swear in and
23 testify under oath, Mr. McDonnell and Mr. Luna. (Inaudible)
24 come back a second round.

25 MR. DEIXLER: Okay. You know what will do. We'll serve

1 you with another subpoena, and then we'll definitely
2 (inaudible).

3 CHAIR KENNEDY: Well, you just said won't come back unless
4 we do things (inaudible).

5 MR. VILLANUEVA: No, no, no. I told you, subpoena
6 McDonald, subpoena Luna (inaudible) and testify under oath just
7 like I did; right?

8 MR. DEIXLER: If the commission determines that that is
9 important and valuable, I'm sure they'll do that. If they'll
10 come voluntarily, there won't be any need for subpoena or
11 attempts to enforce contempt. I just have that feeling.

12 So when can you come back, if you want to conclude
13 then? Because I got a few more hours.

14 MR. VILLANUEVA: Well, actually, I've been busy doing
15 something like running for office. So have them go first, and
16 then I'll come back with subpoena?

17 MR. DEIXLER: You are -- you are --

18 AUDIENCE MEMBER: (Inaudible).

19 CHAIR KENNEDY: Okay. Let's settle down. We're almost
20 done. We're almost done.

21 MR. DEIXLER: You're agreeing to return subject to a
22 subpoena.

23 MR. VILLANUEVA: Yeah.

24 MR. DEIXLER: Okay. And when is it (inaudible)?

25 MR. VILLANUEVA: Well, it's starting March 6th and 7th.

1 MR. DEIXLER: Is that before or after your election?

2 MR. VILLANUEVA: (Inaudible).

3 MR. DEIXLER: Okay. So let's put down more March 6th or
4 7th. You can check everybody's (inaudible) --

5 MR. VILLANUEVA: (Inaudible).

6 MR. DEIXLER: We'll look forward to seeing you again.

7 CHAIR KENNEDY: Thank you, Mr. Deixler.

8 MR. VILLANUEVA: I do expect to see Mr. McDonnell and
9 Mr. Luna. The absence of them means exactly what I said,
10 (inaudible).

11 CHAIR KENNEDY: We understand your position. We, of
12 course, have to be an independent (inaudible).

13 Do commissioners have questions? If not, we'll move
14 to public comment. Are there any commissioners (inaudible)?

15 COMMISSIONER BONNER: I have a (inaudible). I want to
16 make clear though, his deterrent is not (inaudible) March 6th
17 and March 7th (inaudible) necessary (inaudible). I hope that
18 doesn't come to that. (Inaudible).

19 CHAIR KENNEDY: Okay. Thank you, Mr. Villanueva.

20 And we will now move to public comment.

21 UNIDENTIFIED SPEAKER: We have ten public comments. First
22 up is Mackenzie (phonetic), followed by Brett McKay (phonetic),
23 followed by Vanessa Perez.

24 (Technical difficulties from 4:01:00 until 4:13:15)

25 CHAIR KENNEDY: I totally understand where you're coming

1 from. I just want to say that this law school loans this
2 facility to us, and the condition is that I keep it orderly and
3 professional.

4 Both sides, though, I agree. Both sides, I did not
5 hear that. I apologize.

6 Anyone else?

7 (Technical difficulties resume from 4:13:36 until 4:15:04)

8 CHAIR KENNEDY: We're going to terminate the online
9 comments because we just can't make them work today. We're
10 having a technical issue. We really apologize. We'll try to
11 fix that for the next time.

12 Before we conclude, Rob, you had mentioned you wanted
13 to make some remarks about former Undersheriff Murakami's
14 non-appearance.

15 COMMISSIONER BONNER: This is just by way of the ad hoc
16 committee on subpoenas (inaudible) former Undersheriff Murakami
17 continues to oppose appearing and testifying before the
18 commission. There's a hearing in Superior Court, I believe, on
19 January 23rd. I mean, I'm not -- in the not-too-distant future
20 in which we're seeking to have the Superior Court order
21 Murakami to appear and testify before this body at it's next
22 available hearing date. So stay tuned. I don't know.

23 Right now, he's opposing -- he's opposing the motion
24 saying that he doesn't have any valuable testimony that he
25 could give to this commission, which is, by the way -- boggles

1 the mind for him to say that. I mean, we've already heard
2 today that -- you know, among other things, he's the one that
3 announced that the inspector general was under criminal
4 investigation. He made a public announcement of that. I mean,
5 I'd like to know, did he decide to do that? Did other people
6 authorize that, such as the witness that was just here? And so
7 forth.

8 I mean, he obviously has long experience with the
9 Sheriff's Department. You know, or at least there are
10 allegations that he himself was a member of a deputy clique,
11 exclusionary subgroup, or gang, and so he has valuable
12 testimony that this commission needs. And I just wanted to
13 make a short record on that so that maybe that will be helpful
14 to our outside counsel, Harv (phonetic), when he goes to the
15 Superior Court and says that, "Yes, we still need his
16 testimony, and we're expecting that he would appear and testify
17 before this commission."

18 Thank you, Chair Kennedy.

19 CHAIR KENNEDY: Agreed.

20 Before we conclude, I just want to say, Mr. Deixler,
21 seeing you up there and your level of preparation, on behalf of
22 this commission (applause). It's truly humbling.

23 Yes?

24 COMMISSIONER GIGGANS: (No audible response.)

25 CHAIR KENNEDY: Well, the ad hoc committee on deputy gangs

1 meets regularly.

2 Obviously, we have the outstanding issue of
3 Undersheriff Murakami, who continues to violate his subpoena.

4 This witness, Mr. Villanueva, seems to think that he
5 can negotiate the terms of his testimony.

6 Of course, we have power under local ordinance, the
7 Board of Supervisors, Measure R, and California State law are
8 all different basis for us to independently investigate and
9 subpoena witnesses regarding oversight. We don't need to
10 negotiate with Mr. Villanueva, and I think I speak for the ad
11 hoc. We have no intention of negotiating with him.

12 UNIDENTIFIED SPEAKER: Yeah. So don't tell him.

13 CHAIR KENNEDY: So the question is: Is it valuable to
14 having him come back and be quarrelsome once again? I don't
15 know the answer. But we will keep you posted.

16 As we end the meeting, I want you remind this was a
17 special hearing --

18 COMMISSIONER BONNER: Mr. Chair, I have questions. I
19 mean, I have questions of Villanueva that I want to ask.

20 CHAIR KENNEDY: Yeah.

21 COMMISSIONER BONNER: So I think it is valuable to have
22 him return. We can discuss that in the ad hoc.

23 But the other point I would make is that there are
24 conditions -- that we should have initially, through his
25 counsel, asked him to voluntarily come back on March 6th or

1 March 7th. If he's not willing to do that, then we should -- I
2 think we probably need to reissue a subpoena. And I would
3 assume that that would have the support by the full commission
4 if we need to reissue a subpoena for him to appear at that date
5 and time.

6 CHAIR KENNEDY: I thought we would take that up next week
7 at our next regularly scheduled meeting on January 18th, at
8 9:00 A.M., at St. Anne's Conference Center. We're live and on
9 the web.

10 I really appreciate the participation we had. I know
11 that this is a very emotional issue, the deputy gangs, and all
12 the people they've hurt inside and, more importantly, outside -
13 - well, equally importantly outside the Department. But if
14 we're going to develop evidence, we have to be able to have a
15 hearing format where our counsel asks questions and the witness
16 answers them. And we cannot have chaos out there. And I just
17 hope that everyone will respect our need to develop evidence.

18 Okay. I'll see everyone next week. And we will have
19 more information about the next special hearing at that time.

20 (The hearing was concluded.)

21 -o0o-

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

5 I, LAURA GRIFFIN, AAERT CERT CET-1709, do hereby certify:

6 That said digitally recorded audio of the Civilian
 7 Oversight Commission Hearing, January 12, 2024, was transcribed
 8 into computer-generated text under my direction and
 9 supervision, and I hereby certify the foregoing transcript to
 10 the best of my ability.

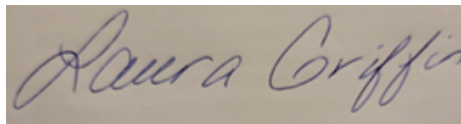
11 I further certify that I am neither counsel for nor
 12 related to any party to said action nor in any way interested
 13 in the outcome thereof.

14 IN WITNESS WHEREOF, I have hereunto subscribed my name
 15 this 20th day of February, 2024.

16

17

18



19

20 LAURA GRIFFIN, AAERT CERT CET-1709

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