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LOS ANGELES COUNTY SHERIFF  
CIVILIAN OVERSIGHT COMMISSION

OCTOBER 11, 2024

SPECIAL HEARING ON THE CREATION AND USE OF  
THE CIVIL RIGHTS AND PUBLIC CORRUPTION DETAIL

MEMBERS

COMMISSION CHAIR ROBERT C. BONNER

COMMISSIONER SEAN KENNEDY

COMMISSIONER IRMA HAGANS COOPER

COMMISSIONER LUIS S. GARCIA

COMMISSIONER PATTI GIGGANS

COMMISSIONER JAMES P. HARRIS

COMMISSIONER HANS JOHNSON

COMMISSIONER JAMON R. HICKS

COMMISSIONER ARTHUR CALLOWAY

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ATTENDEES

Commission Chair, Robert C. Bonner

COMMISSIONERS:

- Sean Kennedy
- Irma Hagans Cooper
- Patti Giggans
- James P. Harris
- Hans Johnson
- Luis S. Garcia
- Jamon R. Hicks
- Arthur Calloway

Special Counsel: Commissioner Sean Kennedy, Loyola Law

Professor

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

2 CHAIR BONNER: I'm Robert Bonner, the Chair of the  
3 Civilian Oversight Commission.

4 We have two witnesses that we expect to appear and  
5 testify today: Max Fernandez and Mark Lillienfeld.

6 Following their testimony, we will have -- we'll  
7 discuss possible next steps.

8 Let me say that this is a special hearing of the  
9 Civilian Oversight Commission, and I mean that only to  
10 distinguish it from our regularly monthly hearings. The  
11 special hearing, like most of our special hearings, has a  
12 single focus. Its purpose is to inquire regarding the -- am I  
13 not being picked up? Our purpose is to inquire regarding both  
14 the creation and use of a unit of the Sheriff's Department  
15 called the Civil Rights and Public Corruption Detail, and to  
16 essentially inquire into that particular unit of the Sheriff's  
17 Department that was created a few years back.

18 So let me just say, like any other meeting of the  
19 Civilian Oversight Commission, any other public hearing, to  
20 ensure a productive meeting for everyone here, please follow  
21 the Code of Conduct guidelines that we've established for the  
22 commission.

23 We'll now move on with a roll call to make sure we  
24 have a quorum.

25 Tracy, could you take the roll for us?

1 MS. JORDAN: I will now conduct the roll call.

2 Chair Robert C. Bonner?

3 COMMISSIONER BONNER: Here.

4 MS. JORDAN: Co-Vice Chair Luis S. Garcia?

5 COMMISSIONER GARCIA: Here.

6 MS. JORDAN: Co-Vice Chair Hans Johnson?

7 COMMISSIONER JOHNSON: Present.

8 MS. JORDAN: Commissioner Arthur Calloway?

9 COMMISSIONER CALLOWAY: Here.

10 MS. JORDAN: Commissioner Irma Cooper?

11 COMMISSIONER COOPER: Present.

12 MS. JORDAN: Commissioner Patricia Giggans? Absent.

13 COMMISSIONER KENNEDY: She's walking in right now.

14 COMMISSIONER BONNER: Oh.

15 MS. JORDAN: Oh, Commissioner Patricia Giggans?

16 COMMISSIONER GIGGANS: Present.

17 MS. JORDAN: Commissioner James P. Harris?

18 COMMISSIONER HARRIS: Here.

19 MS. JORDAN: Commissioner Jamon R. Hicks?

20 COMMISSIONER HICKS: Present.

21 MS. JORDAN: Commissioner Sean Kennedy?

22 COMMISSIONER KENNEDY: Here.

23 MS. JORDAN: Chair Bonner, we have a quorum. I turn it  
24 back to you. Thank you.

25 COMMISSIONER BONNER: Thank you. Thank you, Tracy.

1 I'm going to turn to Commissioner Sean Kennedy for an  
2 overview -- any overview he wishes to give before calling the  
3 first witness at this hearing.

4 Commissioner Kennedy?

5 COMMISSIONER KENNEDY: Welcome to Loyola Law School where  
6 we're going to start, as the Chair just said, start a special  
7 hearing, and I just wanted to make some remarks before we call  
8 the witnesses.

9 The -- also I want to say I know it's a little warm,  
10 but we've turned up the air, so it's going to get cooler. I  
11 apologize. We have a full house, and it makes it warmer.

12 The LA County Sheriff's Department has a long history  
13 of deputy gangs and cliques within its ranks. And this  
14 commission has been investigating for several years the  
15 negative impact of these secret subgroups on the Department  
16 itself, and, more importantly, the communities that the  
17 Department is supposed to serve.

18 Oversight officials from many different orders,  
19 including many people who are in this room right now, started  
20 to ask hard questions about how and why the LASD leadership  
21 allowed these groups to proliferate and thrive. They asked  
22 whether the Department was disclosing the deputies' misconduct  
23 and dishonesty to the District Attorney's Office as required by  
24 the landmark U.S. Supreme Court case, Brady versus Maryland.  
25 And they asked whether Department officials were investigating

1 whether people involved in -- whether deputies involved in  
2 fatal shootings had deputy gang or clique tattoos.

3           Unfortunately, the response from former Sheriff,  
4 Alex Villanueva, was to assemble a group of deputies, some of  
5 whom are tattooed members of these subgroups themselves, to  
6 investigate oversight officials who were asking the hard  
7 questions, and he called the group the Civil Rights and Public  
8 Corruption Detail. He removed them from the ordinary chain of  
9 command and had them report directly to the Number 2 official  
10 in the Department at that time, Undersheriff Timothy Murakami,  
11 who, after flouting COC subpoenas for almost two years, finally  
12 appeared and was forced to admit that he was a tattooed Caveman  
13 himself.

14           Many outside officials and ethics experts had warned  
15 former Sheriff Villanueva not to proceed with this  
16 unprecedented detail because the Department should not be  
17 investigating its own oversight officials, but he proceeded  
18 with the detail anyway. The results were disastrous, to say  
19 the least. Many people were branded felony suspects or had  
20 their homes and nonprofits searched in highly publicized  
21 investigations that never resulted in the filing of any  
22 criminal charges. But the chill on oversight was real and  
23 continues to this day.

24           In today's special hearing, we will seek information  
25 about the purpose and the history of this special detail from

1 two especially active members: Maximo Fernandez and Mark  
2 Lillienfeld.

3 So if the Chair has any other words to say --

4 CHAIR BONNER: No.

5 COMMISSIONER KENNEDY: -- I'm ready to --

6 CHAIR BONNER: Call your first witness, Commissioner  
7 Kennedy.

8 COMMISSIONER KENNEDY: We don't have special counsel  
9 today, so I'm going to be acting as the lawyer.

10 And our first witness is Max Fernandez.

11 CHAIR BONNER: Mr. Fernandez, would you step forward, sir?

12 COMMISSIONER HARRIS: Sean, you got to change your  
13 microphone backwards.

14 COMMISSIONER KENNEDY: Yes.

15 CHAIR BONNER: Raise your right hand to be sworn, sir.

16 Do you swear or affirm that the testimony you'll give  
17 before this oversight commission will be the truth, the whole  
18 truth, and nothing but the truth?

19 MR. FERNANDEZ: I do.

20 CHAIR BONNER: Please be seated, sir.

21 For the record, would you just state your full name  
22 and then perhaps spell your last name for us?

23 MR. FERNANDEZ: Yeah. It's Max, M-A-X; Fernandez,  
24 F-E-R-N-A-N-D-E-Z.

25 CHAIR BONNER: All right.



1                   You may proceed, Commissioner Kennedy.

2                   COMMISSIONER KENNEDY: Good morning, Mr. Fernandez.

3                   MR. FERNANDEZ: Morning.

4                   COMMISSIONER KENNEDY: Are you affiliated with a secret  
5 tattoo group within the Los Angeles County Sheriff's  
6 Department?

7                   MR. FERNANDEZ: No.

8                   COMMISSIONER KENNEDY: Okay. Could we place Exhibit  
9 Number --

10                   There's a little exhibit book in front of you right  
11 on the stand. Could you turn to Exhibit Number 5.

12                   MR. FERNANDEZ: Exhibit 5. Okay.

13                   COMMISSIONER KENNEDY: Do you recognize Exhibit Number 5?

14                   MR. FERNANDEZ: I do.

15                   COMMISSIONER KENNEDY: What is it?

16                   MR. FERNANDEZ: It's a drawing that I made. I draw. I'm  
17 an artist. It's a drawing I made back in, like, the early  
18 2000s when I first went out to Compton Station.

19                   Compton Station didn't have a logo, or most stations  
20 have, like, a Mascot-type logo. And since I was the one that  
21 drew, they wanted a T-shirt logo. So I made it for T-shirts  
22 for Baker to Vegas T-shirts, and things of that nature.

23                   It's my understanding that after I left Compton, some  
24 guys got it tattooed.

25                   But, yeah. That's -- that's definitely my drawing.

1 COMMISSIONER KENNEDY: And do you have this tattoo on your  
2 left leg?

3 MR. FERNANDEZ: Do I have this tattoo on my leg?

4 COMMISSIONER KENNEDY: Yes.

5 MR. FERNANDEZ: I have a tattoo on my ankle, and -- and I  
6 got it before I became a deputy sheriff. It has nothing to do  
7 with law enforcement. I don't have any other tattoo on my  
8 other leg. But -- yeah, that's my answer.

9 COMMISSIONER KENNEDY: Okay. Do you have this tattoo on  
10 your body?

11 MR. FERNANDEZ: Do I have this tattoo on my body --

12 COMMISSIONER KENNEDY: Or something similar to it?

13 MR. FERNANDEZ: Yes, I do.

14 COMMISSIONER KENNEDY: And can you tell us about that?

15 Like, where is it? I don't want to invade your privacy but --

16 MR. FERNANDEZ: Well, you are.

17 And, like I said, I never was part of any group. I  
18 draw my own tattoos, I have tattoos, and, yes, this is a tattoo  
19 that I drew for myself.

20 And my understanding is after I left the station,  
21 guys copied a version of it. I don't even think it's the same  
22 tattoo that they have now, but it's, like, some weird version  
23 of it. I've seen a cop -- a version of it on the in the LA  
24 Times, but that's about as far as my personal knowledge of the  
25 tattoos, cliques, and stuff, which I don't really know much

1 cause it's not really part of my life, you know, I left the  
2 station early on. I was there, like, 24 years ago, I went on  
3 to become a detective. There was no numbers or anything like  
4 that when I was there. There was no -- and it's my  
5 understanding that guys took it from the T-shirts and made a  
6 tattoo of it later. And that's just what I heard, but I  
7 actually don't know for a fact, so it's kind of hearsay.

8 CHAIR BONNER: What year did you join the Sheriff's  
9 Department?

10 MR. FERNANDEZ: In '98.

11 CHAIR BONNER: And when did you put the tattoo -- this  
12 tattoo, or something similar to it, on your ankle?

13 MR. FERNANDEZ: This one, I drew sometime around 2000.

14 CHAIR BONNER: Okay.

15 MR. FERNANDEZ: Maybe early 2000.

16 CHAIR BONNER: Yeah. Right. No, but my question was: So  
17 you have a tattoo similar to this on your ankle? You've  
18 testified --

19 MR. FERNANDEZ: No. I do not have a tattoo like this on  
20 my ankle. No, no.

21 CHAIR BONNER: Oh.

22 MR. FERNANDEZ: I'm sorry. That was --

23 CHAIR BONNER: Oh, okay. I misunderstood you.

24 Could you just generally describe the tattoo you have  
25 on your ankle?

1 MR. FERNANDEZ: No.

2 CHAIR BONNER: Okay. You can't do it?

3 MR. FERNANDEZ: No. No, I don't see why I should answer  
4 that. That sounds like a privacy issue.

5 It's not a station tattoo. I don't have a group or a  
6 gang associated with it, and it's a personal tattoo.

7 CHAIR BONNER: Okay.

8 MR. FERNANDEZ: It's also just wordy. It's not even a  
9 picture.

10 CHAIR BONNER: Go ahead, Commissioner Kennedy.

11 COMMISSIONER KENNEDY: So you're not going to tell this  
12 commission where this tattoo is on your body, this -- some  
13 version of this tattoo?

14 MR. FERNANDEZ: Correct.

15 COMMISSIONER KENNEDY: Okay.

16 Is the tattoo that you have sequentially numbered?

17 MR. FERNANDEZ: No.

18 COMMISSIONER KENNEDY: And when you made this drawing,  
19 what is this a drawing of, Detective Fernandez?

20 MR. FERNANDEZ: So most of my drawings are Japanese-style.  
21 This was based off of Samurai Armor. And I think they wanted  
22 something that was a little -- when I say "they," I mean, like,  
23 the patrol guys wanted something that was a little different  
24 from all the other logos from other stations, and I came up  
25 with the ax -- I think the ax and the shield were another

1 deputy's idea, and they asked me to incorporate that, and it  
2 was just like a group effort. But it was based on Samurai, but  
3 then they didn't really want a Samurai, so we made it kind of  
4 outer space-ish-looking, like, fantasy. It's not really based  
5 on anything, like, on Earth.

6 COMMISSIONER KENNEDY: Uh-huh.

7 And the shield, it says "CPT." What does that mean?

8 MR. FERNANDEZ: CPT is the -- it's the mark for the  
9 station, the letters for the station.

10 COMMISSIONER KENNEDY: All right. So it's an abbreviation  
11 for Compton Station.

12 MR. FERNANDEZ: It's abbreviation for Compton, yes.

13 COMMISSIONER KENNEDY: Okay.

14 And it looks like the knee also has a skull; is that  
15 right?

16 MR. FERNANDEZ: Yeah. It's been so long since I drew it.  
17 There is a -- there is a skull on the knee, and it's like an  
18 alien skull. It's got, like, you know, fangs --

19 COMMISSIONER KENNEDY: Uh-huh.

20 MR. FERNANDEZ: -- it's based on the Giger alien from the  
21 movie Aliens.

22 COMMISSIONER KENNEDY: And the weapon, what is the weapon  
23 that is being held there?

24 MR. FERNANDEZ: An ax.

25 COMMISSIONER KENNEDY: Okay.

1 MR. FERNANDEZ: It's an ax.

2 COMMISSIONER KENNEDY: Was this meant to depict a  
3 Gladiator?

4 MR. FERNANDEZ: No. It's nothing near a Gladiator.

5 A Gladiator would be -- I mean, you mean like from  
6 Rome?

7 COMMISSIONER KENNEDY: Yeah. Like in antiquity, the  
8 fighters who entered the arena and fought to the death.

9 MR. FERNANDEZ: Yeah, like in -- no. That doesn't look  
10 anything like what Gladiator armor would look like.

11 COMMISSIONER KENNEDY: Okay.

12 MR. FERNANDEZ: No.

13 COMMISSIONER KENNEDY: Do other members who have a tattoo  
14 similar to this drawing refer to it as the Gladiators, if you  
15 know?

16 MR. FERNANDEZ: The first time I've ever heard that was  
17 when I watched testimony here. I've watched this show before.  
18 Some of the old episodes, somebody talked about a Gladiator.

19 COMMISSIONER KENNEDY: Someone being Larry Waldie?

20 MR. FERNANDEZ: Maybe. It might have been Larry Waldie.  
21 Right.

22 COMMISSIONER KENNEDY: You know him, don't you?

23 MR. FERNANDEZ: Yeah, I know Larry Waldie.

24 COMMISSIONER KENNEDY: And he said that he's a member of  
25 the Gladiators. He testified to that.

1 MR. FERNANDEZ: I don't actually remember. I watched it  
2 so long ago.

3 COMMISSIONER KENNEDY: Do you know him to have this  
4 tattoo?

5 MR. FERNANDEZ: I actually don't.

6 COMMISSIONER KENNEDY: Okay. Have you ever heard this  
7 symbol being referred to as the Gladiator tattoo?

8 MR. FERNANDEZ: I said I just did, yes.

9 COMMISSIONER KENNEDY: Okay.

10 And do you consider yourself a Gladiator?

11 MR. FERNANDEZ: No. Like I said, nobody had this tattoo  
12 when I was there. And when I got my tattoos, nobody had it.  
13 There wasn't a group. This happened after I left.

14 COMMISSIONER KENNEDY: Okay.

15 MR. FERNANDEZ: I also remember them not calling it a  
16 subgroup or a gang. It was, like, a friendship tattoo or  
17 something like that, and then there was another tattoo. I  
18 remember part of the -- Larry Waldie testimony. But it's  
19 something to that nature, and they called themselves the  
20 Gladiators.

21 That wasn't a thing when I was in patrol.  
22 Twenty-four years ago I'd never heard it called a Gladiator,  
23 and I didn't know that other guys got it tattooed until later.

24 COMMISSIONER KENNEDY: Uh-huh.

25 And why is it a secret where your tattoo is or what

1 you have? I mean --

2 MR. FERNANDEZ: It's not a secret.

3 COMMISSIONER KENNEDY: Okay.

4 But you're not -- you're not going to tell us about  
5 it.

6 MR. FERNANDEZ: Oh, you mean you want me to tell you and  
7 everybody else here and everybody on the Internet. No. I  
8 don't -- I think that's a privacy issue, but it's not a secret.

9 COMMISSIONER KENNEDY: Uh-huh. Okay.

10 Now, Detective Fernandez, you were involved in a  
11 fatal shooting in 2003; is that right?

12 MR. FERNANDEZ: Yes.

13 COMMISSIONER KENNEDY: Can you turn to Exhibit 16 in the  
14 book?

15 MR. FERNANDEZ: Okay.

16 COMMISSIONER KENNEDY: So my question is: You shot a  
17 27-year-old African American man named Bryce Ross; do you  
18 recall that? I know it's a long time ago.

19 MR. FERNANDEZ: No, I recall it. I mean, when someone  
20 tries to kill you, you remember that. I remember Bryce Ross  
21 being a murder suspect. I remember him pulling the gun on me.  
22 I remember all of that. I remember shooting and surviving that  
23 shooting. I do remember that. That would stand out.

24 I mean, I understand that you wouldn't know what  
25 that's like, but it would definitely stand out in your life if



1 it ever happened to you.

2 COMMISSIONER KENNEDY: I definitely don't know what it's  
3 like; so...

4 MR. FERNANDEZ: Oh, I know.

5 COMMISSIONER KENNEDY: So you believed that Mr. Ross was a  
6 murder suspect. You were reporting to another offense, and  
7 then you saw this person on the streets, and you believed he  
8 looked like a murder suspect?

9 MR. FERNANDEZ: No. He was a named suspect of a murder.

10 COMMISSIONER KENNEDY: Okay.

11 And you said --

12 MR. FERNANDEZ: Seven murders, actually. I think it was  
13 seven murders is what I was told he was wanted for.

14 COMMISSIONER KENNEDY: Yeah.

15 Is there any court finding in that regard?

16 MR. FERNANDEZ: I didn't know -- when we were told we were  
17 going to testify here, we -- my attorney asked what we're going  
18 to testify to, and you guys refused to tell us. So I don't  
19 have any folders or any files. I'm unprepared to do any of  
20 this testimony really. So I don't have any documents to show  
21 you. All I have is the documents that you're showing me.

22 COMMISSIONER KENNEDY: Well, this is -- I mean, you  
23 recognize --

24 MR. FERNANDEZ: I keep hearing people talking in the  
25 audience.

1 CHAIR BONNER: Let's not. We don't want any chatter back  
2 there.

3 So go ahead with next question, Commissioner Kennedy.

4 COMMISSIONER KENNEDY: So you said that Mr. Ross shot at  
5 you; is that what you said?

6 MR. FERNANDEZ: That's not what I said.

7 COMMISSIONER KENNEDY: Okay.

8 I don't mean to mischaracterize it, so why don't you  
9 just tell us what you said?

10 MR. FERNANDEZ: What I said was Mr. Bryce pointed a gun at  
11 me.

12 COMMISSIONER KENNEDY: Uh-huh.

13 And was a gun recovered from the site of the  
14 shooting?

15 MR. FERNANDEZ: A gun was recovered from the house where a  
16 suspect picked up the gun and ran to.

17 COMMISSIONER KENNEDY: Okay. My question was: When you  
18 fatally shot Mr. Ross, did he have a gun?

19 MR. FERNANDEZ: Well, you're -- yes, he did. He had a  
20 gun. I just said that he pointed a gun at me, so obviously he  
21 had a gun.

22 Your question is misleading saying that there was no  
23 gun recovered, but there was a gun recovered. A suspect from  
24 the group that he was with picked up the gun and ran.  
25 Witnesses testified to that, and they found a gun in a

1 abandoned house where the suspect ran to.

2 COMMISSIONER KENNEDY: But did they find a gun on him,  
3 after you shot him -- immediately after you shot him?

4 MR. FERNANDEZ: It's a misleading question.

5 COMMISSIONER KENNEDY: I'm just --

6 CHAIR BONNER: No, no. Just answer the question. It's a  
7 either "yes" or "no."

8 MR. FERNANDEZ: It's obvious that the gun was not found on  
9 him if I just said a suspect picked up the gun, ran. Witnesses  
10 saw it, I saw it. Witnesses testified to it, and they found  
11 the gun in an abandoned house the suspect ran into.

12 But no, the gun was not recovered on him.

13 COMMISSIONER KENNEDY: Okay.

14 And you said that you made the drawing that we talked  
15 about, Exhibit 5, in the early 2000s?

16 MR. FERNANDEZ: Correct.

17 COMMISSIONER KENNEDY: And this shooting was in 2003?

18 MR. FERNANDEZ: Correct.

19 COMMISSIONER KENNEDY: Did you getting a tattoo that looks  
20 somewhat like the drawing that we've been discussing -- when  
21 did you get that tattoo?

22 MR. FERNANDEZ: I don't remember. I mean, I drew it in  
23 the early 2000s before that shooting. And I usually -- if I  
24 draw something that I like, I'll get it tattooed, like,  
25 immediately. So -- but I don't remember the actual date.

1           COMMISSIONER KENNEDY: Did you get a tattoo that looks  
2 like the drawing that we've been discussing after the shooting  
3 of Bryce Ross, if you remember?

4           MR. FERNANDEZ: It definitely was not after the shooting,  
5 no.

6           COMMISSIONER KENNEDY: Okay.

7                   Do you have any idea when it was?

8           MR. FERNANDEZ: I just said when I drew it in the early  
9 2000s. I must have drawn it and -- I mean, you're talking 24  
10 years ago.

11          COMMISSIONER KENNEDY: I know, I know. I apologize about  
12 that, but I'm just asking questions.

13                   Was it in 2003?

14          MR. FERNANDEZ: I don't remember. It was before the  
15 shooting though. I know that.

16          COMMISSIONER KENNEDY: Uh-huh.

17          MR. FERNANDEZ: At least I believe so.

18          COMMISSIONER KENNEDY: Have you ever heard of an inking  
19 party, Detective Fernandez?

20          MR. FERNANDEZ: An inking party?

21          COMMISSIONER KENNEDY: Yeah.

22          MR. FERNANDEZ: You mean like when people go together to a  
23 party and get tattooed?

24          COMMISSIONER KENNEDY: Yes.

25          MR. FERNANDEZ: Yes, I have. Yeah.

1           COMMISSIONER KENNEDY: And have you ever gone to an inking  
2 party when someone got a tattoo that looks like Exhibit 5, the  
3 drawing that you --

4           MR. FERNANDEZ: Oh, no. You mean deputies going to inking  
5 parties.

6           No. When I grew up in East LA, guys used to do that  
7 at, you know, high school parties. No. I don't think I've  
8 ever been to a party where someone gets a tattoo.

9           COMMISSIONER KENNEDY: Okay.

10          MR. FERNANDEZ: I mean, not a deputy, I mean. No.

11          COMMISSIONER KENNEDY: And aside from -- you said some  
12 deputies at the Compton Station had adopted your drawing for  
13 the Baker Run as a tattoo. Do you know how many?

14          MR. FERNANDEZ: No. I know I'm not part of any groups, so  
15 I wouldn't know. I don't think they share that information  
16 with anybody who's not part of their -- whatever their, like,  
17 little group. I don't know.

18          COMMISSIONER KENNEDY: Can I ask: Do you know how they  
19 would know that you drew that if you don't have any association  
20 with them?

21          MR. FERNANDEZ: No. Everybody knew that I was the guy  
22 that drew it.

23                 I mean, I drew a lot of stuff. I didn't just draw  
24 that. I drew a lot of the station logos. There's a mural in  
25 the Compton gym that I drew. So I drew a lot of the murals. I

1 drew the -- there's a big shield with two axes that somebody  
2 had Disney make for them into, like, a big giant plaque, and  
3 they put it up at the station. I drew that also.

4           Everybody knew that I drew. I also drew a lot of  
5 cartoons.

6           COMMISSIONER KENNEDY: Uh-huh.

7           MR. FERNANDEZ: So I was known to draw.

8           When I was bored, I'm sitting in containment, I would  
9 draw. Actually, I drew that -- I think I started drawing it,  
10 like, when we were just sitting on the containment one day.

11          COMMISSIONER KENNEDY: Okay.

12          So coming more to the present, because I've been  
13 asking about old stuff, and I appreciate it.

14          MR. FERNANDEZ: Sure.

15          COMMISSIONER KENNEDY: Were you a member of this  
16 specialized detail, the Civil Rights and Public Corruption  
17 Detail?

18          MR. FERNANDEZ: Yes.

19          COMMISSIONER KENNEDY: And when did you join the  
20 specialized detail?

21          MR. FERNANDEZ: Oh, I don't --

22          COMMISSIONER KENNEDY: I mean, approximately. I know you  
23 don't...

24          MR. FERNANDEZ: It had to be -- so I was there close to  
25 three years, and that was almost two years ago, so maybe about

1 four or five years ago.

2 COMMISSIONER KENNEDY: Uh-huh.

3 And could you tell us how you were selected to become  
4 a member of the Civil Rights and Public Corruption Detail?

5 MR. FERNANDEZ: I really don't know.

6 So I was working Special Victims, which, you know, we  
7 handle, like, rapes and child molestation cases, and I was just  
8 told I had a good reputation for being a good, clean detective,  
9 and they wanted somebody to work this Public Corruption Unit.  
10 And I had done stuff with Internal Affairs and anti-corruption  
11 stuff in the past.

12 So I don't know how I was selected, to be exact, but  
13 one day I was called, and my captain told me I'd been selected  
14 to go some specialized unit.

15 And I'd never met Sheriff Villanueva or Murakami  
16 before, and so it was a surprise to me. And all of a sudden, I  
17 was told that I was going to this specialized unit, and I was  
18 going to pick up corruption cases.

19 I spoke to the DA over -- one of the first meetings  
20 was I spoke to the head of the Public Corruption Unit of the  
21 DA's Office, and he goes, "You know, we've got these cases. We  
22 got one case here that involves a Board of Supervisor member  
23 that has all kinds of corruption. They're stealing taxpayer  
24 money, they're funneling -- laundering money through, like, a  
25 nonprofit, and it involves Ms. Patti Giggans and her

1 nonprofit." And eventually he said, "This was a really strong  
2 case. There's a lot of corruption here." And he thought it  
3 was a really good case, and so I -- that's how I got assigned  
4 the case.

5 COMMISSIONER KENNEDY: Uh-huh.

6 CHAIR BONNER: Who told you that?

7 MR. FERNANDEZ: It was the head DA. Yochelson, maybe, was  
8 his name. I don't really remember. He was the head DA over at  
9 Public Corruption Unit at the DA's Office.

10 CHAIR BONNER: And approximately when and where did that  
11 meeting take place? Was it an in-person meeting and --

12 MR. FERNANDEZ: In-person meeting. It happened at the  
13 Hall of Justice, and I don't remember the date.

14 CHAIR BONNER: But it would have been early on when you --

15 MR. FERNANDEZ: Yeah.

16 CHAIR BONNER: -- or after you joined the detail?

17 MR. FERNANDEZ: Correct.

18 CHAIR BONNER: Okay.

19 Mr. Kennedy.

20 COMMISSIONER KENNEDY: Detective Fernandez, do you have  
21 any prior experience in public corruption investigations?

22 MR. FERNANDEZ: Prior experience in public corruption?

23 COMMISSIONER KENNEDY: Uh-huh.

24 MR. FERNANDEZ: No. I mean, I've got experience in a lot  
25 of high-profile cases that made the media before this, but as



1 far as corruption, no. I learned on the go. I took a bunch of  
2 classes. We did the whole AG Public Correction Academy, we  
3 went to Vegas and did training with the Metro team, I spoke to  
4 Texas Rangers who also do them, and I had weekly meetings with  
5 the FBI where we discussed it.

6 And I actually got guided by the FBI on this actual  
7 Patricia Giggans case. The FBI actually guided us on it  
8 through the case. So most of the training was through them.

9 COMMISSIONER KENNEDY: But before you were selected to  
10 become a member of the special detail, you didn't have any  
11 experience or training in investigating public corruption  
12 cases?

13 MR. FERNANDEZ: No. I did a lot of child molestation and  
14 a lot of -- multiple gang-type investigations before that.

15 CHAIR BONNER: Mr. Fernandez, I'm just going to say that  
16 it'll go a lot faster if you just, you know, just answer the  
17 question and not, you know --

18 MR. FERNANDEZ: Well, I have all day --

19 CHAIR BONNER: That was a "yes" or "no." I mean, so try  
20 to do that because it'll go a lot faster.

21 MR. FERNANDEZ: Right, but some of the answers aren't just  
22 "yes" or "no" answers. I mean, I could explain a little more.

23 CHAIR BONNER: Well, the question was: Did you have  
24 experience --

25 MR. FERNANDEZ: The questions are very --

1 CHAIR BONNER: -- with public corruption? And the answer  
2 is either you did or you didn't. And you've said "no," but  
3 you -- anyway, you went on and talked about some other things.  
4 So I'm just saying, look, try to be responsive. That's all.  
5 Like any witness --

6 MR. FERNANDEZ: I feel like I'm being responsive --

7 CHAIR BONNER: -- just try to be responsive.

8 MR. FERNANDEZ: -- and that's the way I answer, and that's  
9 how my answer's going to go. I'm not going to play this game  
10 with your --

11 CHAIR BONNER: Okay. So what FBI agent guided you in your  
12 investigation?

13 MR. FERNANDEZ: I don't have their names. And I don't  
14 think --

15 CHAIR BONNER: You cannot name any of the FBI agents that  
16 you received guidance --

17 MR. FERNANDEZ: No, I cannot. No.

18 CHAIR BONNER: -- in your investigation?

19 MR. FERNANDEZ: No, I cannot.

20 CHAIR BONNER: Well, how many FBI agents --

21 MR. FERNANDEZ: So --

22 CHAIR BONNER: -- how many --

23 MR. FERNANDEZ: I'm going to tell you right now. I'm  
24 going to answer you. You want me to answer, I'll answer.

25 CHAIR BONNER: I do. How many -- I'm asking now. How

1 many FBI agents were involved in giving you guidance with  
2 respect to an investigation of Commissioner Giggans?

3 MR. FERNANDEZ: Let's see. It was the head agent in  
4 charge was there, there was at least four that I could  
5 remember.

6 All of it's documented in all my reports, but the  
7 Sheriff's Department -- I mean, our unit has taken all my  
8 reports. I haven't been able to read my reports, or they've  
9 all been taken from me from, like, two years ago. So I can't  
10 really research it, but it's all in my report.

11 CHAIR BONNER: I just asked you how many --

12 MR. FERNANDEZ: I documented it.

13 CHAIR BONNER: I'm just asking you how many, and then I  
14 was going to ask you their names, and I think you said you  
15 don't remember any of their names.

16 MR. FERNANDEZ: That's correct.

17 CHAIR BONNER: You said there was somebody that was in  
18 charge of a unit. What -- what unit of the FBI?

19 MR. FERNANDEZ: I think it'll go a lot quicker if you  
20 listen to my answers, and I answered all of that.

21 CHAIR BONNER: Don't -- don't -- you don't need to be  
22 argumentative with me.

23 MR. FERNANDEZ: I'm not argue --

24 CHAIR BONNER: I'm trying to be courteous and polite and  
25 I -- so just -- if you could, just listen to my question --

1 MR. FERNANDEZ: Okay. Go ahead.

2 CHAIR BONNER: -- and answer it.

3 MR. FERNANDEZ: I'll answer it again.

4 CHAIR BONNER: So I'm trying to understand who you talked  
5 to at the FBI. So -- and I realize it's, you know, it's three,  
6 four, five years ago, whatever it is.

7 MR. FERNANDEZ: Right.

8 CHAIR BONNER: But there -- you said there was somebody  
9 that was the head of the group, and I'm trying to get which  
10 group or unit of the FBI. Did you talk to the special agent in  
11 charge of the FBI?

12 MR. FERNANDEZ: I did.

13 CHAIR BONNER: Okay.

14 Well, you don't remember his name?

15 MR. FERNANDEZ: Los Angeles Office.

16 No, I don't remember his name. It was two years --  
17 it was more than two years ago.

18 CHAIR BONNER: Okay. All right. So you met with them at  
19 11000 Wilshire Boulevard?

20 MR. FERNANDEZ: I did, yes.

21 CHAIR BONNER: Okay.

22 And there were other agents there?

23 MR. FERNANDEZ: There were other agents there, yeah.

24 CHAIR BONNER: And they guided you -- let me ask this very  
25 simple question: Did the FBI ever come in and say, "We'll take

1 over this investigation from the Sheriff's Department"? That's  
2 a "yes" or "no" answer, sir. Did they ever tell you --

3 MR. FERNANDEZ: I was just about to answer you.

4 CHAIR BONNER: You refuse to answer?

5 MR. FERNANDEZ: I was about to answer you. Yes.

6 CHAIR BONNER: Oh, okay. Go ahead.

7 MR. FERNANDEZ: I was told they were going to take over  
8 the investigation after the Sheila Kuehl search warrant.

9 CHAIR BONNER: Okay.

10 MR. FERNANDEZ: Yes.

11 CHAIR BONNER: And did they do that?

12 MR. FERNANDEZ: I don't know, because they won't confirm  
13 or deny it. I haven't got a letter that it's been declined  
14 yet, so I don't know if they're actually investigating her.

15 CHAIR BONNER: Did you stop your investigation -- when I  
16 say "you," I mean the Public Corruption Detail. Did it stop  
17 its investigation after the search warrants of Sheila Kuehl's  
18 house and Commissioner Giggans' house?

19 MR. FERNANDEZ: No. No.

20 CHAIR BONNER: So your investigation continued?

21 MR. FERNANDEZ: For about three days, and then it stopped  
22 because Rob Bonta's office took it.

23 CHAIR BONNER: Okay. So the Attorney General of the State  
24 of California took over --

25 MR. FERNANDEZ: Correct.

1 CHAIR BONNER: Okay. Gotcha. Thank you.

2 Mr. Kennedy.

3 COMMISSIONER KENNEDY: Could you tell us who was the  
4 leader of the detail that you worked in.

5 MR. FERNANDEZ: The leader of the detail?

6 COMMISSIONER KENNEDY: Yeah. The head of it.

7 MR. FERNANDEZ: Well, you mean the undersheriff, Murakami?

8 COMMISSIONER KENNEDY: Was he the leader -- the actual  
9 leader?

10 MR. FERNANDEZ: Well, there wasn't a leader. I mean, he  
11 was the -- he was our direct command above us. He was --  
12 yeah -- my supervisor.

13 COMMISSIONER KENNEDY: Okay.

14 MR. FERNANDEZ: Yeah. We don't use the word "leader."

15 COMMISSIONER KENNEDY: Who did you report to?

16 MR. FERNANDEZ: Yeah, yeah, yeah. Undersheriff Murakami.

17 COMMISSIONER KENNEDY: And while you were in the detail,  
18 Detective Fernandez, did you ever tell a third party that you  
19 were going to, quote, "take down the Board of Supervisors"?

20 MR. FERNANDEZ: No. That doesn't sound familiar.

21 COMMISSIONER KENNEDY: You're laughing, but I'm just  
22 asking.

23 MR. FERNANDEZ: No. That doesn't sound familiar, no.

24 COMMISSIONER KENNEDY: Okay.

25 So if someone close to you said that you said that,

1 they'd be lying?

2 MR. FERNANDEZ: Yeah. Yeah.

3 COMMISSIONER KENNEDY: Or at least mistaken?

4 MR. FERNANDEZ: No, no. It sounds like a direct lie. It  
5 doesn't sound like something I would say. Yeah, I mean, like,  
6 seriously walk around and say, "I'm going to take down the  
7 Board of Supervisors"? No. I think that sounds ridiculous. I  
8 mean, unless it was said in joking. I don't know.

9 COMMISSIONER KENNEDY: Okay.

10 Are you familiar with the prosecutor's Brady duty in  
11 criminal cases?

12 MR. FERNANDEZ: Yes.

13 COMMISSIONER KENNEDY: Okay.

14 And how would you describe the Brady duty in a  
15 criminal case?

16 MR. FERNANDEZ: Brady duty?

17 COMMISSIONER KENNEDY: Uh-huh.

18 Or Brady obligation. There may be slight differences  
19 in the way we talk about it.

20 MR. FERNANDEZ: Right, right. I mean, so we deal with  
21 this like a Brady list. Like, so there's certain things that  
22 have to be disclosed to Defense if you've been in some type of  
23 violation. I mean, off the top of my head, I can't really  
24 describe it to you. But is that what we're talking about?

25 COMMISSIONER KENNEDY: Yeah. I'm -- I'm wondering if

1 you're familiar that in a criminal case, the prosecution has to  
2 disclose exculpatory evidence to the accused person before  
3 trial; right? You know that.

4 MR. FERNANDEZ: Yeah, yeah.

5 COMMISSIONER KENNEDY: And they have to disclose  
6 impeaching information about prosecution witnesses, including  
7 deputy witnesses at a criminal trial.

8 MR. FERNANDEZ: Okay. Right.

9 COMMISSIONER KENNEDY: You're familiar with that; right?

10 MR. FERNANDEZ: Yes.

11 COMMISSIONER KENNEDY: And have you ever heard this term,  
12 like, "Brady list deputy" or "Brady list officer"?

13 MR. FERNANDEZ: Yeah. I just said, "Yeah. The Brady  
14 list."

15 COMMISSIONER KENNEDY: Okay.

16 Well, I was talking about the Brady obligation.

17 MR. FERNANDEZ: Right.

18 COMMISSIONER KENNEDY: And now I'm talking about a Brady  
19 list deputy.

20 MR. FERNANDEZ: And in my answer I said "yes."

21 COMMISSIONER KENNEDY: What is that?

22 MR. FERNANDEZ: We refer to Brady list. Right.

23 COMMISSIONER KENNEDY: What's a Brady list deputy or --

24 MR. FERNANDEZ: The Brady list deputy is a deputy that's  
25 on the list because of some form of -- he's got something in



1 his background that has to be disclosed; right? He or she.

2 COMMISSIONER KENNEDY: Can I ask: Are you a Brady list  
3 deputy?

4 MR. FERNANDEZ: No.

5 COMMISSIONER KENNEDY: Okay.

6 MR. FERNANDEZ: No. You could ask, but the answer is  
7 "no," I'm not on a Brady list.

8 COMMISSIONER KENNEDY: Okay.

9 In 2005, didn't a superior court judge find that you  
10 deliberately gave false testimony in a felony trial in Compton?

11 MR. FERNANDEZ: No. I've never heard that story in my  
12 life. This sounds like something you made up.

13 COMMISSIONER KENNEDY: Well, I'm not trying to make  
14 anything up, so why don't we go to Exhibit Number 11?

15 MR. FERNANDEZ: Okay.

16 COMMISSIONER KENNEDY: And so do you recall this case,  
17 People versus Aquino?

18 MR. FERNANDEZ: No, I don't.

19 COMMISSIONER KENNEDY: Okay.

20 MR. FERNANDEZ: Where's my name? I'm looking for it.

21 COMMISSIONER KENNEDY: Well, let's just take a look.  
22 Yeah, go ahead.

23 MR. FERNANDEZ: Well, it'd be easier if you just show me  
24 where the name was.

25 COMMISSIONER KENNEDY: Well, if you turn to page 2, it

1 says, "Sheriff's Deputy Max Fernandez," and it talks about you  
2 being the I.O. and testifying in this trial.

3 MR. FERNANDEZ: Okay.

4 COMMISSIONER KENNEDY: Okay. You see that?

5 MR. FERNANDEZ: Yeah.

6 COMMISSIONER KENNEDY: Do you remember this?

7 MR. FERNANDEZ: "Three suspect members Locos Trece Gang."  
8 Okay.

9 "One appellate (inaudible) testified the appellant  
10 told about a year prior to the shooting he was a member of  
11 the Locos Trece Gang. Upon the arrival to this location,  
12 Fernandez saw three male Hispanics standing near a car.  
13 One of the men was" -- let me see -- "the other was --  
14 Fernandez attempted to detain the man and the woman."

15 Okay. What part are we looking for, actually?

16 COMMISSIONER KENNEDY: Well, if you turn to page 5 -- I'm  
17 sorry -- page 3 of the opinion.

18 MR. FERNANDEZ: Okay.

19 COMMISSIONER KENNEDY: On the left side, the last sentence  
20 where it says: "However, the trial court found that there was  
21 no question that Fernandez's testimony regarding this matter  
22 was false."

23 MR. FERNANDEZ: Where it says, "Deputy Fernandez's  
24 testimony about the hooded jacket did not affect the outcome of  
25 the trial"?

1 COMMISSIONER KENNEDY: Yes.

2 In that heading, if you go to the last sentence on  
3 the left.

4 MR. FERNANDEZ: Well, let me read it all in context.

5 COMMISSIONER KENNEDY: Sure.

6 (Mr. Fernandez reads Exhibit 11.)

7 CHAIR BONNER: Have you finished?

8 MR. FERNANDEZ: No.

9 THE COURT: Okay.

10 (Mr. Fernandez continues reading Exhibit 11.)

11 MR. FERNANDEZ: Okay. So it looks like it's some sort of,  
12 like, appellate decision.

13 COMMISSIONER KENNEDY: Yes.

14 MR. FERNANDEZ: Where it says, "There was no question  
15 Fernandez's testimony regarding this matter was false about a  
16 jacket found in a car," which I don't recall.

17 And then here it says that "it didn't matter whether  
18 the testimony was intentionally false, it is not relevant." So  
19 they didn't actually discuss whether or not I made a mistake or  
20 if I lied.

21 But other than that, I mean, I don't remember this  
22 incident.

23 CHAIR BONNER: He's just going to ask you a question. He  
24 asked you to read it.

25 Now, Mr. Kennedy, did you have a question?

1 COMMISSIONER KENNEDY: Yes.

2 So you said there's no finding that it was, like,  
3 intentionally false; is that what you just said?

4 MR. FERNANDEZ: I mean, so far, what I've read.

5 COMMISSIONER KENNEDY: Okay.

6 MR. FERNANDEZ: It said that "there was no --"

7 COMMISSIONER KENNEDY: Well --

8 MR. FERNANDEZ: -- it didn't matter whether or not it was  
9 intentionally false or if it was some sort of mistake.

10 I don't remember.

11 COMMISSIONER KENNEDY: Well, on this same page, let's go  
12 to the right, the last sentence, which begins with:

13 "While there is nothing before" -- and then we turn  
14 the page -- "us that shows that Fernandez's testimony  
15 about the hooded jacket was intentionally elicited by the  
16 Prosecution, the testimony was deliberate and no slip of  
17 the tongue and helpful to the Prosecution."

18 MR. FERNANDEZ: Yeah. Who wrote -- I don't even know what  
19 I'm reading. Who wrote this?

20 COMMISSIONER KENNEDY: The California Court of Appeal.

21 MR. FERNANDEZ: Some defense attorney or -- I don't know  
22 who --

23 COMMISSIONER KENNEDY: The Court -- the justices on the  
24 Court of Appeal --

25 MR. FERNANDEZ: Okay.

1 COMMISSIONER KENNEDY: -- wrote this opinion.

2 MR. FERNANDEZ: Okay.

3 Well, I mean, it's there in writing. Like I said, it  
4 also says that they didn't decide whether or not it was  
5 irrelevant. It was irrelevant; whether or not it was an  
6 accident or not.

7 I don't -- what are you getting at? Are you calling  
8 me a liar? Is that what you're saying?

9 CHAIR BONNER: No, no. Look, we're just here to try to  
10 get the facts. So the question is, really, were you aware that  
11 a superior court judge said that you gave false testimony in a  
12 criminal proceeding?

13 MR. FERNANDEZ: I was not aware, no.

14 CHAIR BONNER: Okay.

15 You've never been told that?

16 MR. FERNANDEZ: No, I've never been told that. No.

17 CHAIR BONNER: Okay.

18 COMMISSIONER KENNEDY: And are you aware that then the  
19 appellate court also found that it was deliberate?

20 MR. FERNANDEZ: Like I just said, I read in the same thing  
21 that said that they didn't determine whether or not it was  
22 deliberate or not.

23 But I mean, if they could read my mind and tell me  
24 that I deliberately lied, is that what you're telling me on a  
25 case I don't even remember?

1           COMMISSIONER KENNEDY: Well, I don't want to be  
2 quarrelsome, but the appellate court said: "The testimony was  
3 deliberate and no slip of the tongue and helpful to the  
4 Prosecution."

5           MR. FERNANDEZ: Right, in that paragraph.

6                   And then you go back, and it says that they didn't  
7 determine whether or not it was deliberate or not. I mean --

8           COMMISSIONER KENNEDY: No.

9           MR. FERNANDEZ: Okay. So what? Can we move on?

10          CHAIR BONNER: I think the case is going to speak for  
11 itself; so...

12          COMMISSIONER KENNEDY: Yeah. I just want --

13          CHAIR BONNER: It is a little surprise -- aren't you a  
14 little surprised that you've never -- you were a deputy  
15 sheriff, and nobody ever told you this? Because this is the  
16 kind of thing that would put you on the Brady list, isn't it,  
17 Mr. Fernandez?

18          MR. FERNANDEZ: I don't know because, like I said, it  
19 looks like an appellate -- like a -- it's an appellate court.  
20 I get that. And it also says that they didn't determine if it  
21 was -- if it was accidental or not. So, I mean --

22          CHAIR BONNER: Well, this speaks for itself in that  
23 regard, but there's -- they also say the superior court judge  
24 found that you -- you lied under oath at -- at that criminal  
25 trial.

1 I'm just -- I'm trying to get at why wouldn't you  
2 know that, and why weren't you put on the Brady list? Because  
3 that's a -- that's a very serious matter if you -- if a judge  
4 of the Superior Court, much less the Court of Appeals justices,  
5 has determined that you're --

6 MR. FERNANDEZ: Maybe because they also wrote that they  
7 couldn't determine if it was accidental or not. So maybe  
8 that's why I wasn't put on a Brady list. Because it's in the  
9 same -- it's in the same page even. So maybe that's the  
10 reason.

11 CHAIR BONNER: All right.

12 MR. FERNANDEZ: I don't know. You tell me.

13 CHAIR BONNER: No. You're speculating, and I don't want  
14 you to do that, particularly. But okay. I just -- I was  
15 trying to understand why you were never --

16 MR. FERNANDEZ: Speculating to why I was --

17 CHAIR BONNER: -- and I was trying to -- I mean, because  
18 the District Attorney's Office, which was representing the  
19 People of the State of California in this case, they knew what  
20 the superior court judge found, and then they knew what the  
21 Court of Appeals found.

22 And I've just -- I just -- you've told me, so I'm  
23 accepted that you were never told that and, as far as you know,  
24 you were never put on the Brady list because of lying under  
25 oath in a criminal case.

1 MR. FERNANDEZ: Yeah. Because I've never lied under oath  
2 in a criminal case.

3 CHAIR BONNER: Well, but I realize that's your testimony,  
4 but we were looking at the record here that of a superior court  
5 judge --

6 MR. FERNANDEZ: That says they didn't determine whether or  
7 not it was accidental or not.

8 CHAIR BONNER: Well, the superior court judge said -- no.  
9 The superior court judge -- first of all, this is the appellate  
10 court, but let's --

11 MR. FERNANDEZ: Right.

12 CHAIR BONNER: -- we don't need to -- we don't need to get  
13 bogged down on it.

14 Actually, I think, probably, we thrashed to this  
15 enough, Commissioner Kennedy, unless you have further questions  
16 on this particular issue.

17 COMMISSIONER KENNEDY: No, I don't. I just want to say I  
18 think that the witness is speaking about the materiality  
19 determination. The court clearly says this is deliberate  
20 testimony.

21 CHAIR BONNER: Yeah.

22 COMMISSIONER KENNEDY: So the trial prosecutor that you  
23 worked with in this case never notified you about this finding.

24 MR. FERNANDEZ: I just said, I don't even remember this  
25 case. It was 20 years ago. I don't even remember this case.



1 I don't remember testifying to this case. I don't remember  
2 anything about a jacket.

3 COMMISSIONER KENNEDY: And have you been testifying in  
4 criminal cases since 2005?

5 MR. FERNANDEZ: Of course. Yes.

6 COMMISSIONER KENNEDY: And, I guess, since you don't know,  
7 obviously, you're not telling the prosecutors that you're  
8 working with that a judge found that you gave false testimony  
9 at a felony trial.

10 MR. FERNANDEZ: I did not give false testimony. And no, I  
11 don't tell anybody that I gave false testimony because I did  
12 not give false testimony.

13 If they determined that I made a mistake, then that's  
14 on them, but I did not give false testimony. I've never lied  
15 on the stand. That's ridiculous. Why would I do that? I'm an  
16 anti-corruption cop.

17 COMMISSIONER KENNEDY: Well, that's what I was going to  
18 ask. Did --

19 MR. FERNANDEZ: This is what I get?

20 COMMISSIONER KENNEDY: -- I didn't mean to interrupt you.  
21 Did you finish your answer?

22 MR. FERNANDEZ: No, no. I'm hearing the audience call me  
23 a joke and I get it. Whatever.

24 COMMISSIONER KENNEDY: Sorry about that. I don't -- I  
25 intend to treat you with all the respect that you deserve.

1 MR. FERNANDEZ: All right.

2 COMMISSIONER KENNEDY: To your knowledge, does the  
3 Sheriff's Department have any protocols or procedures for  
4 notifying prosecutors about a judicial finding that a deputy  
5 gave false testimony in court?

6 MR. FERNANDEZ: That's above my pay grade. I don't -- I  
7 don't ever deal with that.

8 COMMISSIONER KENNEDY: What does that mean? "That's above  
9 my pay grade."

10 MR. FERNANDEZ: All I could hear is people calling me a  
11 liar. That's all I could hear in the background.

12 What were you saying?

13 CHAIR BONNER: I didn't -- I didn't hear that, but I --  
14 please respect the Rules of Conduct for oversight commission.  
15 I don't want to hear any chatter from the audience.

16 So proceed, Commissioner Kennedy.

17 COMMISSIONER KENNEDY: To your knowledge, does the  
18 Department have any protocols or procedures for notifying  
19 prosecutors about a judicial finding that a deputy gave false  
20 testimony in court?

21 MR. FERNANDEZ: No. I don't know. I don't know. I'm  
22 assuming they do, but I don't know.

23 COMMISSIONER KENNEDY: Have you had any training on that?  
24 That if a judge finds that you gave false testimony, you are  
25 required to tell the prosecutors that you work with in the

1 future about that?

2 MR. FERNANDEZ: Have I had training?

3 COMMISSIONER KENNEDY: Yes.

4 MR. FERNANDEZ: No. No.

5 COMMISSIONER KENNEDY: Never?

6 MR. FERNANDEZ: No, I don't think I've ever been to any  
7 training where they say I have to notify -- or what the -- what  
8 the process is for notifying. No. I don't believe I've ever  
9 had any training like that.

10 COMMISSIONER KENNEDY: And did whomever invited you to  
11 join the Public Corruption Detail, did they ever discuss this  
12 judicial finding with you?

13 MR. FERNANDEZ: You mean from 25 years ago that I just  
14 found out about right now? Obviously, no. Nobody has --

15 COMMISSIONER KENNEDY: I mean, the detail when they --  
16 when they brought you on.

17 MR. FERNANDEZ: No. I'm telling you this is the first  
18 I've heard of it right now. That was already answered.

19 COMMISSIONER KENNEDY: Okay.

20 Okay. So you were mentioning what you called "the  
21 Giggans investigation."

22 MR. FERNANDEZ: Yes.

23 COMMISSIONER KENNEDY: And I'd like to turn to that.

24 And I'm almost done, so I really appreciate your  
25 cooperation so far.

1 I'm just going to ask this because I don't know your  
2 procedures. Did you -- were you, like, the lead investigator  
3 of the criminal investigation of Supervisor Sheila Kuehl and  
4 Commissioner Patti Giggans?

5 MR. FERNANDEZ: Yes.

6 COMMISSIONER KENNEDY: And as the lead investigator, did  
7 you act as the affiant in the requested search warrants in the  
8 investigation of Supervisor Kuehl and Commissioner Giggans?

9 MR. FERNANDEZ: Yes.

10 COMMISSIONER KENNEDY: Okay.

11 And for the -- not everyone may know what the affiant  
12 is. Can you tell us what that means, "acting as the affiant"?

13 MR. FERNANDEZ: The author of the search warrant,  
14 basically.

15 COMMISSIONER KENNEDY: Okay.

16 And I assume, based on what we've talked about, you  
17 did not disclose the finding in Aquino when you applied for a  
18 search warrant to the Court to search the supervisor's home and  
19 Commissioner Giggans' home.

20 MR. FERNANDEZ: Did I report that -- this Aquino case that  
21 I just was told about right now? That's what you're asking me?  
22 If I did that three years ago?

23 UNIDENTIFIED SPEAKER: As his counsel, I'm going to  
24 instruct him not to answer based on harassment by this  
25 commission. (Inaudible) that was very (inaudible) to my client

1 (inaudible).

2 CHAIR BONNER: I don't understand the objection exactly.

3 I mean, first of all, I -- I couldn't possibly agree  
4 that this kind of really straightforward examination is  
5 harassment, Counsel. And so that seems to be misguided.

6 And, secondly, I think he's just answering he didn't  
7 put it in the search warrant because he didn't know about it.  
8 That's his testimony. And so what's wrong with that? What's  
9 wrong with him answering that, because that's what he just  
10 answered?

11 UNIDENTIFIED SPEAKER: Well, I'm not going to engage in a  
12 dialogue with you, sir, on the nature of the objection. I'm  
13 going to instruct him not to answer because of harassment. If  
14 you don't agree, I respect that. You can get a order of show  
15 cause.

16 CHAIR BONNER: You're objecting to the question that was  
17 put -- the last question was put?

18 UNIDENTIFIED SPEAKER: Yes.

19 CHAIR BONNER: Okay.

20 UNIDENTIFIED SPEAKER: Objecting to any other further  
21 inquiries concerning this case, which is a unpublished case  
22 that was not made notice to my client. We don't know the  
23 transcript.

24 In fact, I'm not sure if the -- it was the defense  
25 attorney's brief that the judge was site -- I'm not sure. We

1 were not given this prior to this. My client has not been put  
2 on notice.

3 And I respect Mr. Kennedy's role, I respect your  
4 role, but my role is to protect my client's rights, and I  
5 believe he is being harassed by this commission. So I'm going  
6 to advise him not to answer any more questions.

7 CHAIR BONNER: I think -- make it for the record here so  
8 we have a clear record, I'm not sure there is going to be any  
9 further questions on the Aquino case --

10 UNIDENTIFIED SPEAKER: Very well.

11 CHAIR BONNER: -- so we'll just proceed. But if there  
12 were any, I think they've been answered, but if there aren't  
13 any, we would, of course, you know --

14 UNIDENTIFIED SPEAKER: What the record should also reflect  
15 is that this unpublished case for educational use only was  
16 cited by Mr. Kennedy, and that brief that was cited by the  
17 appellant's counsel, that's his representation of what my  
18 client's testimony from 25 years ago. I think this is a  
19 misrepresentation of what the Court of Appeals actually  
20 published. And we have not had the opportunity to review this  
21 to provide a meaningful answer. And I've spoken to the  
22 commission's attorney about things like this.

23 "Are there going to be any surprises because I want  
24 to be able to prepare my client for his testimony?"

25 And we were told, "Oh, you're going to answer some

1 questions on the Public Corruption Unit," and that was it.

2 So if there's any more questions on this case, I'm  
3 going to instruct my client not to answer. And if you disagree  
4 with me, I'm sure you will get an order show cause to compel  
5 Sergeant Fernandez to answer more questions.

6 CHAIR BONNER: That would -- that would be the remedy, and  
7 I don't know that we need it here.

8 UNIDENTIFIED SPEAKER: Thank you very much.

9 CHAIR BONNER: But I appreciate your -- your comments.

10 But in reality, you know, the fact that an opinion  
11 isn't for publication just means it can't be cited. I mean,  
12 it's public record. This is a public record document. Anybody  
13 can go online and pull up this case, I believe.

14 COMMISSIONER KENNEDY: Westlaw.

15 CHAIR BONNER: And so it's not like it's not public.

16 And so the question really was just -- you know, and  
17 your client's answered it. I mean, it was just really a  
18 curious thing that he wouldn't have been aware of it because  
19 you've read the -- you've read the case now.

20 But we passed that. It's water over the bridge.

21 UNIDENTIFIED SPEAKER: I think what is inherently unfair  
22 and really into the public and folks are here is that if you're  
23 going to ask a client a question, I think we should be made  
24 notice. I mean, where's the transcript? Where is the  
25 transcript from the superior court judge that made that ruling?

1 I mean, a person can give false testimony when you don't  
2 remember something, but here, we have a rendition from perhaps  
3 a brief or a citation from a brief.

4 And I think it's a character assassination to my  
5 client where Mr. Kennedy is trying to draw this inference that  
6 he's a liar. And I -- I think that's very, very deceptive.  
7 And I believe this commission is here to oversee these type of  
8 information, and I believe we should be all on the same  
9 platform here and we're not.

10 So if there -- I don't want to take up anymore --

11 CHAIR BONNER: No. And I'm hearing you.

12 UNIDENTIFIED SPEAKER: Sure.

13 CHAIR BONNER: I'm listening very closely to what you're  
14 saying, Counsel. And, to me, I mean, if you have a Court of  
15 Appeals of the State of California and they say that the trial  
16 judge has found that a witness gave false testimony, I mean, I  
17 think there's reason to accept that that's probably a valid  
18 finding, because they're not just going to say that in an  
19 opinion, whether it's published or unpublished, if it weren't  
20 true.

21 I mean, I'm just -- that's my experience both as a  
22 judge and as a lawyer. I mean, it would be -- I would fall out  
23 of my chair if that isn't based on facts and record that the  
24 Court of Appeals would say something like that as serious as  
25 that allegation is without the Superior Court having a record



1 of the superior court judge that says that.

2 So I just -- we disagree, but we're just -- we're  
3 just doing a little colloquy here.

4 UNIDENTIFIED SPEAKER: And, also, if I may have the last  
5 word. As a -- as a person, as a bench officer --

6 CHAIR BONNER: I'm not sure I'd give you the last word but  
7 go ahead.

8 UNIDENTIFIED SPEAKER: -- you would get the transcript  
9 from that judge who made the finding and inspect what the  
10 context of that was. Because deputy sheriffs makes split  
11 second decisions. He may not remember a jacket.

12 So I think it's inherently unfair for this commission  
13 to paint my client as a liar from a brief rendition, perhaps  
14 from an appellant's brief, because there are citations on there  
15 that's actually cited -- and I can't really see it too well --  
16 from the appellant's brief. That is the convicted defendant's  
17 attorney writing and their representation of the facts.

18 I just want to make sure that's clear for my client.  
19 Because it is -- I don't want him to be subject to these  
20 ridicule by these groups and these folks here.

21 CHAIR BONNER: Don't even --

22 UNIDENTIFIED SPEAKER: And they've been saying that all  
23 morning, by the way, sir.

24 CHAIR BONNER: Don't go there. Okay?

25 UNIDENTIFIED SPEAKER: They've been doing this all

1 morning, trying to ridicule my client. I'm not going to let  
2 that happen.

3 CHAIR BONNER: Well --

4 UNIDENTIFIED SPEAKER: Thank you for your time.

5 CHAIR BONNER: -- we will enforce the Rules of Conduct.

6 And you do -- I am giving you the last word, so let's  
7 move on.

8 Commissioner Kennedy, proceed with your examination.

9 COMMISSIONER KENNEDY: Your Honor, may I just clarify  
10 though for the commission that this is not a brief written by  
11 defense counsel, this is the opinion of the Court of Appeal.

12 CHAIR BONNER: Yeah. I think that's clear.

13 COMMISSIONER KENNEDY: Okay.

14 CHAIR BONNER: Okay. Let's move on from --

15 COMMISSIONER KENNEDY: Yes. I understand.

16 CHAIR BONNER: -- the Aquino case.

17 COMMISSIONER KENNEDY: So when you acted -- when you  
18 submitted an affidavit to get the search warrant -- by the way,  
19 who issued the search warrant? Do you remember?

20 MR. FERNANDEZ: It was signed by three different judges,  
21 and then, eventually, the last judge was Richman.

22 COMMISSIONER KENNEDY: Okay.

23 Judge Craig Richman was the one who signed it?

24 MR. FERNANDEZ: Right.

25 COMMISSIONER KENNEDY: Yeah.

1                   And can I ask you to turn to Exhibit Number 15 in the  
2 book?

3                   And that's the search warrant that the judge signed;  
4 right?

5           MR. FERNANDEZ: Correct.

6           COMMISSIONER KENNEDY: And if you could turn further on to  
7 pages 15 and 16 of this exhibit, it's your affidavit.

8                   Go ahead and turn to page 16 of your affidavit.

9           MR. FERNANDEZ: Sixteen?

10          COMMISSIONER KENNEDY: Yes.

11          MR. FERNANDEZ: Okay.

12          COMMISSIONER KENNEDY: You include information about  
13 Commissioner Giggans marrying her partner, Ellen Ledley, in a  
14 ceremony officiated by Sheila Kuehl; right? You see that?

15          MR. FERNANDEZ: Okay. Yes.

16          COMMISSIONER KENNEDY: And you also refer to the May 2004  
17 advocate article entitled "For Better, for Worse for Us,"  
18 authored by Supervisor Kuehl; right?

19          MR. FERNANDEZ: Correct.

20          COMMISSIONER KENNEDY: And you put in parentheses that the  
21 advocate is National Gay and Lesbian News Magazine.

22          MR. FERNANDEZ: Correct.

23          COMMISSIONER KENNEDY: Okay.

24                   And you say that Commissioner Giggans and the  
25 supervisor are -- you quote something from this article and the

1 advocate that "they're the closest friends in the universe";  
2 right?

3 MR. FERNANDEZ: That was a quote from Sheila Kuehl's  
4 article, yes.

5 COMMISSIONER KENNEDY: Right.

6 And then turning to the next page, you cite a  
7 discussion in which Supervisor Kuehl says:

8 Quote, "Suddenly it was decided my eight closest  
9 friends in the universe for lesbian couples, with whom  
10 I've spent birthdays, baby-namings, holidays; and in the  
11 case of Torie Osborn, eight happy years, a decade or so  
12 ago, were going to San Francisco to get married."

13 Right?

14 MR. FERNANDEZ: Yes.

15 COMMISSIONER KENNEDY: And you cite parts of the article,  
16 and on that same page that talk about:

17 "At City Hall, County Assessor Mabel Tang, an  
18 enthusiastic, supportive public servant, who herself,  
19 performed the city's first same sex marriage, led us  
20 through the paperwork."

21 You see that part?

22 MR. FERNANDEZ: Yeah. You skipped ahead, but I'm finding  
23 it.

24 COMMISSIONER KENNEDY: I'm just trying to summarize,  
25 Detective.

1 MR. FERNANDEZ: Right.

2 Okay. Yes.

3 COMMISSIONER KENNEDY: And what I wanted to know is: you  
4 were leading a public corruption investigation regarding an  
5 allegedly improper contract; right?

6 MR. FERNANDEZ: Correct.

7 COMMISSIONER KENNEDY: Why did you include references to  
8 Commissioner Giggans and -- and Supervisor Kuehl's sexual  
9 orientation in this affidavit? What does it have to do with  
10 the investigation?

11 MR. FERNANDEZ: So the part of the investigation that it  
12 has to do with is the conflict of interest. So there's a  
13 conflict of interest. The article shows -- the article was in  
14 a gay magazine. I didn't choose the magazine. It just  
15 happened to be in a gay and lesbian magazine.

16 The article states that they've been best friends for  
17 so many years or whatever -- what you just read. There's  
18 paperwork within the contract that Patti Giggans signed saying  
19 that they had no financial interest, they didn't know each  
20 other, they weren't close for -- you know, that kind of nature.  
21 There's a conflict of interest form, which is forging a  
22 government document, a felony, and that's what we're trying to  
23 prove.

24 And the research found this magazine, which was the  
25 National Gay and Lesbian News Magazine where Sheila Kuehl

1 actually wrote an article, which was back in 2004, showing that  
2 they had a relationship way back then. So that's why it's  
3 included in there. It has nothing to do with them being gay.  
4 That that's not the purpose.

5 The point is, it was in a magazine that was -- that  
6 was the National Gay and Lesbian News Magazine, but that's the  
7 only reason why it's mentioned because we have to mention  
8 where -- well, I mentioned where the reference came from.  
9 That's all. It's not any kind of -- any kind of hate or any  
10 kind of --

11 COMMISSIONER KENNEDY: It wasn't gratuitous?

12 MR. FERNANDEZ: No, of course not. It was an exact quote.  
13 I didn't add anything to it. They were exact quotes. That's  
14 exactly what Sheila Kuehl wrote in the magazine, that that's  
15 her best friend, and then she gives her million-dollar  
16 contracts. You know, that's the point. That's the point of  
17 the corruption. That's what we're talking about. That's the  
18 money laundering through her Peace Over Violence.

19 Which is shocking that she's actually right here, and  
20 she -- you know, she's here listening to the detective who  
21 actually investigated it. It seems a little inappropriate and  
22 a bit of a conflict there also.

23 COMMISSIONER KENNEDY: Well, you were present in court  
24 listening when the Attorney General announced that they had  
25 conducted an investigation of Commissioner Giggans, and after

1 conducting a thorough investigation, they did not find  
2 sufficient evidence to file any charges against her. You were  
3 in court; right?

4 MR. FERNANDEZ: Well, I could testify to my personal  
5 knowledge. And what I did was talk to the DOJ investigators,  
6 the actual guys investigating --

7 COMMISSIONER KENNEDY: What's the answer to my question  
8 though?

9 MR. FERNANDEZ: Well, I'm going to answer it right now.

10 So the DOJ investigators actually spoke to me and  
11 told me that the AGA did not allow them to look at any  
12 evidence, they did not do a complete investigation. I spoke to  
13 both the sergeant and the investigator, and they were told that  
14 they basically just sat on it, they never looked at any of the  
15 evidence we received from the search warrant. The whole thing  
16 was covered up, and the whole thing was dropped. And that's  
17 coming straight from the two investigators from the Department  
18 of Justice. So --

19 COMMISSIONER KENNEDY: Who's names are what?

20 MR. FERNANDEZ: One of them was Max something. I think  
21 the sergeant was Gonzalez -- Paul Gonzalez maybe. It was  
22 something of that nature. It's all in my reports that I don't  
23 have access to.

24 COMMISSIONER KENNEDY: Will you give this commission those  
25 reports, because we don't have them?

1 MR. FERNANDEZ: I don't have them. I don't have them.  
2 Everything -- everything was taken from me about two years ago  
3 or so, and I don't have any of them. I don't have any of my  
4 notes, I don't have anything. So I don't have access to  
5 anything.

6 COMMISSIONER KENNEDY: I didn't mean to interrupt you. Is  
7 there anything else you wanted to tell us before you answer my  
8 question, which is you were present in the court?

9 MR. FERNANDEZ: I just said, I was present in the court  
10 and spoke to the DOJ detectives right after, who told me that  
11 there was not a complete investigation done. That, as a matter  
12 of fact, they didn't look at anything. That's what I was told.

13 And I was there. I was present, yes.

14 COMMISSIONER KENNEDY: And you're saying there were DOJ  
15 investigators present at that final hearing where the Attorney  
16 General --

17 MR. FERNANDEZ: Where you were representing her; right?

18 COMMISSIONER KENNEDY: Yes.

19 MR. FERNANDEZ: That one?

20 COMMISSIONER KENNEDY: Yes.

21 MR. FERNANDEZ: Yes.

22 Which is also, I think, inappropriate that you're  
23 questioning me after you represented her at the actual hearing,  
24 and she's there looking at me. This is completely  
25 inappropriate. This is what we're talking about. Corruption



1 to cover up more corruption.

2 CHAIR BONNER: (Inaudible).

3 COMMISSIONER KENNEDY: I don't know. Because I --

4 CHAIR BONNER: You're not answering the question. The  
5 question --

6 MR. FERNANDEZ: No. I did answer. I said I was there. I  
7 said multiple times that I was there.

8 CHAIR BONNER: Sergeant Fernandez --

9 MR. FERNANDEZ: I don't think you were listening.

10 CHAIR BONNER: -- you said you were there. He asked you  
11 were you there and heard the judge exonerate, essentially,  
12 or --

13 MR. FERNANDEZ: No, no. That's not what he said.

14 CHAIR BONNER: -- exonerate --

15 MR. FERNANDEZ: He asked if I asked if the AGA said that  
16 they did a complete investigation.

17 CHAIR BONNER: Oh, did you --

18 MR. FERNANDEZ: And that we weren't -- that's what he  
19 said. There was nothing about exoneration. No, Judge.

20 CHAIR BONNER: I didn't remember that part of his  
21 question.

22 But let's go back and clarify your question.

23 COMMISSIONER KENNEDY: So you were present at the hearing  
24 in the criminal courts building when the Senior Deputy Attorney  
25 General announced that they had conducted a thorough

1 investigation, and they didn't find sufficient evidence to  
2 charge either the supervisor or the commissioner with any  
3 criminal offense.

4 MR. FERNANDEZ: Yes. I just said I was there.

5 COMMISSIONER KENNEDY: I know --

6 MR. FERNANDEZ: I said I spoke to the DOJ investigators  
7 right after.

8 COMMISSIONER KENNEDY: And that the attorney generals also  
9 represented that they didn't oppose quashing any of the  
10 warrants that you obtained and returning everything to the  
11 people who the items had been seized from; right?

12 MR. FERNANDEZ: Yeah. Yes. Yeah, I was there. I was  
13 there.

14 COMMISSIONER KENNEDY: Can I ask why were you there?

15 MR. FERNANDEZ: Because I was asked to be there by the  
16 AGA. They asked me to come, and I showed up.

17 COMMISSIONER KENNEDY: Which AG asked you to come?

18 MR. FERNANDEZ: I forget her name. Female. She had one  
19 of the DOJ investigators call us. Same one I spoke to at the  
20 elevator who told me that there was no investigation done, they  
21 never looked at any of the evidence, and they were told to  
22 stand down by the AGA's Office, and that the case was -- they  
23 decided the case was going to be done for months before.

24 COMMISSIONER KENNEDY: But didn't they present the case to  
25 a grand jury?

1 MR. FERNANDEZ: So they told me they presented the case to  
2 a secret grand jury, and nobody was supposed to know about  
3 that, but I see you do.

4 And the case was presented to the grand jury using  
5 only the initial report that was not written by me. They  
6 didn't use any of the evidence or any investigation I did  
7 afterwards, and they were not allowed to use a search warrant  
8 or any of the evidence seized from the search warrant. And  
9 that was directly from the DOJ sergeant.

10 COMMISSIONER KENNEDY: Well, isn't that because the  
11 Attorney General took over the investigation to do a completely  
12 independent, untainted investigation themselves?

13 MR. FERNANDEZ: Yeah. So if they did their own  
14 investigation, which I don't know about, because the Department  
15 of Justice does their investigations for them, and they were  
16 told -- I was told that they did not do an investigation.

17 But if they lied to me and they did do an  
18 investigation, then whatever was presented was not my  
19 investigation.

20 COMMISSIONER KENNEDY: And so you don't know what happened  
21 in the -- I mean, none of us know what happened in the grand  
22 jury room; right?

23 MR. FERNANDEZ: No. Because it was a secret grand jury  
24 that we weren't even supposed to know about.

25 COMMISSIONER KENNEDY: Well, aren't all grand juries

1 secret proceedings?

2 MR. FERNANDEZ: Yes. But it seems like you knew about it.

3 COMMISSIONER KENNEDY: But after the grand jury -- well, I  
4 don't know what happened in it.

5 MR. FERNANDEZ: No. But you knew there was a grand jury.

6 COMMISSIONER KENNEDY: But after the grand jury  
7 investigation, the Attorney General of the State of California  
8 decided that there was not sufficient evidence to charge  
9 anyone; right?

10 MR. FERNANDEZ: Yeah. That's what I just said.

11 COMMISSIONER KENNEDY: I know. I know. I just wanted to  
12 clarify.

13 CHAIR BONNER: That's good.

14 COMMISSIONER KENNEDY: This affidavit and search warrant,  
15 was it -- wasn't it posted on public media?

16 MR. FERNANDEZ: It was released on, I think, the sheriff's  
17 website or something like that.

18 COMMISSIONER KENNEDY: Yes.

19 MR. FERNANDEZ: Right.

20 COMMISSIONER KENNEDY: Is that ordinary that the sheriffs  
21 are posting a search warrant and an affidavit on the Internet  
22 for all to see?

23 MR. FERNANDEZ: I've never seen that before.

24 COMMISSIONER KENNEDY: Okay.

25 MR. FERNANDEZ: Right.

1 COMMISSIONER KENNEDY: And do you know why it was done in  
2 this case?

3 MR. FERNANDEZ: No. It wasn't my decision. I didn't do  
4 it.

5 COMMISSIONER KENNEDY: Do you know whose decision it was?

6 MR. FERNANDEZ: I do not.

7 COMMISSIONER KENNEDY: Was it Sheriff Villanueva's  
8 decision?

9 MR. FERNANDEZ: If I don't know who did it, then no. I  
10 don't know. I have no idea. I wasn't even given warning. I  
11 didn't know it was going to happen.

12 COMMISSIONER KENNEDY: When you saw it, did you ask, like,  
13 "Who did that?"

14 MR. FERNANDEZ: When I saw it, I was shocked, you know,  
15 because it's my writing, you know, I put a lot of work into it,  
16 and it was shocking to see it online. But I had no idea, and I  
17 didn't ask.

18 COMMISSIONER KENNEDY: Was it posted, do you think, to  
19 embarrass or scare Supervisor Kuehl and Commissioner Giggans?

20 MR. FERNANDEZ: You mean -- so you want me to tell you  
21 what someone who I didn't know did this, what was in their mind  
22 when they posted it? How could I answer that?

23 COMMISSIONER KENNEDY: Okay.

24 CHAIR BONNER: You can just say "I don't know."

25 MR. FERNANDEZ: Yeah, but basically --

1 CHAIR BONNER: That would be a good answer if that's what  
2 you would've said --

3 COMMISSIONER KENNEDY: I'll take your answer as "I don't  
4 know."

5 I don't have any further questions.

6 CHAIR BONNER: But let me ask if there are members of the  
7 commission that have any questions for Sergeant Fernandez.

8 JP?

9 COMMISSIONER COOPER: I have a question.

10 CHAIR BONNER: Yeah, go ahead, Commissioner.

11 COMMISSIONER COOPER: You mentioned in the Ross case that  
12 you saw someone pick a gun up off the ground and run away.

13 MR. FERNANDEZ: Yes.

14 COMMISSIONER COOPER: Now, was that before you shot him or  
15 after you shot him?

16 MR. FERNANDEZ: It was after.

17 COMMISSIONER COOPER: So you shot him after you saw that  
18 the gun was on the ground, so there was no gun in his hand  
19 pointing at you at the time you shot him?

20 MR. FERNANDEZ: What? You completely changed the  
21 question.

22 No. The guy picked the gun up on the ground after  
23 I'd shot him, and he dropped the gun.

24 COMMISSIONER COOPER: Okay.

25 MR. FERNANDEZ: Yeah, you completely switched it around.

1           COMMISSIONER COOPER: I just wanted to be clear about the  
2 gun --

3           MR. FERNANDEZ: I didn't shoot any unarmed man, if that's  
4 what you're asking. No. And there's no record of me shooting  
5 any unarmed man. That did not happen.

6           CHAIR BONNER: Thank you.

7                   Any other questions?

8                   Yeah, Commissioner Hicks.

9           COMMISSIONER HICKS: Are you familiar with a Pitchess  
10 hearing?

11           MR. FERNANDEZ: Pitchess, yes.

12           COMMISSIONER HICKS: Have you ever had to testify in a  
13 Pitchess hearing?

14           MR. FERNANDEZ: No.

15           COMMISSIONER HICKS: Have you ever had to have your  
16 personnel records subpoenaed for a Pitchess hearing?

17           MR. FERNANDEZ: I believe we've -- they've requested  
18 Pitchess hearings in the past, but I don't know what comes of  
19 that. Our department handles that -- their legal department  
20 handles it.

21           COMMISSIONER HICKS: But do you know if your personnel  
22 file has ever been subpoenaed by a judge for review?

23           MR. FERNANDEZ: I don't know. No.

24           CHAIR BONNER: Any other questions?

25                   All right. Sergeant Fernandez, you may step down.

1 MR. FERNANDEZ: Yes.

2 CHAIR BONNER: And do you -- is this a good time to take a  
3 break, or would you like to call the next witness, Mr. Kennedy?

4 COMMISSIONER KENNEDY: I spoke with the witness's counsel,  
5 and I think it'd be great if we could take a break.

6 CHAIR BONNER: Yeah.

7 Okay. So why don't we take our morning break, and  
8 we'll resume at 10:30, promptly. 10:30 A.M. We stand in  
9 recess until 10:30.

10 (Recess was taken until 10:30 A.M.)

11 CHAIR BONNER: All right. So let's come to order.

12 We're going to resume this special hearing of the  
13 Oversight Commission.

14 All right. So let's come to order. I'm going to ask  
15 Commissioner Kennedy to call his next witness.

16 COMMISSIONER KENNEDY: We call Detective Mark Lillienfeld.

17 CHAIR BONNER: Mr. Lillienfeld, if you'd step forward,  
18 sir.

19 Raise your right hand, sir. Do you swear or affirm  
20 that the testimony you'll give before this oversight commission  
21 will be the truth, the whole truth, and nothing but the truth?

22 MR. LILLIENFELD: I do.

23 CHAIR BONNER: Please be seated, sir.

24 Could you state your full name and spell your last  
25 name for us if you would?



1 MR. LILLIENFELD: Mark Lillienfeld, L-i-l-l-i-e-n-f-e-l-d.

2 CHAIR BONNER: Thank you.

3 Your witness, Mr. Kennedy.

4 COMMISSIONER KENNEDY: Good morning, Mr. Lillienfeld. I'm  
5 sorry I mispronounced it, my apologies.

6 MR. LILLIENFELD: No worries.

7 Good morning.

8 COMMISSIONER KENNEDY: How long were you with the LA  
9 County Sheriff's Department?

10 MR. LILLIENFELD: Forty-three years.

11 COMMISSIONER KENNEDY: And are you still with the  
12 Sheriff's Department now?

13 MR. LILLIENFELD: I am not.

14 COMMISSIONER KENNEDY: When did you retire?

15 MR. LILLIENFELD: January 26th of 2023.

16 COMMISSIONER KENNEDY: I thought it was, like, 2016. No?

17 MR. LILLIENFELD: I retired the first time on  
18 August 10th of 2016, and I went back as a part-time deputy  
19 sheriff in 2019 and then retired a second time in 2023.

20 COMMISSIONER KENNEDY: Okay.

21 Now, you were previously subpoenaed to testify before  
22 this commission; right?

23 MR. LILLIENFELD: Yes.

24 COMMISSIONER KENNEDY: Okay.

25 Can you take a look at -- there's an exhibit book in

1 front of you -- Exhibit Number 6?

2 MR. LILLIENFELD: Okay.

3 COMMISSIONER KENNEDY: This was the subpoena; right? You  
4 were supposed to come here and testify on November 18th, 2021.

5 MR. LILLIENFELD: That's correct.

6 COMMISSIONER KENNEDY: Did you do that?

7 MR. LILLIENFELD: I did not.

8 COMMISSIONER KENNEDY: Why not?

9 MR. LILLIENFELD: On the advice of county counsel at the  
10 time.

11 I see lacking in this exhibit was my response as to  
12 why I didn't appear to testify.

13 But under the advice of county counsel at the time, a  
14 letter was authored with their assistance, and then signed by  
15 me on Sheriff's letterhead indicating the reasons why I did not  
16 appear at that time.

17 COMMISSIONER KENNEDY: I'm sorry. I've never seen that  
18 letter. Can you tell us what it -- or tell us your reasons or  
19 what it said, whatever you prefer, because I haven't seen that  
20 letter.

21 MR. LILLIENFELD: Oh.

22 CHAIR BONNER: Just the substance of the letter as you  
23 recall it.

24 MR. LILLIENFELD: There was no foundation for my testimony  
25 to come. I wasn't the person most knowledgeable. I was still

1 active on duty conducting criminal inquiries, and whatever the  
2 subject matter was going to be of my testimony at that time, it  
3 wouldn't have been appropriate -- me for -- to answer any of  
4 the questions that the commission was inquiring about at that  
5 time.

6 COMMISSIONER KENNEDY: But the subpoena was to you, not  
7 the person most knowledgeable; right?

8 MR. LILLIENFELD: That's correct.

9 COMMISSIONER KENNEDY: And can I ask, if you thought the  
10 subpoena was improper, is there some reason you didn't have  
11 your lawyer move to quash it?

12 MR. LILLIENFELD: It wasn't my lawyer, it was county  
13 counsel.

14 And no, I can't answer that question. County counsel  
15 litigated that appearance with the commission. You in  
16 particular, I believe.

17 COMMISSIONER KENNEDY: I don't recall. Could you tell us  
18 the county counsel you're talking about?

19 MR. LILLIENFELD: I cannot. I'm sorry. I don't recall  
20 his name.

21 CHAIR BONNER: Do you recall the one -- the county counsel  
22 that basically gave you advice that you didn't need to appear  
23 on this subpoena?

24 MR. LILLIENFELD: I don't, Your Honor, remember the name.

25 CHAIR BONNER: And there's a letter though from the

1 Sheriff's Department that essentially was -- if I understand it  
2 correctly, was -- was it drafted by county counsel or was --

3 MR. LILLIENFELD: Myself and county counsel. That's  
4 correct.

5 CHAIR BONNER: And that was -- and it was sent to the  
6 commission?

7 MR. LILLIENFELD: That's correct.

8 CHAIR BONNER: All right. Well, I'll ask our staff to see  
9 if they can locate that letter because I've never seen it  
10 either but...

11 Okay. Next question.

12 COMMISSIONER KENNEDY: Detective, I apologize. I'm just  
13 going to ask this straight out. Were you affiliated with any  
14 of the tattooed groups in the Department?

15 MR. LILLIENFELD: No.

16 COMMISSIONER KENNEDY: Okay.

17 So you don't have any tattoo representing a  
18 membership in one of the secret groups?

19 MR. LILLIENFELD: No.

20 COMMISSIONER KENNEDY: I didn't think so, but I had to  
21 ask.

22 So after you retired the first time in 2016, did you  
23 start working for the District Attorney's Office then?

24 MR. LILLIENFELD: I did.

25 COMMISSIONER KENNEDY: Okay.

1                   And what did you do there?

2                   MR. LILLIENFELD: I was a consultant investigator. I was  
3 a civilian that was hired on a case-by-case basis, oddly enough  
4 with the approval of the LA County Board of Supervisors to pay  
5 my salary, and I was assigned specifically to the Appellate  
6 Division, the Conviction Review Unit, where I assisted in  
7 investigating claims of wrongful conviction, claims of factual  
8 innocence. And that was my job there for -- it was a -- I was  
9 hired several times on a contractual basis, and I handled, I  
10 believe, four cases during my employment there.

11                  COMMISSIONER KENNEDY: And you said you were a civilian?

12                  MR. LILLIENFELD: That's correct.

13                  COMMISSIONER KENNEDY: So you were not a deputy at that  
14 time --

15                  MR. LILLIENFELD: That is correct.

16                  COMMISSIONER KENNEDY: -- you were working for the DA?

17                  MR. LILLIENFELD: That's correct.

18                  COMMISSIONER KENNEDY: And while you were working for the  
19 district attorney, did you ever put on your old deputy sheriff  
20 uniform and enter the Men's Central Jail under false pretenses?

21                  MR. LILLIENFELD: Yes and no is the answer to that.

22                                It wasn't an old uniform, it was a new uniform. I  
23 still had peace officer status because I was a reserve deputy  
24 sheriff for the County of Los Angeles.

25                                I was working in that capacity as a civilian

1 investigator for the DA's office. I was conducting a long-term  
2 undercover operation that the needs of the operation were that  
3 I had to go to Men's Central Jail every morning, about 4:00 in  
4 the morning, and essentially change a recording device out.

5 And after about a week of doing that, it became  
6 apparent that, because I was in civilian clothes, that I was  
7 becoming a distraction walking the hallways and being within  
8 the confines of the jail. So it was much easier to put on my  
9 deputy sheriff uniform, which is the same uniform that reserve  
10 deputy sheriffs wear, and walk into the jail in that manner,  
11 because you're kind of invisible when you're in a uniform.

12 COMMISSIONER KENNEDY: Okay.

13 MR. LILLIENFELD: Okay.

14 COMMISSIONER KENNEDY: Well, let's take a look at it.  
15 Exhibit Number 10 is a video, and then I'll ask you about it  
16 after we play it.

17 (The video marked as Exhibit Number 10 plays.)

18 COMMISSIONER KENNEDY: What's going on in Exhibit 10, the  
19 video that we just played?

20 MR. LILLIENFELD: That's a video of me walking into  
21 Men's Central Jail and placing a Egg McMuffin and a cup of  
22 coffee underneath a pew in the chapel of the jail so that a  
23 agent working for the government could pick it up and then  
24 share it with a target of a murder investigation. That's  
25 what's going on there.

1           Of course, you knew that because you and I personally  
2 have met on only one occasion before, and I showed you the  
3 sealed court order commanding and allowing me to conduct myself  
4 in that manner. Maybe you don't remember that.

5           Do you remember that, Mr. Kennedy?

6           COMMISSIONER KENNEDY: I -- I --

7           MR. LILLIENFELD: You do not. Yeah.

8           At the time when I explained to you Perkins versus  
9 Illinois, 496 U.S. 292, a Supreme Court decision allowing that  
10 kind of conduct by law enforcement, you seemed baffled by it  
11 then. And I don't know if you're familiar with it now, if you  
12 did any research on that particular case, but that's what's  
13 going on in that video.

14          COMMISSIONER KENNEDY: No. I recall the conversation --

15          MR. LILLIENFELD: There you go.

16          COMMISSIONER KENNEDY: -- about Perkins. Yeah.

17           I don't see you doing anything with the tape  
18 recording there. Am I missing that?

19          MR. LILLIENFELD: You are.

20          COMMISSIONER KENNEDY: Could you tell us where you're  
21 doing something with the tape recording?

22          MR. LILLIENFELD: It's not captured on the video.

23           I'm conducting an undercover operation with an agent  
24 working for the government. And he's got a very small,  
25 battery-operated, micro digital recorder on his person, and it

1 only lasts for about 12 to 14 hours. So every day, I have to  
2 go and take that recorder from the agent and then refresh it  
3 with a new recorder so that he can capture incriminating  
4 conversations from the target of the investigation, again, as I  
5 explained to you before, years ago.

6 COMMISSIONER KENNEDY: Okay. I'm asking you about --

7 CHAIR BONNER: Can I just ask though --

8 COMMISSIONER KENNEDY: Yeah.

9 CHAIR BONNER: Can you say who the investigative agency  
10 was with respect to that undercover matter?

11 MR. LILLIENFELD: It was not a -- well, the investigative  
12 agency was the LA County DA's Office. There was a innocence  
13 investigation that was combined.

14 One of the best ways to prove factual innocence of a  
15 wrongly accused or convicted person is to actually find facts  
16 and evidence of the person that actually did the crime. So  
17 this was the latter half of that equation. We were targeting  
18 the actual murder suspect. We had already exonerated and  
19 released the wrongfully convicted person who had served 12  
20 years for a murder for which he didn't do.

21 Does that make sense to you, sir?

22 CHAIR BONNER: Yeah. Yes.

23 So this is the period of time where you were working  
24 for the DA's Office on their postconviction issues; right?

25 MR. LILLIENFELD: Conviction Review Unit. Correct.



1 CHAIR BONNER: Thank you. Okay.

2 COMMISSIONER KENNEDY: Okay.

3 CHAIR BONNER: Commissioner Kennedy.

4 COMMISSIONER KENNEDY: So if you were entering the jail in  
5 connection with a Perkins Operation for the DA's Office where  
6 you're a civilian employee, why did you put on a sheriff's  
7 uniform?

8 MR. LILLIENFELD: Because when I would enter the jail in  
9 plain clothes -- I'm old. I was old then, I'm old now -- and a  
10 lot of guys knew me and they knew, "Hey, I thought you were  
11 retired. Hey, what are you doing here?" And I would be in  
12 plain clothes, and I would have my retired credentials from the  
13 Sheriff's Department around my neck, which authorized me to go  
14 in and out of a custody facility. And so in order to avoid  
15 other uniformed, young patrol deputies or young custody  
16 deputies that knew me, saying, "Hi, how you doing? What are  
17 you doing here?" in order to avoid all that, I put on a  
18 uniform, again, pursuant to an order signed by a judge that is  
19 sealed that you have read when you and I met two years ago.

20 COMMISSIONER KENNEDY: If it's --

21 MR. LILLIENFELD: You've got that look like -- you don't  
22 remember any of that, do you?

23 COMMISSIONER KENNEDY: I'm so sorry.

24 MR. LILLIENFELD: That's okay.

25 COMMISSIONER KENNEDY: But if it's sealed, could you show

1 it to me?

2 MR. LILLIENFELD: I did show it to you before. It's still  
3 under seal. I'm happy to show it to you in a venue other than  
4 this one. Absolutely. Not a problem.

5 COMMISSIONER KENNEDY: And does the order say that you can  
6 wear a uniform of a sheriff and pretend to be an active  
7 sheriff --

8 MR. LILLIENFELD: The periphery of the order obviously  
9 allows for the technical aspects of this undercover operation  
10 to occur.

11 The order, in fact, signed by a superior court judge,  
12 allows me to introduce tobacco into the jail, which is against  
13 law. It's an infraction. So the order is asking for a  
14 deviation from that minor law -- that infraction -- and asking  
15 me to -- granting me permission to introduce tobacco in order  
16 for the undercover agent to befriend the target of the murder  
17 investigation.

18 People don't confess to murder if they don't like  
19 you. So I wanted the undercover agent to develop a  
20 relationship with the target of the murder.

21 But you knew all that before because we have had this  
22 conversation, Mr. Kennedy.

23 COMMISSIONER KENNEDY: Now, bringing tobacco in the jail,  
24 you said that that's -- what? -- an infraction or a  
25 misdemeanor?

1 MR. LILLIENFELD: Bringing tobacco into the jail is a  
2 infraction.

3 COMMISSIONER KENNEDY: Yeah.

4 And impersonating a peace officer is a misdemeanor;  
5 right?

6 MR. LILLIENFELD: That's correct.

7 COMMISSIONER KENNEDY: Penal Code 538(d)?

8 MR. LILLIENFELD: Correct.

9 COMMISSIONER KENNEDY: Does the order take care of that  
10 and say that you --

11 MR. LILLIENFELD: Again, that's been asked and answered,  
12 and my same answer stands. The magistrate signing the order  
13 knew. It was clear that I was going to use that particular  
14 tactic in order to introduce the device into the jail.

15 The goal here is to gather evidence in a criminal  
16 inquiry. It's not -- you -- much like the previous witness,  
17 you ask it, like, with this nefarious look like something was  
18 done wrong on my part or the part of the government when, in  
19 fact, I'm the F-ing good guy here who got an innocent man out  
20 of prison, and I'm trying to solidify his release and his  
21 exoneration by obtaining evidence, the guy that committed a  
22 terrible murder.

23 CHAIR BONNER: I think though the question though, just to  
24 focus it a bit, is did the order of the superior court judge  
25 that you're referring to -- did it specifically permit you to

1 wear a sheriff's department uniform or not?

2 MR. LILLIENFELD: The answer to that is "no." There were

3 oral representations made to the judge that that would occur

4 when questions were asked orally prior to signing the order.

5 "How are you going to do this? What are the technical parts of

6 this operation?"

7 COMMISSIONER KENNEDY: Okay.

8 CHAIR BONNER: And did you name the judge who signed the

9 order?

10 MR. LILLIENFELD: I did not.

11 CHAIR BONNER: Can you?

12 MR. LILLIENFELD: Sure.

13 CHAIR BONNER: Who is it?

14 MR. LILLIENFELD: Judge Debra Ann Cole.

15 COMMISSIONER KENNEDY: Should I continue, Your Honor --

16 CHAIR BONNER: Yes, please. I'm sorry. Proceed.

17 COMMISSIONER KENNEDY: So Exhibit 10, the video that we

18 watched, you've been talking about an undercover agent. The

19 person looks like they're dressed like an inmate. Are they an

20 inmate, or were they an undercover agent? If you can answer, I

21 don't know.

22 MR. LILLIENFELD: I can answer.

23 Yes, they were an inmate acting in our capacity on

24 behalf of the government.

25 COMMISSIONER KENNEDY: Can I ask: Are even, like, real

1 active deputies allowed to bring gifts to inmates in the jail?

2 MR. LILLIENFELD: Normally, no. Absolutely not.

3 COMMISSIONER KENNEDY: And -- I mean, is that what you're  
4 doing? Like, you said it was an Egg McMuffin and coffee;  
5 right?

6 MR. LILLIENFELD: Yes.

7 COMMISSIONER KENNEDY: And why are you giving an inmate an  
8 Egg McMuffin and coffee?

9 MR. LILLIENFELD: Because I want that inmate who's working  
10 on my behalf and behalf of the government to share that with  
11 the target inmate so that the target inmate will be under the  
12 impression that that inmate has some juice and has some swing  
13 and he's able to smuggle in contraband into the jail so that  
14 eventually he could smuggle in a cell phone, which are prolific  
15 in our custody facilities. And that, hopefully, the target  
16 inmate could then make a phone call on a phone in which we  
17 would already have court authorization to monitor the calls and  
18 perhaps confess to the murder.

19 That was the ultimate goal of the operation besides  
20 eliciting a confession or an admission from the actual  
21 shooter -- the actual killer. You understand that,  
22 Mr. Kennedy?

23 COMMISSIONER KENNEDY: I'm trying.

24 MR. LILLIENFELD: Okay.

25 Again, this is the second time you and I have had

1 this discussion, but it's fine.

2 COMMISSIONER KENNEDY: Do we have anything other than your  
3 word that the bag contains an Egg McMuffin or a coffee?

4 MR. LILLIENFELD: Great question.

5 COMMISSIONER KENNEDY: Thank you.

6 MR. LILLIENFELD: No, I can't. I, you know -- no, I can't  
7 think of anything other than my word.

8 You know, I did spend 43 years of dedicated service  
9 here to be accused of smuggling contraband into a jail for a  
10 purpose other than the authorized purpose. I am very happy  
11 with the salary that I make at the Sheriff's Department. I  
12 don't have to smuggle in dope on the side.

13 COMMISSIONER KENNEDY: I'm just trying to ask you  
14 questions. I'm not trying to accuse you of anything.

15 MR. LILLIENFELD: They're really offensive at times. I  
16 can see why the previous witness was not happy.

17 But go ahead.

18 CHAIR BONNER: Yeah. But we're -- you're not being  
19 accused of anything.

20 MR. LILLIENFELD: I understand.

21 CHAIR BONNER: This is just clarifying, and you -- your  
22 testimony has clarified any number of things.

23 MR. LILLIENFELD: Well, I certainly want to be clear,  
24 Your Honor.

25 CHAIR BONNER: All right. That's fair. That's good.

1 That's good.

2 MR. LILLIENFELD: Sure.

3 CHAIR BONNER: All right.

4 COMMISSIONER CALLOWAY: Can I ask a question? Just --

5 CHAIR BONNER: Yeah. Sure. Go ahead, I think.

6 COMMISSIONER CALLOWAY: So I was just wondering, when you  
7 are working in an operation and there's procedures, is there a  
8 procedure to actually inventory when you're bringing in  
9 something that is for a registered informant that -- to go  
10 along with that operation? So, like, you check it in just like  
11 if you were to have to put your wallet and all that stuff into  
12 a case that somebody looks inside the bag and says, "Oh,  
13 McMuffin and coffee." Is there a procedure like that?

14 MR. LILLIENFELD: There is. Everybody entering the jail  
15 is subject to search, including staff employees.

16 COMMISSIONER CALLOWAY: So there's --

17 MR. LILLIENFELD: That's how they cut down on -- that's  
18 how they cut down on contraband being admitted.

19 COMMISSIONER CALLOWAY: So there would be a log of that  
20 McMuffin and coffee?

21 MR. LILLIENFELD: A law?

22 COMMISSIONER CALLOWAY: Log.

23 CHAIR BONNER: A log.

24 MR. LILLIENFELD: Oh, a log. No, not that I'm aware of.

25 COMMISSIONER CALLOWAY: Okay.

1 COMMISSIONER KENNEDY: Okay.

2 Commissioner Calloway, you predicted my next  
3 question.

4 COMMISSIONER CALLOWAY: (Inaudible).

5 COMMISSIONER KENNEDY: No, no. That's --

6 CHAIR BONNER: But wouldn't that be in some sort of an  
7 investigative report that you had that, or did you not prepare  
8 investigative reports of dealing with an undercover,  
9 cooperating informant?

10 MR. LILLIENFELD: A hundred percent. The receipt for the  
11 purchase from the McDonald's is attached to a piece of paper,  
12 that piece of paper becomes an exhibit that's attached to a  
13 report basically describing the operation and what occurred.  
14 Absolutely.

15 COMMISSIONER HARRIS: Mr. Bonner?

16 CHAIR BONNER: Yes?

17 Okay, JP.

18 COMMISSIONER HARRIS: If I could?

19 CHAIR BONNER: This is Commissioner Harris.

20 MR. LILLIENFELD: I know him well.

21 CHAIR BONNER: (Inaudible).

22 COMMISSIONER HARRIS: Yeah. Detective Lillienfeld, I'm  
23 just wondering when you did enter the sallyport that day, did  
24 anybody ask to look inside that bag, or they just let you go  
25 through because you're wearing a uniform and had a bag in your



1 head?

2 MR. LILLIENFELD: Nobody asked to look in the bag. And I  
3 assume that they waived me through the sallyport because I was  
4 in uniform.

5 And, again, I'm old. I've been on the Department a  
6 long time. Back then, I was on the Department a long time, and  
7 people knew who I was.

8 COMMISSIONER HARRIS: Okay.

9 Would you say that it's typical that they let people  
10 just walk in like that without looking in their bags, if you  
11 know?

12 MR. LILLIENFELD: You know, that's a good question, and I  
13 don't know the answer to that.

14 COMMISSIONER HARRIS: All right.

15 All right. Thank you.

16 CHAIR BONNER: Okay. You may proceed, Mr. Kennedy.

17 COMMISSIONER KENNEDY: Did you put on the uniform so that  
18 they wouldn't ask you what was in the bag?

19 MR. LILLIENFELD: No. I put on the uniform, as I  
20 testified it earlier, three minutes ago, so that a bunch of  
21 people wouldn't come up to me and say, "Hey, aren't you  
22 retired? What the hell are you doing in this facility?"  
23 That's why I put on the uniform, because you're invisible when  
24 you're in a uniform. You're just another old guy in a uniform.

25 COMMISSIONER KENNEDY: So can I ask: Did you tell the

1 district attorney -- the deputy district attorney that you were  
2 working with that you were going to do this?

3 MR. LILLIENFELD: Yes.

4 COMMISSIONER KENNEDY: And what did that person say? They  
5 said it was okay?

6 MR. LILLIENFELD: They said it was great. They thought it  
7 was a brilliant idea and a brilliant plan.

8 I've been conducting those operations more or less  
9 the entire 43 years I've been a deputy sheriff, though it  
10 wasn't a lot of mystery to it. I'm moderately proficient at  
11 conducting undercover operations in custody facilities.

12 COMMISSIONER KENNEDY: And who was that deputy DA that  
13 thought that you putting on a uniform and entering the jail as  
14 if you were a deputy was brilliant? Who is that? Do you know?

15 MR. LILLIENFELD: There were several that were aware of  
16 it, including the elected DA at the time, Jackie Lacey.

17 COMMISSIONER KENNEDY: Who else?

18 MR. LILLIENFELD: And I'm sorry I'm drawing a blank.

19 COMMISSIONER KENNEDY: That's okay.

20 MR. LILLIENFELD: Brian. He's the head deputy DA of a  
21 major in narcotics division. I've only known him 25 years, and  
22 I'm blanking on his last name now.

23 Oh, Brian Schirin, S-c-h-i-r-i-n, was aware of it as  
24 were other DAs in the office. Bobby Grace I believe was aware  
25 of it too.

1 All those DAs were assigned to the Conviction Review  
2 Unit within the Appellate Division that I worked with and for.

3 COMMISSIONER KENNEDY: Okay. So it sounds like the DA's  
4 office was okay with it.

5 Were the jail officials okay with it?

6 MR. LILLIENFELD: I was acting pursuant to a court order.

7 COMMISSIONER KENNEDY: But my question was: Were the jail  
8 officials okay with what you --

9 MR. LILLIENFELD: You would have to subpoena and ask them.  
10 I don't know the answer to that question. I can't get in their  
11 minds. I know the elected sheriff at the time was not very  
12 well-versed in jail procedures and policies, and it became --  
13 obviously, why you're using it now for some kind of questioning  
14 along these lines here -- but it became kind of a cause  
15 célèbre. It became a big deal of some sort, mostly because of  
16 personal animosity.

17 But go ahead and ask another question.

18 COMMISSIONER KENNEDY: Well, why don't we take a look at  
19 Exhibit Number 7?

20 CHAIR BONNER: Can I just ask who was the Sheriff at the  
21 time?

22 MR. LILLIENFELD: Jim McDonnell.

23 CHAIR BONNER: Okay.

24 COMMISSIONER KENNEDY: Have you ever seen this -- and I  
25 apologize for the quality, it's the only one I could find,

1 Detective. Have you ever seen this flyer?

2 MR. LILLIENFELD: I have.

3 COMMISSIONER KENNEDY: Hold on. It's all right.

4 Can you tell us what this flyer is about? And that  
5 is Exhibit 7.

6 MR. LILLIENFELD: It's about a petty little man taking the  
7 power that was vested in him and using it in a ridiculous,  
8 inappropriate manner. That's what it's about.

9 You want me to elaborate and go on?

10 COMMISSIONER KENNEDY: I mean, I can see you have strong  
11 feelings --

12 MR. LILLIENFELD: You think?

13 COMMISSIONER KENNEDY: -- and I totally understand. But  
14 could you unpack that and give us the (inaudible) --

15 MR. LILLIENFELD: Sure.

16 COMMISSIONER KENNEDY: Okay.

17 MR. LILLIENFELD: After that operation, after I showed up  
18 at the jail, which was about the 15th day in a row that I had  
19 shown up in uniform, the Egg McMuffin and the coffee that I had  
20 secreted in the chapel so that the government agent could pick  
21 it up and share it with the target of the investigation, he  
22 didn't get there in time. So an inmate who happened to be  
23 sweeping up the chapel found a coffee and a Egg McMuffin. It  
24 was, like, you know, he won the lottery.

25 So he eventually was caught by one of the custody

1 deputies and it became an inquiry, "Hey, how did this inmate  
2 get this McDonald's stuff?" And so when they went back and  
3 reviewed the video, they were able to figure out how the  
4 McDonald's got into the custody facility.

5           So the commander at the time was a guy that was --  
6 well, he's a commander, so he's, like, four or five ranks  
7 underneath the rank of Sheriff, and it came to his attention,  
8 and he had a little bit of a personal agenda against me for  
9 some reason. So they opened up an administrative inquiry and  
10 he obtained that photograph and had one of his staff members,  
11 basically, make that poster up, and put it up at the entry to  
12 all of the seven custody facilities throughout Los Angeles  
13 county so that I wasn't allowed to enter them anymore.

14           Which I wasn't a Sheriff's Department employee  
15 anymore, I was still a reserve deputy sheriff, but I really  
16 wasn't acting in that capacity. I was an employee of the  
17 District Attorney's Office on a contract basis trying to get  
18 wrongfully accused people out of prison -- or wrongfully  
19 convicted people out of prison. That was my job at the time.

20           COMMISSIONER KENNEDY: So is that ban that you talked  
21 about on entering any LA county custody facilities, does it  
22 remain as we said here today or...

23           MR. LILLIENFELD: No. Of course not.

24           COMMISSIONER KENNEDY: Tell me. You say "of course," but  
25 I don't know anything about it.

1 MR. LILLIENFELD: Within several days, the poster with my  
2 picture on it was taken down.

3 That evening that all of this came to light, I got a  
4 phone call from Jackie Lacey, the elected DA at the time,  
5 apologizing for the bad demeanor and attitude of the Sheriff's  
6 Department, and telling me to soldier on forward and try to get  
7 this wrongfully convicted man out of prison if we had belief  
8 that, in fact, that's what he was. And that's what I did with  
9 the blessings and authority of the elected District Attorney at  
10 the time.

11 COMMISSIONER KENNEDY: And what about internally? Was  
12 there, like, any kind of inquiry or discipline for this?

13 MR. LILLIENFELD: There was an administrative inquiry that  
14 was conducted by Custody Division middle management staff. And  
15 at the termination of that inquiry, it was -- there was no  
16 discipline or anything. I wasn't a Sheriff's Department  
17 employee at the time, so there was nothing that they could do  
18 administratively to me.

19 And so I believe the findings of it were -- there's  
20 different categories of administrative inquiries, and I don't  
21 recall specifically. I want to say it was perhaps founded,  
22 like, "Yeah, I brought in a thing of McDonald's and all that,"  
23 but there was no remedy to that finding.

24 COMMISSIONER KENNEDY: Okay. So the --

25 COMMISSIONER HARRIS: Is it okay if I ask a question?

1 COMMISSIONER KENNEDY: Yes. I mean, that's not my choice,  
2 it's the Chair's.

3 CHAIR BONNER: I'm assuming that it's relevant to the line  
4 of inquiry.

5 COMMISSIONER HARRIS: It is.

6 CHAIR BONNER: Go ahead, Commissioner Harris.

7 COMMISSIONER HARRIS: Yeah. Detective Lillienfeld, I just  
8 want to make sure I understand. You had a court order -- valid  
9 court order to go in there, but at no time did you advise the  
10 Sheriff's Department what you were doing? You were operating  
11 in a strictly -- so undercover that the Sheriff's Department  
12 wasn't even made aware --

13 MR. LILLIENFELD: Hundred percent incorrect.

14 COMMISSIONER HARRIS: Okay.

15 MR. LILLIENFELD: No, that's wrong.

16 Everybody from the Sheriff, the undersheriff, the  
17 assistant sheriffs are all named on the face page of the court  
18 order, the one that you read about two years ago, when you came  
19 to the Hall of Justice and we met, and all of them were advised  
20 and aware of the proceedings that were going on.

21 There were two Custody Division deputy sheriffs that  
22 were a part of the operation because they had to ensure the  
23 integrity and the safety of the agent acting on my behalf.

24 COMMISSIONER HARRIS: Okay. That's exactly what I wanted  
25 to know.

1                   So the Sheriff's Department was aware that you were  
2 acting. Were they aware you were going to go in there wearing  
3 the Sheriff's Department uniform in your capacity as a reserve?

4           MR. LILLIENFELD: Well, I think since I did it maybe 10 or  
5 12 times before the McDonald's day, yeah, I would think so.

6           COMMISSIONER HARRIS: Okay.

7                   But on the day of this particular incident, you  
8 didn't stop though and talk to the watch deputy, the watch  
9 sergeant --

10          MR. LILLIENFELD: I did not.

11          COMMISSIONER HARRIS: -- the watch commander, the captain,  
12 nothing like that?

13          MR. LILLIENFELD: I did not.

14          COMMISSIONER HARRIS: Okay.

15          MR. LILLIENFELD: It's 5:00 in the morning.

16          COMMISSIONER HARRIS: Okay. I hear you.

17                   And you said at the conclusion, there was an  
18 investigation, and at the conclusion of that investigation, you  
19 still remained as a reserve deputy sheriff? They didn't pull  
20 your reserve deputy sheriff ticket?

21          MR. LILLIENFELD: No, they did not.

22          COMMISSIONER HARRIS: Okay.

23                   All right. Thank you.

24          CHAIR BONNER: Proceed.

25          COMMISSIONER KENNEDY: Could you just tell us what the



1 finding was? Because if it was all on the up and up, why are  
2 they making a finding?

3 MR. LILLIENFELD: Well, any time there's an administrative  
4 inquiry, there are different levels of the remedy at the end of  
5 the inquiry.

6 COMMISSIONER KENNEDY: Yeah.

7 MR. LILLIENFELD: I believe there's founded, unfounded...

8 CHAIR BONNER: Unsubstantiated.

9 MR. LILLIENFELD: Thank you.

10 Unsubstantiated. There you go. See the commission  
11 knows.

12 And I believe it might have been, like, founded.  
13 But, again, I'm not an employee of the Department, so I don't  
14 know what -- there was no remedy after it was founded.

15 I mean, there were a bunch of hard feelings and  
16 pissed off people on both sides and finger waving going on, but  
17 that was the end of that. It somewhat compromised the inquiry,  
18 so we were never able to obtain the evidence necessary to  
19 charge the actual killer of this poor 18-year-old girl, but  
20 that seemed to be, you know, a lesser of importance than  
21 potentially an employee smuggling a McDonald's coffee and a Egg  
22 McMuffin inside.

23 COMMISSIONER KENNEDY: I just want to -- when you say "it  
24 was founded," what was founded? That you entered the jail in a  
25 uniform that you were not entitled to wear, and that you

1 brought in these items without the Sheriff's Department's  
2 knowledge or permission?

3 MR. LILLIENFELD: No. I think it was founded that --  
4 actually, that's a great question, Mr. Kennedy, and I don't  
5 know the answer to what was founded.

6 COMMISSIONER KENNEDY: Okay.

7 MR. LILLIENFELD: There was some policy violation that was  
8 founded. Again, I wasn't an employee of the Department at the  
9 time, so I don't know that violating policy necessarily applied  
10 to a non-employee. And I was acting, again, as a District  
11 Attorney employee under -- pursuant to a court order.

12 COMMISSIONER KENNEDY: Yeah. And as someone who's worked  
13 there so long, you know the rules so much better, would that  
14 explain why if I made a SB 1421 request, I didn't get anything  
15 regarding these findings?

16 MR. LILLIENFELD: I don't have a clue. I can't explain to  
17 you why somebody didn't comply with an SB 1421 request.

18 COMMISSIONER KENNEDY: Okay.

19 Turning to the Civil Rights and Public Corruption  
20 Detail, after this incident -- this incident that we're -- that  
21 we've been talking about, and I'm going to stop talking about  
22 it, Detective -- that was in the Fall of 2018; right?

23 MR. LILLIENFELD: Honestly, I don't -- I believe that's  
24 correct. Yeah, I believe so.

25 COMMISSIONER KENNEDY: But it was shortly before, then-

1 Sheriff, Alex Villanueva, the new Sheriff, brought you back out  
2 of retirement to work for the Department; right?

3 MR. LILLIENFELD: It was -- yes. It was quite a period of  
4 time. Perhaps a year or even more prior to the election of  
5 Villanueva. Correct.

6 COMMISSIONER KENNEDY: And did he bring you back  
7 specifically to work for this special detail?

8 MR. LILLIENFELD: He did.

9 COMMISSIONER KENNEDY: And can I ask: You have a ton of  
10 homicide experience, I know. Do you have prior experience  
11 investigating public corruption cases, Detective?

12 MR. LILLIENFELD: I did.

13 COMMISSIONER KENNEDY: Can you tell us about that?

14 MR. LILLIENFELD: Sure.

15 Well, for starters, I was raised in Chicago. That  
16 really says it all right there. When I came out here to  
17 California --

18 COMMISSIONER KENNEDY: I'm a Midwesterner; so --

19 MR. LILLIENFELD: Yeah.

20 COMMISSIONER KENNEDY: -- it's resonating.

21 MR. LILLIENFELD: What more do I need to say?

22 When I was a recruit in the academy, I was pulled out  
23 of the academy briefly and booked into the jail as an inmate  
24 because they had a public corruption inquiry going on in 1980,  
25 and they thought they had a corrupted deputy sheriff. So that

1 was my first introduction to it in law enforcement.

2 When I was a homicide detective in the late '90s, I  
3 came across some information that I brought to the then-Sheriff  
4 of Los Angeles County.

5 Ultimately, it was given to the FBI. They started  
6 conducting a large, broad, overwhelming public corruption  
7 investigation of a small southern California municipal police  
8 department.

9 And in late '90s, I was placed on loan to the FBI  
10 Task Force investigating that particular public corruption  
11 allegation. So I worked at the FBI as a Task Force officer  
12 assigned to the Public Corruption Unit out of the Long Beach  
13 resident agency for about two years, specifically, that  
14 particular public corruption investigation.

15 And since that time and during that time, I was  
16 homicide detective, but from time to time, detectives on the  
17 Sheriff's Department are tasked with what they call special  
18 investigations if there's something extraordinary.

19 And so I've had a number of those over the years from  
20 a variety of different sheriffs, or their executive staff asked  
21 to conduct criminal investigations of potential criminal  
22 conduct of public officials.

23 If that answers your question. I apologize if it  
24 doesn't.

25 COMMISSIONER KENNEDY: No. I think it does.

1 MR. LILLIENFELD: Okay.

2 COMMISSIONER KENNEDY: I appreciate it.

3 I thought this detail was a new innovation on the  
4 part of, then-Sheriff, Alex Villanueva. I thought that the  
5 Sheriff's Department hadn't had a public corruption unit before  
6 this. Do you do you know that one way or another?

7 MR. LILLIENFELD: I am unaware that -- in my 43 years on  
8 it, I am unaware if they ever had a public corruption unit.

9 From time to time, those cases would rear their ugly  
10 head, and there were times I believe when detectives on the  
11 Department would conduct those types of inquiries perhaps in  
12 conjunction with other agencies.

13 There's a whole bunch of rules on the Sheriff's  
14 Department. The manual policy procedures are very thick, kind  
15 of like the Bible, of how we conduct things. And I believe in  
16 one of those volumes -- I want to say it's Volume 4 -- there's,  
17 like, a single sentence about extraordinary investigations of  
18 public interest. And that kind of covers the public corruption  
19 authority of the Sheriff's Department to conduct those kinds of  
20 inquiries, but they're relatively rare. They happen, but  
21 they're rare.

22 COMMISSIONER KENNEDY: And, in fact, isn't it usually the  
23 case that the prosecutor's office has specialized public  
24 integrity or public corruption units, and they conduct that  
25 investigation?

1 MR. LILLIENFELD: That is correct.

2 COMMISSIONER KENNEDY: And so why -- I know you're not the  
3 Sheriff, but why the change?

4 MR. LILLIENFELD: You're asking the wrong guy.

5 COMMISSIONER KENNEDY: You don't know?

6 MR. LILLIENFELD: I don't have a clue.

7 COMMISSIONER KENNEDY: And what kind of things did you do  
8 when you joined the newly-created Civil Rights and Public  
9 Corruption Detail?

10 MR. LILLIENFELD: I assisted in writing certain policies  
11 that would cover that unit so that there was a format that we  
12 abided by. It was based essentially along the LA DA's  
13 guidelines, as well as the FBI guidelines regarding initiating  
14 and conducting and then deactivating public corruption  
15 investigations. So that was one of the things I did.

16 As I worked that unit, I wound up assisting in  
17 recruiting and vetting other detectives to come to that unit on  
18 loan. I believe I was the only person solely dedicated to that  
19 unit.

20 I was a part-time deputy sheriff at the time. The  
21 Department has a program where they hire back retired people to  
22 work part time as a part of its cost savings; part of it is  
23 because of their expertise.

24 So many -- for example, many bailiffs that work in  
25 court, if you see an old bailiff like me, he's probably a hire-

1 back guy. He's been hired to come back to the Department, work  
2 as a bailiff.

3 And then there are a limited number of detective  
4 positions where they hire back detectives that have a specific  
5 certain nuanced skillset, and they'll work, like, cold case  
6 homicides or things along that line.

7 I don't know how that program is now with the world  
8 the way it is or funding being the way it is, but I believe  
9 it's still in effect. It's actually called a 960, 120-day hire  
10 back. 960 hours, 120 days is what the Labor Code of California  
11 allows a retiree annuitant to come back and work that limited  
12 number of hours, and I was within that range.

13 COMMISSIONER KENNEDY: Who did you report to in the  
14 detail?

15 MR. LILLIENFELD: There was a lieutenant assigned to it  
16 and then above him was the rank of undersheriff.

17 COMMISSIONER KENNEDY: Who was the lieutenant?

18 MR. LILLIENFELD: There were three of them. One of them  
19 was, now captain, Glenn Walsh, Captain Andy Meyer, and -- I  
20 apologize -- Hugo -- I apologize. I don't remember --  
21 Oscar Velez, V-e-l-e-z, was the third lieutenant in that unit.

22 COMMISSIONER KENNEDY: I didn't know the third one either,  
23 so I understand. The first two, I knew.

24 Did you -- Detective, did you investigate county  
25 officials, government officials for accessing confidential

1 information as part of your work at the detail?

2 MR. LILLIENFELD: Yes.

3 COMMISSIONER KENNEDY: Okay.

4 And can you tell us who it is that you investigated?

5 MR. LILLIENFELD: No.

6 COMMISSIONER KENNEDY: Okay.

7 MR. LILLIENFELD: One of the reasons being I would invoke  
8 1040 of the Evidence Code. It's still a current, active,  
9 ongoing prosecution based on that investigation, and it would  
10 be wholly inappropriate for me to answer that in this venue,  
11 and I'm sure the California Attorney General would agree with  
12 me.

13 COMMISSIONER KENNEDY: I thought that Attorney General  
14 declined to prosecute some of the people that you investigated;  
15 is that not true?

16 MR. LILLIENFELD: You and I are barking up two different  
17 trees there, Mr. Kennedy.

18 COMMISSIONER KENNEDY: I understand.

19 MR. LILLIENFELD: Okay.

20 COMMISSIONER KENNEDY: So they didn't formally decline to  
21 prosecute our Inspector General, Max Huntsman, who you  
22 investigated?

23 MR. LILLIENFELD: The answer to that question is "yes."

24 COMMISSIONER KENNEDY: They did decline?

25 MR. LILLIENFELD: That is correct. The answer is "yes."



1 COMMISSIONER KENNEDY: And -- so in light of that, I'm  
2 going to re-ask the question.

3 Did you investigate our Inspector General,  
4 Max Huntsman, for accessing confidential information from  
5 department personnel files?

6 MR. LILLIENFELD: And in light of that, I'm going to  
7 answer the same way and invoke 1040 of the Evidence Code, which  
8 I'm sure you're familiar with.

9 COMMISSIONER KENNEDY: Oh, I am. Yeah.

10 But you said that the -- that they declined, so there  
11 is no investigation; right?

12 MR. LILLIENFELD: There were peripheral other parties  
13 involved who are still being both prosecuted and investigated,  
14 so it's inappropriate for me to answer more than that.

15 COMMISSIONER KENNEDY: I'm just asking about Mr. Huntsman.

16 MR. LILLIENFELD: And I'm not going to answer that  
17 question under the auspices of parsing out different parties  
18 from that investigation.

19 CHAIR BONNER: I want to make sure the record's clear on  
20 this, you know, because of the potential here and as to whether  
21 or not 1040 is appropriately invoked.

22 But he's basically saying that there might be other  
23 people for which there's a pending investigation and that it  
24 would be inappropriate to, under 1040, to identify those  
25 individuals.

1 Am I summarizing that correctly?

2 MR. LILLIENFELD: Somewhat, Your Honor.

3 CHAIR BONNER: Well, how would you elaborate on my  
4 summary?

5 MR. LILLIENFELD: I don't know that I can put diamond  
6 earrings on that pig, Judge. It is what it is. And, you know,  
7 if you want to -- whatever your remedy would be -- if you want  
8 to do an order of show cause, I'm happy. Invite me to court  
9 and I'm happy to explain it in chambers or whatever other  
10 remedy you may have. But I'm not going to answer that question  
11 pursuant to 1040.

12 COMMISSIONER KENNEDY: I just want to make it clear, I  
13 totally respect where you're coming from --

14 MR. LILLIENFELD: Thanks.

15 COMMISSIONER KENNEDY: -- regarding other parties. I'm  
16 talking about Max Huntsman only.

17 MR. LILLIENFELD: I understand that. My answer stands.

18 COMMISSIONER KENNEDY: Isn't it true that the detail  
19 announced publicly that they were investigating Max Huntsman  
20 for accessing confidential material?

21 MR. LILLIENFELD: I would say that that is a untruth, to  
22 answer your question.

23 COMMISSIONER KENNEDY: Okay.

24 What did I get wrong? Should I have said, then-  
25 Sheriff, Alex Villanueva, announced publicly, openly, many

1 times, that the Department was investigating the inspector  
2 general for accessing confidential information?

3 MR. LILLIENFELD: The answer to your question, sir, is --  
4 if you'll bear with me for a minute.

5 COMMISSIONER KENNEDY: No. I understand.

6 MR. LILLIENFELD: In public corruption inquiries is quite  
7 often if the leader of the entity who is over the person who  
8 has come under the cloud of suspicion, normally, it is a  
9 courtesy by investigative agency in a public corruption  
10 investigation to notify the leader, the boss. So in this  
11 particular case, contrary to many things, even the Inspector  
12 General had a boss. He's subordinate to the Board of  
13 Supervisors.

14 So as a courtesy, it is my understanding that the  
15 then undersheriff of the Sheriff's Department notified the five  
16 members of the Board of Supervisors and let them know,  
17 personally, that one of their subordinates was under criminal  
18 investigation as a courtesy, because that's the way  
19 professional public corruption investigations are conducted.

20 And so from there, I can't answer your question  
21 regarding who publicized it afterwards. Somehow, amongst the  
22 five board members, word of that inquiry got back to the  
23 subordinate, and somehow it got publicized. But I just  
24 can't -- I'm not the guy to answer that question. I don't know  
25 the answer to it.

1           COMMISSIONER KENNEDY:  Didn't Undersheriff Murakami, like,  
2 talk about it publicly himself at a press conference, not the  
3 Board of Supervisors.

4           MR. LILLIENFELD:  That would probably be a question better  
5 posed to Mr. Murakami.  I just can't answer.

6           COMMISSIONER KENNEDY:  Okay.

7                     And you're not aware of, then-Sheriff,  
8 Alex Villanueva, talking about this all the time on Facebook  
9 Live, and mentioning it numerous times?

10          MR. LILLIENFELD:  I intentionally, from day one, before I  
11 even started, was very insistent that my communications with  
12 the elected sheriff were very limited, and I -- he was recused  
13 from any knowledge of any of the inquiries that we conducted.

14                     I had a congenial academic relationship with him, but  
15 I'd never ever discussed this business with him.  When we saw  
16 each other in the hallway, it became kind of a joke because I  
17 would give him the finger, and we'd talk about baseball and his  
18 dog.  I never ever spoke with him, ever, about any of these  
19 types of sensitive investigations.  It wouldn't have been  
20 appropriate.  He had recused himself.  I answered to a  
21 lieutenant, I answered to the appointed undersheriff, and he  
22 was removed from it because he's another elected official.

23                     And as you're well-aware, there were inquiries that  
24 involved elected or appointed officials, the one we're talking  
25 about now.  So it's inappropriate to discuss that with the --

1 despite the fact that he's the elected leader of the  
2 organization I'm working for. It was clear to him, it was  
3 clear to me, that we weren't going to have that one-on-one.  
4 That's the job of the undersheriff, whatever he wants to share  
5 with the elected sheriff.

6 You understand that?

7 CHAIR BONNER: I don't understand that.

8 COMMISSIONER KENNEDY: I'm trying.

9 CHAIR BONNER: Maybe -- let me ask a foundational  
10 question.

11 Wouldn't you agree that it is inappropriate for a law  
12 enforcement official to discuss or indicate publicly that a  
13 person is under criminal investigation? That's inappropriate,  
14 isn't it?

15 MR. LILLIENFELD: At times, it can be. At other times, it  
16 can be appropriate. And I gave you the example, Your Honor.

17 CHAIR BONNER: Yeah. Okay. But let me -- before you give  
18 me the -- because I can think of the example you're going to  
19 give me, but isn't it inappropriate for a law enforcement  
20 official to indicate that a public figure -- elected public  
21 figure is under a criminal investigation? Is that ever  
22 appropriate?

23 MR. LILLIENFELD: If you're asking me in a hypothetical  
24 sense --

25 CHAIR BONNER: Yeah.

1 MR. LILLIENFELD: -- my immediate answer would be no,  
2 again, with exceptions.

3 CHAIR BONNER: Well, the problem here is that -- okay.  
4 Let me ask you this question: I mean, isn't it true -- I mean,  
5 you're -- you're not oblivious to -- you were in the detail --  
6 but you're not oblivious -- are you? -- to the fact that  
7 Sheriff Villanueva publicly indicated numerous times that  
8 Inspector General Max Huntsman was under criminal investigation  
9 for illegally accessing confidential information under state  
10 law. Didn't -- you're aware that he did that, aren't you?

11 MR. LILLIENFELD: I am, sir.

12 CHAIR BONNER: Okay.

13 I'm not saying you approved it or not, I'm just  
14 saying you're aware that he did that.

15 Wasn't that -- well, I'm going to -- I'm going to put  
16 you on the spot a little bit because you've been around, we'll  
17 see how you answer it, but wasn't that inappropriate?

18 MR. LILLIENFELD: Good question. And upon reflection, had  
19 he not done that, I wouldn't be here answering these questions.

20 So the answer to your question, Your Honor, then  
21 would be -- in that light, in that vein, the answer to your  
22 question would be yes.

23 CHAIR BONNER: It was inappropriate; correct? I just want  
24 to make sure I understand what the "yes" is.

25 MR. LILLIENFELD: Yes.

1 CHAIR BONNER: All right. So, you know -- and I just want  
2 to say, I mean, my own experience is that, you know, it's so  
3 troubling that when a law enforcement official, and here, it's  
4 the head of the Sheriff's Department, indicates through public  
5 forums that a person is under criminal investigation, and they  
6 don't have really any opportunity to defend themselves in  
7 court.

8 I mean, in my book, by the way, that's -- it's  
9 unethical, whether -- and so -- and you're right. You probably  
10 wouldn't be here, but for the fact that that's what the former  
11 Sheriff, Alex Villanueva, did. Not only with respect Inspector  
12 General Huntsman, but other people that he felt were his  
13 critics or had oversight responsibility for him, and he did it  
14 with respect to even reporters. I mean, suggesting at a news  
15 conference with a photograph that Maya Lau was somehow part of  
16 a criminal conduct, it's just inappropriately put -- by the  
17 way, whether they did it or not. It's just inappropriate  
18 because they can't defend themselves.

19 I'm sorry, I -- I made a little bit of a closing  
20 argument there, but I'm going to turn it back to Commissioner  
21 Kennedy, Sir.

22 COMMISSIONER KENNEDY: So I think you've conceded that the  
23 former Sheriff talked about this investigation of Mr. Huntsman  
24 personally, but you believe that even though that happened, you  
25 still can't talk it about it yourself.

1 MR. LILLIENFELD: Well, I'm not going to answer a question  
2 you're posing me about the former Sheriff's conduct or language  
3 or behavior. I can't -- I can't do that.

4 COMMISSIONER KENNEDY: Didn't you just answer that from --

5 MR. LILLIENFELD: Well, the way he phrased it was a bit  
6 more articulate, I guess.

7 COMMISSIONER KENNEDY: Okay.

8 MR. LILLIENFELD: But nothing personal against you --

9 COMMISSIONER KENNEDY: I'll try to get better.

10 MR. LILLIENFELD: Yeah, there you go.

11 CHAIR BONNER: I think the record will speak for itself on  
12 the answer.

13 COMMISSIONER KENNEDY: I just want to -- could we put  
14 Exhibit 12 up? And go to subsection H.

15 I'm just going to have to accept your refusal to  
16 answer questions about this investigation right now, but I want  
17 to know, generally, as an experienced detective, you understand  
18 that the Inspector General has every right under the law to  
19 look at confidential personnel information from the Sheriff's  
20 Department in connection with auditing and investigating the  
21 Department.

22 MR. LILLIENFELD: Absolutely.

23 COMMISSIONER KENNEDY: Okay.

24 And that's what we're talking about here, Los Angeles  
25 County Code Section 6.44.190(h).



1                   And it says straight out that "the Office of  
2                   Inspector General shall have the authority to undertake an  
3                   inquiry or perform monitoring at the request of the Board  
4                   of Supervisors, the Commission, or the Sheriff, or on its  
5                   own initiative."

6                   MR. LILLIENFELD: Is there a question there?

7                   COMMISSIONER KENNEDY: Well, I'm just saying that's the  
8                   legal basis for your conclusion; right?

9                   MR. LILLIENFELD: From my conclusion to the previous  
10                  answer I just gave about the authority of the IG?

11                  COMMISSIONER KENNEDY: Yes.

12                  MR. LILLIENFELD: That's one of them, yes.

13                  COMMISSIONER KENNEDY: Okay.

14                  Right? 'Cause there are other ones; right? There's  
15                  also state law; right?

16                  MR. LILLIENFELD: That is correct.

17                  COMMISSIONER KENNEDY: And that would be Cal Government  
18                  Code 25303; right?

19                  MR. LILLIENFELD: I believe so.

20                  COMMISSIONER KENNEDY: Well, let's put it up. Exhibit 13.

21                  It refers to the fact that "the Board of Supervisors  
22                  shall supervise the official conduct of all county  
23                  officers. It shall see that they faithfully perform their  
24                  duties, direct prosecutions for delinquencies and, when  
25                  necessary, require them to renew their official bond, make

1 reports, and present their books and accounts for  
2 inspection."

3 That's another basis because the Inspector General is  
4 an official of the Board of Supervisors; right?

5 MR. LILLIENFELD: That is correct.

6 COMMISSIONER KENNEDY: So can I ask: Why would a public  
7 corruption detail be investigating the Inspector General for  
8 looking at personnel files when he has every right under the  
9 law to do just that?

10 MR. LILLIENFELD: Yes, you can ask that question. Go  
11 ahead.

12 COMMISSIONER KENNEDY: That's my question.

13 MR. LILLIENFELD: Oh. Oh, okay.

14 COMMISSIONER KENNEDY: I mean, he's just following the  
15 law, isn't he?

16 MR. LILLIENFELD: Right.

17 Again, because that's a current active ongoing  
18 prosecution conducted by the California Attorney General, I'm  
19 not going to answer that question in this venue, in this forum.  
20 And that's a question better left -- whatever remedy you may  
21 seek to compel me to answer it, whether it be an order to show  
22 cause, or I don't know what other remedy you have available,  
23 but I'm not going to answer that question.

24 COMMISSIONER KENNEDY: Let me ask it hypothetically. Why  
25 would a hypothetical public corruption detail investigate a

1 hypothetical inspector general for accessing confidential  
2 personnel files in the course of conducting legally authorized  
3 auditing and investigating?

4 MR. LILLIENFELD: Well, under that hypothetical question,  
5 I can't imagine why, unless perhaps, hypothetically, the files  
6 were stolen or illicitly obtained or somehow placed into the  
7 possession of the hypothetical inspector general as reviewing  
8 hypothetically stolen materials, I would think, would be  
9 inappropriate. Hypothetically, of course.

10 COMMISSIONER KENNEDY: But why wouldn't -- why would an  
11 inspector general need to steal materials because the statute  
12 says he can look at it outright as part of his legal duties?

13 MR. LILLIENFELD: That's another -- you're just full of  
14 good questions today, Mr. Kennedy.

15 COMMISSIONER KENNEDY: I try.

16 MR. LILLIENFELD: And I can't answer that one for you,  
17 hypothetically.

18 COMMISSIONER KENNEDY: Okay.

19 Can I have a moment, Your Honor?

20 CHAIR BONNER: Sure.

21 COMMISSIONER KENNEDY: You know the former constitutional  
22 policing advisor for the Sheriff's Department under a prior  
23 Sheriff, Jim McDonnell; her name is Diana Teran; right?

24 MR. LILLIENFELD: I do.

25 COMMISSIONER KENNEDY: Okay.

1                   And you also investigated her for accessing -- or  
2 your, I guess, allegedly accessing confidential information; is  
3 that right?

4           MR. LILLIENFELD: It is.

5           COMMISSIONER KENNEDY: Okay.

6                   And isn't the constitutional policing advisor also  
7 entitled under the law to look at confidential files within the  
8 Department? I mean, she's an employee.

9           MR. LILLIENFELD: Is that a hypothetical or --

10          COMMISSIONER KENNEDY: Hypothetical.

11          MR. LILLIENFELD: -- a real question?

12          COMMISSIONER KENNEDY: I don't want to -- I mean -- well,  
13 will you answer it?

14          MR. LILLIENFELD: Absolutely. Hypothetically, I'll answer  
15 it. Absolutely.

16                   And the answer is "yes" to your question.

17          COMMISSIONER KENNEDY: And so, again, why would the detail  
18 be investigating a constitutional policing officer for doing  
19 her job, which is authorized by law?

20          MR. LILLIENFELD: Again, you're asking hypothetically?

21          COMMISSIONER KENNEDY: Yes.

22          MR. LILLIENFELD: Again, hypothetically, it depends on the  
23 context in which the material has been obtained and the purpose  
24 for which it was obtained and, hypothetically, what was going  
25 to happen to that material, hypothetically.

1 COMMISSIONER KENNEDY: I don't know what you mean. I'm  
2 sorry.

3 MR. LILLIENFELD: In a -- the context in which you're  
4 asking me that question, there are certain circumstances under  
5 which conduct that would normally be acceptable and lawful is  
6 not. And here's an example:

7 Perhaps an employee working at American Express and  
8 she's got access to everybody's American Express numbers and  
9 that's her job is to access those numbers and talk to  
10 cardholders and straighten out their accounts. But she decides  
11 one day to access an account and copy the number down and give  
12 it to her hypothetical boyfriend, who then goes out and charges  
13 a trip to Hawaii, and a bunch of Italian food. That would be  
14 an inappropriate access that she otherwise had lawful access to  
15 look at numbers and to manipulate them and to do things with  
16 them, but here she's using them for a hypothetical unlawful  
17 purpose.

18 That's the simple -- in my very simple brain -- as I  
19 can lay it out for you, sir.

20 COMMISSIONER KENNEDY: No, I appreciate it.

21 MR. LILLIENFELD: There you go.

22 COMMISSIONER KENNEDY: You have -- is it fair to say that  
23 you have disdain for Diana Teran?

24 MR. LILLIENFELD: I've met her twice in my life and shook  
25 her hand and talked to her at a couple of staff meetings many,

1 many years ago before she was the constitutional police  
2 advisor, and no, I don't have feelings about her one way or the  
3 other. Truly, I'm kind of -- I just don't -- I didn't develop  
4 any kind of feelings towards her one way or the other.

5 COMMISSIONER KENNEDY: You haven't expressed to third  
6 parties that you think she's terribly corrupt?

7 MR. LILLIENFELD: Yeah, I probably have. That doesn't  
8 make her a bad person. I mean, I still get letters from people  
9 I put on death row and, you know, sometimes good people do  
10 terrible things. It happens.

11 I was a policeman a very long time, and I was a  
12 homicide detective very long time. I've handled a huge variety  
13 of cases, including many, many murder cases. And over the  
14 years, I developed relationships with people, and I'm not  
15 necessarily going to judge them on a singular act, and that  
16 would probably be true of Ms. Teran.

17 It doesn't mean that people shouldn't be,  
18 hypothetically, you know, held accountable for their conduct.

19 COMMISSIONER KENNEDY: Did you ever tell third parties,  
20 quote, "You watch what I'm going to do to her with the FBI"?

21 MR. LILLIENFELD: Abso-friggin-lutely not. I would never  
22 make a statement like that, ever.

23 COMMISSIONER KENNEDY: So if somebody said that you told  
24 them that, they're lying?

25 MR. LILLIENFELD: They're either lying or they're mistaken

1 or they didn't hear me properly.

2 COMMISSIONER KENNEDY: Okay.

3 The job of the constitutional policing advisor is to  
4 make sure that the Department is engaging in or trying to  
5 engage in constitutional policing; fair statement?

6 MR. LILLIENFELD: Yes, sir.

7 COMMISSIONER KENNEDY: And are you familiar with the Brady  
8 obligation of the prosecution?

9 MR. LILLIENFELD: I am.

10 COMMISSIONER KENNEDY: I thought you would be.

11 Could you explain it in your own words.

12 MR. LILLIENFELD: Brady is a U.S. Supreme Court case that  
13 delineated that the government, the prosecution, has a duty to  
14 turn over all potentially exculpatory information that has been  
15 gathered during the prosecution, as well as any kind of  
16 materials or information that may reflect one way or the other  
17 on the character or the integrity or the ethics of a potential  
18 witness, in particular, a government witness.

19 Brady is actually a murder case from state of  
20 Maryland.

21 COMMISSIONER KENNEDY: I have to say, as a law professor,  
22 I could not have said it better. You're very good.

23 So if the constitutional policing advisor is  
24 accessing confidential personnel files at the Department in  
25 order to make sure that Brady compliance occurs, is that

1 illegal like the stolen American Express example that you used?

2 MR. LILLIENFELD: If it's okay with you, I'm going to  
3 answer that hypothetically.

4 COMMISSIONER KENNEDY: Sure. Yeah.

5 MR. LILLIENFELD: There is a process in a venue since, you  
6 know and you're a professor of law, in how to obtain Brady  
7 material starting with a Pitchess motion, and then working your  
8 way to a Brady motion if the Pitchess motion fulfills its  
9 obligations and it turns out there's something more there that  
10 merits a full Brady motion regarding the material or the  
11 personnel records of it. So that law is very clear, as you're  
12 well-aware -- you're the law professor, not me -- and that you  
13 have to -- you can't do an end run around obtaining that  
14 material regarding the character or the prior conduct of the  
15 witness that you want to impugn or exculpate or inculcate. So,  
16 I mean, we have rules and we have procedures and we have  
17 systems in law to get to the heart of the matter.

18 So the answer, hypothetically, to your question is  
19 yes, I would think that would be inappropriate.

20 It's akin to a engineer for Chevrolet working there  
21 20 years and then going to Ford and taking with him all the  
22 trade secrets and all the stuff that he learned while he was a  
23 Chevrolet engineer and then sharing that with the Ford Motor  
24 Company, and that would be inappropriate. They have a right.  
25 It's almost like -- it's a bad example -- but it's almost



1 copyrighted or proprietary, that information. And we have  
2 laws -- corporate laws that allow proprietary information.

3 And in Brady and criminal law, we have a procedure  
4 and a set way to discover Brady material. And so,  
5 hypothetically, for somebody to access that material and then  
6 share it with either party, with a government party or with a  
7 defense party would be -- I would think that would be  
8 inappropriate, hypothetically.

9 And I apologize for the longwinded answer.

10 COMMISSIONER KENNEDY: No, no. It's complicated what  
11 we're talking about.

12 MR. LILLIENFELD: It is.

13 COMMISSIONER KENNEDY: But --

14 MR. LILLIENFELD: (Inaudible) --

15 COMMISSIONER KENNEDY: -- the constitutional policing  
16 advisor is an employee of the Department; right?

17 MR. LILLIENFELD: Yes, sir.

18 COMMISSIONER KENNEDY: And you're saying that an employee  
19 of the Department has to file a Pitchess motion to get  
20 information that she is need --

21 MR. LILLIENFELD: I didn't say that at all.

22 COMMISSIONER KENNEDY: Okay.

23 MR. LILLIENFELD: I absolutely did not say that.

24 COMMISSIONER KENNEDY: What are you --

25 MR. LILLIENFELD: I didn't come close to saying that.

1 I'm saying that a Pitchess motion, a Brady motion,  
2 are the avenues that the law has formulated over the years in  
3 how to obtain discovery materials that may help a defendant.  
4 That's what I'm saying. There's a right way to do it.

5 You don't work for Ford Motor Company, and then lure  
6 the Chevy engineer over with, you know, pretty women and a case  
7 of beer. It's inappropriate. You can't do that.

8 COMMISSIONER KENNEDY: Can the constitutional policing  
9 advisor access the confidential files to make an internal list  
10 for the Sheriff so that the Sheriff can advise prosecutors in  
11 particular cases about Brady material?

12 MR. LILLIENFELD: Hypothetically, yes. Although, I  
13 certainly -- I don't think it's the duty of a constitutional  
14 police advisor, but the answer to your question,  
15 hypothetically, would be "yes, sir."

16 COMMISSIONER KENNEDY: So there's nothing illegal about  
17 doing that?

18 MR. LILLIENFELD: Hypothetically, if you were to access  
19 restricted records under 832 of the Penal Code, law enforcement  
20 records are restricted somewhat, and their access and their use  
21 is governed under a body of law. So if you were to do that  
22 inappropriately, much like my American Express example, then  
23 that would potentially be a violation of law, hypothetically.

24 A lot of hypotheticals here, sir.

25 COMMISSIONER KENNEDY: But preparing an internal Brady

1 list so that the Sheriff's Department actually advises  
2 prosecutors of Brady material in particular cases, there is  
3 nothing wrong with that, is there?

4 MR. LILLIENFELD: No.

5 COMMISSIONER KENNEDY: Right.

6 MR. LILLIENFELD: On its face, no. I can't -- I don't  
7 believe that there is.

8 COMMISSIONER KENNEDY: So can I --

9 MR. LILLIENFELD: Although, I believe, hypothetically,  
10 that the prosecutors would not accept such a notification or a  
11 list. I don't know that it would be lawful for them to accept  
12 that from the Sheriff's Department and then act on it. I don't  
13 know for sure that -- you're the judge. I don't know if that's  
14 lawful or not.

15 COMMISSIONER KENNEDY: Creating an internal list within  
16 just the Department would be a very good way to make sure that  
17 Brady notifications or Brady alerts are being done as required  
18 by law under, as you mentioned, the Supreme Court opinion,  
19 Brady versus Maryland.

20 MR. LILLIENFELD: The answer is yes, hypothetically.

21 And the other answer, real life, is: I believe  
22 there's already a mechanism or avenue on the Sheriff's  
23 Department on all law enforcement agencies when there's an  
24 administrative finding of one of the five things that qualify a  
25 person for Brady if they're found administratively. It's a

1 founded investigation that they've lied or been deceptive or  
2 committed sexual battery under the color of authority or  
3 whatever the other two are, I don't recall off the top of my  
4 hand, certainly the Department has a mechanism to make those  
5 notifications.

6 So I don't know that -- jumping back in the  
7 hypothetical world here -- if that's the role of a  
8 constitutional police advisor to accumulate a list like that  
9 and then turn it over to the prosecutor. I don't know that  
10 that's appropriate or not, since there's already a mechanism in  
11 place to make Brady notifications within the Department when  
12 there's a founded inquiry that an employee was dishonest.

13 COMMISSIONER KENNEDY: What about a judicial finding that  
14 a deputy lied in court?

15 MR. LILLIENFELD: That's one avenue under Brady,  
16 absolutely. Yeah.

17 COMMISSIONER KENNEDY: And, Detective, does the -- because  
18 you might know this -- does the Department have protocols or  
19 procedures in place to make sure that it is notifying trial  
20 prosecutors in particular cases that a deputy has impeaching  
21 information in their personnel file in order to comply with a  
22 constitutional requirement of Brady?

23 MR. LILLIENFELD: Great question. It'd probably be better  
24 posed to Mr. Luna, the current officeholder, than me. But I  
25 believe the answer is yes.

1           COMMISSIONER KENNEDY: I can't find it in that policy  
2 manual that you described earlier. Have you ever seen it?  
3 Have you ever seen it?

4           MR. LILLIENFELD: I have not.

5           COMMISSIONER KENNEDY: Did the Public Corruption Detail  
6 investigate LA Times reporters?

7           MR. LILLIENFELD: As a matter of course, no. As a matter  
8 of routine and course duties, the answer to that is no.

9           COMMISSIONER KENNEDY: So you didn't investigate LA Times  
10 reporter, Maya Lau, in your work at the Corrupt --

11          MR. LILLIENFELD: Again, I would invoke 1040 of the  
12 Evidence Code and not answer that in this venue.

13          CHAIR BONNER: The trouble with that is, for me -- and  
14 we'll decide what we need to do or with respect to a superior  
15 court here -- but just the trouble with that is that you had  
16 former Sheriff, Alex Villanueva, when he was the Sheriff, at a  
17 press conference intimate that an LA Times reporter named  
18 Maya Lau was involved in criminal activity.

19                 So, really, in all fairness to her, if you didn't  
20 investigate Maya Lau, I mean, I think you should say so.  
21 That's just my view. You don't want to. You're now implying  
22 that she was criminally investigated just as Alex Villanueva  
23 intimated that she had committed a criminal act. So I don't  
24 know. I may not (inaudible).

25                 I mean, you know, it's one thing to identify somebody

1 who is under investigation or was investigated, but it's  
2 another to just say, no, we never investigated that. Whatever  
3 Villanueva said about her, whatever he implied, whatever he was  
4 intimating with his photograph of her when he's talking  
5 about -- next to, I think, Inspector General Huntsman's  
6 photograph -- I can remember the press conference -- you know,  
7 it would be good just to, you know, indicate that.

8 MR. LILLIENFELD: And with all due respect, I'm not going  
9 to answer that question. It appears to be a more appropriate  
10 question for a different witness, in particular, perhaps  
11 Mr. Villanueva.

12 CHAIR BONNER: Yes, I would agree it would be an  
13 appropriate question for him.

14 Okay. So you're -- you're declining to answer that,  
15 and we'll see if we want to take that up with a superior court  
16 judge or not.

17 Go ahead, Mr. Kennedy.

18 COMMISSIONER KENNEDY: Didn't the US Attorney's Office  
19 advise you that these investigations of public officials for  
20 accessing confidential information -- that there was no  
21 evidence of a crime, and they offered you a declination letter?  
22 I don't know if you can answer that one, but I thought I --

23 MR. LILLIENFELD: Yeah, I can answer that.

24 And the answer is: A specific United States Attorney  
25 did that, yes. Obviously, you're aware of it because you have

1 the report that I wrote saying as such.

2 COMMISSIONER KENNEDY: Brandon Fox?

3 MR. LILLIENFELD: That is correct.

4 COMMISSIONER KENNEDY: And he was the head of the Public  
5 Corruption Investigations at the US Attorney --

6 MR. LILLIENFELD: He was not. He was the Chief of the  
7 Criminal Division for the United States Attorney in the Central  
8 District.

9 COMMISSIONER KENNEDY: Even higher?

10 MR. LILLIENFELD: I don't know their ranking structure.

11 CHAIR BONNER: He had been moved up.

12 COMMISSIONER KENNEDY: And did that cause you to have  
13 pause about these investigations?

14 MR. LILLIENFELD: Not a single bit.

15 COMMISSIONER KENNEDY: Because why, if you want to tell  
16 us? I mean, the Chief of the Criminal Division has told you  
17 there's nothing there, and you still want to go forward?

18 MR. LILLIENFELD: Yes.

19 COMMISSIONER KENNEDY: Because?

20 MR. LILLIENFELD: We hadn't even barely touched the  
21 surface of the inquiry. We had just begun it. And he made a  
22 rash judgment based on scant or little evidence that was  
23 presented. The evidence hadn't been gathered at that time. It  
24 was really kind of a courtesy notification, more than it -- we  
25 weren't submitting the case for either approval or disapproval.

1 We were simply making a notification in case there was a  
2 conflict.

3 There is no mechanism in place for law enforcement to  
4 deconflict public corruption inquiries. There is such a thing  
5 like LA CLEAR when narcotics detectives from LA Sheriffs and  
6 narcotics detectives from Glendale are focused on the same  
7 target, they share that information. But there's no such  
8 vehicle in the world of public corruption. So we were making  
9 that notification for that exact reason to ensure we weren't  
10 stepping on anybody's toes or anything.

11 Mr. Fox was not even invited to that particular  
12 meeting, he just happened to show up. The meeting was at the  
13 FBI building with the Special Agent In Charge who would have  
14 had jurisdiction over the public corruption at the time.

15 COMMISSIONER KENNEDY: Well, it's the US Attorneys that's  
16 got to make a decision whether to prosecute someone though;  
17 right?

18 MR. LILLIENFELD: At some point in time, yeah.

19 COMMISSIONER KENNEDY: And his decision at that point in  
20 time, based on all the evidence that you presented to him and  
21 the FBI, was "no."

22 MR. LILLIENFELD: "All the evidence," meaning very scant  
23 evidence, but you're correct in your summation of that.

24 COMMISSIONER KENNEDY: And he offered you a declination  
25 letter. And what did you all say?



1 MR. LILLIENFELD: "Thank you. No, we're not here to get  
2 either your approval or your declination. We're here to simply  
3 make the notification and ensure that we're not stepping on  
4 another inquiry that may already be active and ongoing by the  
5 Department of Justice."

6 CHAIR BONNER: Just so I'm clear, the record's clear, is  
7 this referring to an offer of declination with respect to  
8 Inspector General Huntsman or something else? I missed it.

9 COMMISSIONER KENNEDY: Inspector General Huntsman, yes.

10 CHAIR BONNER: That's what I thought. Okay.

11 COMMISSIONER KENNEDY: And I think all the people that  
12 we've talked about. I wasn't there, you were.

13 MR. LILLIENFELD: Is there a question?

14 COMMISSIONER KENNEDY: Yes.

15 MR. LILLIENFELD: I'm sorry.

16 CHAIR BONNER: Were there other cases or other  
17 investigations that the Public Corruption Detail was involved  
18 in or investigating that were discussed at that meeting with  
19 the FBI and the assistant US Attorney In Charge of the Criminal  
20 Division?

21 MR. LILLIENFELD: Yes.

22 CHAIR BONNER: By the way, did that include the  
23 investigation that was being conducted by the detail of former  
24 supervisor, Kuehl, and Commissioner Giggans?

25 MR. LILLIENFELD: Yes.

1 CHAIR BONNER: All right.

2 So did he offer a prosecutive declination on that  
3 case as well?

4 MR. LILLIENFELD: He did not.

5 CHAIR BONNER: Did it involve a discussion of any  
6 investigation of LA Times reporter, Maya Lau?

7 MR. LILLIENFELD: I'm thinking about it because I just  
8 don't know the answer, Your Honor. I can't remember.

9 I believe at that point in time, that party -- I'm  
10 not sure if she was identified as being a party to that inquiry  
11 or not at that point in time because it was so early in the  
12 investigation.

13 CHAIR BONNER: Other than the investigation of  
14 Supervisor Kuehl and Ms. Giggans and the investigation of  
15 Inspector General Huntsman, were there other cases that were  
16 discussed with the FBI at that meeting -- at the FBI head  
17 office here on Wilshire Boulevard?

18 MR. LILLIENFELD: Yes.

19 CHAIR BONNER: How many, approximately?

20 MR. LILLIENFELD: I think three or four.

21 CHAIR BONNER: Did any of those cases involve individuals  
22 who were not critics of Alex Villanueva? I'm serious.

23 MR. LILLIENFELD: Yeah. I'm thinking about that. And,  
24 yes, I believe they did.

25 CHAIR BONNER: Okay. So we've got three or four, we've

1 got five or six cases discussed. How many of them, in your  
2 estimation, I realize some -- it calls for some judgment on  
3 your part -- but how many have involved individuals -- like  
4 cases or individuals that were not critics or performing an  
5 oversight function over the Sheriff and his department?

6 MR. LILLIENFELD: It's three or four of them.

7 CHAIR BONNER: Okay.

8 And I take it, the only one that -- I don't mean to  
9 put words in your mouth -- but was the offer of a declination  
10 only tendered with respect to Inspector General Huntsman, or  
11 was it tendered as any of the other cases?

12 MR. LILLIENFELD: I believe just the one involving  
13 Mr. Huntsman.

14 CHAIR BONNER: And, approximately, when did that meeting  
15 take place at the FBI LA Office?

16 MR. LILLIENFELD: I would -- and I apologize, I don't know  
17 for sure -- I'm going to say in the Fall of 2019, I believe.

18 CHAIR BONNER: And besides yourself, was Detective  
19 Fernandez present?

20 MR. LILLIENFELD: No.

21 CHAIR BONNER: Who else was present on behalf of the  
22 Sheriff's Department?

23 MR. LILLIENFELD: Then lieutenant, now captain, Glenn  
24 Walsh.

25 CHAIR BONNER: Anybody else for the Sheriff's Department?

1 MR. LILLIENFELD: No.

2 CHAIR BONNER: And you had the Agent In Charge of the FBI  
3 office; do you recall his name, by the way?

4 MR. LILLIENFELD: Her name was Vovette, V-o-v-e-t-t-e, I  
5 believe, and her last name is Morgan.

6 CHAIR BONNER: And how many other FBI agents were there at  
7 that meeting?

8 MR. LILLIENFELD: Two or three.

9 CHAIR BONNER: All right. I just wanted to get some  
10 details as to the time and place of that meeting.

11 Go ahead, Commissioner Kennedy.

12 COMMISSIONER KENNEDY: Yeah. No, I was going to get to  
13 the Kuehl-Giggans investigation next.

14 But can I just say, like, it wasn't just Max Huntsman  
15 that you were trying to -- that you were presenting a case to  
16 the FBI to; right?

17 MR. LILLIENFELD: Again, using the term "presenting a case  
18 to the FBI" is inappropriate.

19 We were discussing with them and sharing the  
20 information that we had on a very cursory preliminary  
21 investigation, and our purpose in the meeting was simply to  
22 ensure that, one, they were aware of what we were doing, and,  
23 two, that we were not stepping on their toes, that we weren't  
24 going to interfere with an investigation that they may have  
25 undertaken.

1 COMMISSIONER KENNEDY: Okay. With that characterization  
2 in mind, it included more than Max Huntsman?

3 MR. LILLIENFELD: Correct.

4 COMMISSIONER KENNEDY: It included also the constitutional  
5 policing advisor, Diana Teran; right?

6 MR. LILLIENFELD: Yes.

7 COMMISSIONER KENNEDY: Yeah.

8 And some employees of both the Office of Inspector  
9 General; right?

10 MR. LILLIENFELD: That's correct.

11 COMMISSIONER KENNEDY: Yeah. Those are the other people;  
12 right?

13 MR. LILLIENFELD: Correct.

14 COMMISSIONER KENNEDY: Yeah. People who worked for the  
15 critics of Alex Villanueva?

16 MR. LILLIENFELD: Yes.

17 COMMISSIONER KENNEDY: Yeah.

18 And did the chief of the Criminal Division  
19 misunderstand something at the meeting? Because at the end, he  
20 tells you he's going to offer you a declination letter, but  
21 you're saying you weren't going there to ask for a prosecution.

22 MR. LILLIENFELD: That is a question better posed to the  
23 chief; however --

24 COMMISSIONER KENNEDY: What'd you think?

25 MR. LILLIENFELD: I thought he'd misunderstood the purpose

1 of the meeting.

2 COMMISSIONER KENNEDY: Okay.

3 Now, as we've been discussing, you also were part of  
4 the team, I guess, investigating Supervisor Kuehl and  
5 Commissioner Patti Giggans?

6 MR. LILLIENFELD: I was a member of the team. It wasn't  
7 my case. I authored the first -- on the Sheriff's Department,  
8 you're well-aware -- we call them a complaint report. The  
9 first report, I authored that report with the preliminary  
10 information on it, and then from there, it was assigned to  
11 Detective Fernandez.

12 COMMISSIONER KENNEDY: Okay.

13 And I guess the allegation was that there was some  
14 type of illegality because the MCA awarded Ms. Giggans'  
15 nonprofit, Peace Over Violence, funds to establish a call-in  
16 line for commuters who experience sexual harassment while  
17 riding the subway; is that a fair summary?

18 MR. LILLIENFELD: It is.

19 COMMISSIONER KENNEDY: Okay.

20 And you all eventually obtained a search warrant to  
21 search both of their homes; right?

22 MR. LILLIENFELD: No. When you say "you all" --

23 COMMISSIONER KENNEDY: I'm sorry, yeah.

24 MR. LILLIENFELD: -- the answer is "no" to your question.

25 COMMISSIONER KENNEDY: The Public Corruption Detail

1 obtained a search warrant to search their homes; is that right?

2 MR. LILLIENFELD: No.

3 COMMISSIONER KENNEDY: No?

4 MR. LILLIENFELD: No.

5 COMMISSIONER KENNEDY: Can you not explain who obtained  
6 it?

7 MR. LILLIENFELD: Well, the whole -- when you go and  
8 obtain a search warrant, which I'm sure you're very well-versed  
9 in, normally, it's only a single affiant to it. So in this  
10 particular case, I don't think there was anything extraordinary  
11 or remarkable or different than any other search warrant.

12 I believe the affiant of the warrant, Detective  
13 Fernandez, took it to a magistrate, he reviewed it or she  
14 reviewed it, and had it signed. I don't think the team  
15 accompanied him.

16 COMMISSIONER KENNEDY: Okay. That's what I meant to ask  
17 you.

18 MR. LILLIENFELD: Okay.

19 COMMISSIONER KENNEDY: Someone on the team obtained a  
20 search warrant to search their homes? That's what you said;  
21 right?

22 MR. LILLIENFELD: Yes.

23 COMMISSIONER KENNEDY: Okay.

24 And let's turn to Exhibit Number 15, page 1.

25 I don't know what I am doing to make blinks.

1                   So the judge who signed the search warrant was  
2 Judge Craig Richman; right?

3                   MR. LILLIENFELD: Yes.

4                   COMMISSIONER KENNEDY: Okay. And that's someone that you  
5 have a personal relationship with; right?

6                   MR. LILLIENFELD: Yes.

7                   COMMISSIONER KENNEDY: Okay.

8                   And weren't there allegations from the Sheriff's  
9 Department that Max Huntsman, our inspector general, had  
10 engaged in criminal activity because he allegedly leaked  
11 information about this search warrant to third parties?

12                   MR. LILLIENFELD: Yes.

13                   COMMISSIONER KENNEDY: Okay.

14                   But isn't it true that a fellow member of the  
15 Public Corruption Detail was disseminating information about  
16 search warrants to members of the public who were perceived as  
17 friendly to then-Sheriff, Villanueva?

18                   MR. LILLIENFELD: I am unaware of that, sir. I don't know  
19 if that is true or not. I've never heard that before,  
20 actually.

21                   COMMISSIONER KENNEDY: You never heard that your  
22 colleague, Max Fernandez on this detail, leaked information to  
23 Adam Lowe (phonetic) about search warrants?

24                   MR. LILLIENFELD: I have not.

25                   COMMISSIONER KENNEDY: Okay.



1 MR. LILLIENFELD: No.

2 COMMISSIONER KENNEDY: Let's turn to Exhibit 8 then.

3 In March of 2021, isn't it true that you drove to a  
4 location in Ventura to meet with Mr. Adam Lowe?

5 MR. LILLIENFELD: No.

6 COMMISSIONER KENNEDY: No, you didn't --

7 MR. LILLIENFELD: No. I didn't drive to Ventura.

8 COMMISSIONER KENNEDY: Okay.

9 Maybe I have the location wrong.

10 MR. LILLIENFELD: You do.

11 COMMISSIONER KENNEDY: Okay.

12 Did you drive somewhere to meet with Mr. Lowe?

13 MR. LILLIENFELD: I did.

14 COMMISSIONER KENNEDY: Mr. Lowe is not a member of law  
15 enforcement?

16 MR. LILLIENFELD: He is not.

17 COMMISSIONER KENNEDY: And why did you meet with him?

18 MR. LILLIENFELD: To speak with him.

19 COMMISSIONER KENNEDY: About?

20 MR. LILLIENFELD: The current inquiry that was ongoing.

21 COMMISSIONER KENNEDY: And at any point, did you talk  
22 about the fact that he had been tipped off about search  
23 warrants by your colleague, Mr. Fernandez, and that that was  
24 inappropriate?

25 MR. LILLIENFELD: If you can refer me to a specific page

1 of this transcript on this exhibit, I can perhaps answer more  
2 intelligently.

3 COMMISSIONER KENNEDY: How about page 10 of this  
4 transcript? And it's the one on the left, the actual  
5 transcript page.

6 MR. LILLIENFELD: Oh, okay. Thank you.

7 COMMISSIONER KENNEDY: You see what I'm talking about?

8 MR. LILLIENFELD: I do. Thank you.

9 Is there a specific line you want to refer me to?

10 COMMISSIONER KENNEDY: Yeah. It's the part where you say  
11 you're talking to Adam Lowe, who is not in law enforcement, and  
12 you're saying:

13 "It's totally inappropriate. It's against the law.  
14 It's 128 of the Penal Code. It's against the law for you  
15 to even know of the existence of a search warrant. You  
16 shouldn't even know about it and then interject yourself  
17 into it."

18 Right?

19 MR. LILLIENFELD: Yeah. Absolutely.

20 COMMISSIONER KENNEDY: That happened; right?

21 MR. LILLIENFELD: Yes.

22 COMMISSIONER KENNEDY: So isn't it true, like, you did  
23 have knowledge that someone from the detail was leaking  
24 information about search warrants to someone, a third party who  
25 has no right to have that information, and that third party is

1 Adam Lowe.

2 MR. LILLIENFELD: You got me there, Mr. Kennedy. You're  
3 right.

4 COMMISSIONER KENNEDY: Well, I'm not trying to do  
5 "gotcha." I'm not --

6 MR. LILLIENFELD: Sure.

7 COMMISSIONER KENNEDY: Can you tell us, like, Adam Lowe,  
8 who is Adam Lowe?

9 MR. LILLIENFELD: He's a husband of a  
10 whistleblower/complainant in one of the criminal  
11 investigations, in particular, the one that we're not talking  
12 about.

13 COMMISSIONER KENNEDY: Yes, yes.

14 And he's also a friend of then-Sheriff Villanueva,  
15 and his wife, Vivian; right?

16 MR. LILLIENFELD: I had heard that. He had told me that,  
17 yes.

18 COMMISSIONER KENNEDY: In fact, he's very proud of his  
19 access to the Villanuevas, isn't he?

20 MR. LILLIENFELD: He had mentioned it to me more than  
21 once.

22 COMMISSIONER KENNEDY: Yeah. I mean, he often mentions  
23 that he posts photos with them on social media; right?

24 MR. LILLIENFELD: I don't recall that in particular, but I  
25 knew that he communicated with them and had a relationship with

1 them.

2 COMMISSIONER KENNEDY: Let me --

3 MR. LILLIENFELD: I actually don't know if it was with  
4 them or with the Sheriff in particular.

5 COMMISSIONER KENNEDY: Let me say it more generally. He  
6 bragged about his access and relationship with them. Fair  
7 statement?

8 MR. LILLIENFELD: Yes.

9 COMMISSIONER KENNEDY: Yes.

10 And you were very concerned about it, and you did not  
11 want him talking about knowing about search warrants; right?

12 MR. LILLIENFELD: Correct.

13 COMMISSIONER KENNEDY: And he told you, "Well, first of  
14 all, Max told me"; right?

15 MR. LILLIENFELD: If you can point to the page and line  
16 number.

17 COMMISSIONER KENNEDY: Page 11, I think it is.

18 MR. LILLIENFELD: I'm sorry?

19 COMMISSIONER KENNEDY: Page 11.

20 MR. LILLIENFELD: Thank you.

21 Is there a line number or...

22 COMMISSIONER KENNEDY: "Well, first of all, Max told me."  
23 It's right up at the top. I think that's one of them where he  
24 says it.

25 MR. LILLIENFELD: You don't want to yell at me for calling

1 him a "dumb shit" too, do you?

2 COMMISSIONER KENNEDY: I'm not -- I didn't ask about  
3 that --

4 MR. LILLIENFELD: I knew you were going to go there. So  
5 go ahead and bring it out now, Mr. Kennedy.

6 COMMISSIONER KENNEDY: I'm not. I really am focused on --

7 MR. LILLIENFELD: Yeah.

8 COMMISSIONER KENNEDY: -- this issue --

9 MR. LILLIENFELD: Of course you are.

10 COMMISSIONER KENNEDY: -- because --

11 CHAIR BONNER: Okay. Just to be clear on the record, I'm  
12 sorry.

13 COMMISSIONER KENNEDY: It's okay.

14 CHAIR BONNER: So just so the record's clear here, you  
15 told Mr. Lowe -- Mr. Lowe told you that Max -- and let's be  
16 clear on the "Max" we're talking about here, Fernandez -- had  
17 informed him of the search warrants with respect to  
18 Sheila Kuehl and Patti Giggans? Am I correct?

19 MR. LILLIENFELD: I believe so. Yes, sir. I believe  
20 you're correct.

21 CHAIR BONNER: And that's what you testified to.

22 MR. LILLIENFELD: Yes, sir.

23 CHAIR BONNER: Go ahead. I'm sorry. I just wanted to  
24 be --

25 COMMISSIONER KENNEDY: No, no. I understand.

1 CHAIR BONNER: -- for the record to be clear.

2 COMMISSIONER KENNEDY: I need all the help I can get,  
3 Your Honor.

4 Can we turn to page 20 of this same exhibit?

5 You're talking to Mr. Lowe about this, and you're  
6 actually, very honestly, calling him out about receiving  
7 confidential search warrant information, and you're saying:

8 "Well, yeah, we did. There's no getting around it.  
9 I don't know Mr -- emails it's clear in your texts it's  
10 clear that you had knowledge of the warrant."

11 So somewhere in your mind when you went up there, was  
12 the concern that he had been tipped off about warrants from one  
13 of your colleagues?

14 MR. LILLIENFELD: Yes.

15 COMMISSIONER KENNEDY: Yeah.

16 And he tries to say, "Oh, I'm going to blame it on  
17 Mr. Dugdale," who's one of the defense counsel; right?

18 MR. LILLIENFELD: Correct.

19 COMMISSIONER KENNEDY: And you say, "That maybe your  
20 truth. In fact, you had personal knowledge of the  
21 existence of the warrant prior to its signature, prior to  
22 its service, and it's obvious that that's the truth and  
23 that's the way cops are going to testify. So if you  
24 testify contrary to that, somebody's going to be perjuring  
25 themselves"; right?

1 MR. LILLIENFELD: Yeah. Those are my words. Absolutely.

2 COMMISSIONER KENNEDY: Yeah. And so there's a member of  
3 the Public Corruption Detail that is telling third parties who  
4 are favorable to the elected Sheriff at the time about search  
5 warrants; right?

6 MR. LILLIENFELD: Is that the question you're posing to  
7 me?

8 COMMISSIONER KENNEDY: That's the question, yes.

9 MR. LILLIENFELD: It would appear from this conversation,  
10 that is correct, yes.

11 COMMISSIONER KENNEDY: And did you investigate  
12 Max Fernandez for accessing and leaking confidential  
13 information the way that you investigated others based on that  
14 allegation?

15 MR. LILLIENFELD: No.

16 COMMISSIONER KENNEDY: Because?

17 MR. LILLIENFELD: Kind of a silly question there,  
18 Mr. Kennedy, with all due respect.

19 COMMISSIONER KENNEDY: Why? Why? Why is that silly?

20 Our law enforcement, they get a special treatment,  
21 they're not investigated for --

22 MR. LILLIENFELD: No. It's taken out of context in that  
23 this particular person, Mr. Lowe, although, he's truly not a  
24 witness or an informant in any way in this inquiry, he's  
25 married to the primary complainant.

1           Though, I don't think that Sergeant Fernandez leaked  
2 this information to him on purpose or with a malignant heart or  
3 anything else. As you know, it's a specific intent crime to  
4 reveal the existence of a warrant prior to its service. I  
5 think that perhaps a lack of -- or too much candor on the part  
6 of Sergeant Fernandez with that particular witness, the word  
7 got out, and he couldn't put the genie back in the bottle. I  
8 don't think there was any ill intent.

9           That's a little bit different than somebody's  
10 intentionally tipping off a target of a warrant that, "Hey, the  
11 cops are going to come. Hide your dope, and, you know,  
12 standby." Those are two very different things, which is why  
13 revealing the existence of a warrant, felonious act, is a  
14 specific intent crime.

15           COMMISSIONER KENNEDY: Well, how do you know  
16 Max Fernandez' intent regarding this issue if you never  
17 investigated it?

18           MR. LILLIENFELD: Well, call me silly. I just -- what  
19 advantage would -- hypothetically, what advantage would  
20 Sergeant Fernandez have in revealing the existence of the  
21 warrant to a party who's really just on the periphery of the  
22 investigation?

23           COMMISSIONER KENNEDY: Wouldn't one advantage be that  
24 Mr. Lowe can pass on information directly to Alex Villanueva  
25 that you've told us you can't because of the way you've



1 arranged the recusal?

2 MR. LILLIENFELD: It's funny where your mind goes, but I  
3 reckon that would be one advantage.

4 COMMISSIONER KENNEDY: Yeah.

5 MR. LILLIENFELD: But since you're the guy asking me the  
6 questions --

7 COMMISSIONER KENNEDY: You understand?

8 MR. LILLIENFELD: Yeah.

9 COMMISSIONER KENNEDY: I'm saying you're more generous  
10 with Max Fernandez about search warrants than you are with the  
11 inspector general of LA County.

12 MR. LILLIENFELD: Is that a question?

13 COMMISSIONER KENNEDY: Yes.

14 MR. LILLIENFELD: Oh, then the answer is yes.

15 CHAIR BONNER: Nonetheless, you would agree, wouldn't you,  
16 that Max Fernandez should not be leaking that there's a search  
17 warrant before its execution to nonlaw enforcement personnel?  
18 You would agree that he should not be doing that; correct?

19 MR. LILLIENFELD: The answer to that is yes, Your Honor.

20 CHAIR BONNER: And by the way, it's kind of a legal  
21 conclusion, but you've been around. Wouldn't you agree, by the  
22 way, that's unlawful for him to do?

23 MR. LILLIENFELD: No, not if it's an inadvertent act. I  
24 would not agree with that as unlawful.

25 CHAIR BONNER: All right. What you're going back to what

1 his intent is, I guess?

2 MR. LILLIENFELD: That is correct.

3 CHAIR BONNER: All right.

4 All right, Commissioner Kennedy.

5 COMMISSIONER KENNEDY: We're almost done.

6 On October 16th, 2013, the City Attorney of Los  
7 Angeles filed criminal charges against a sitting superior court  
8 judge, Craig Richman, alleging that he battered a female  
9 victim, Connie Romero; right? You know this.

10 MR. LILLIENFELD: Absolutely.

11 COMMISSIONER KENNEDY: Okay.

12 And Judge Richman, that's the judge who signed the  
13 warrants that we just talked about; right?

14 MR. LILLIENFELD: Yes.

15 COMMISSIONER KENNEDY: And, to be clear, you were not the  
16 investigating officer on this misdemeanor case being prosecuted  
17 by the City Attorney's Office, were you?

18 MR. LILLIENFELD: That's correct. I was not.

19 COMMISSIONER KENNEDY: You had no role whatsoever in the  
20 City Attorney's misdemeanor prosecution of Judge Richman?

21 MR. LILLIENFELD: That is correct.

22 COMMISSIONER KENNEDY: And can you take a look at Exhibit  
23 Number 4?

24 Are you familiar with this?

25 MR. LILLIENFELD: I am.

1 COMMISSIONER KENNEDY: This is a charging evaluation sheet  
2 from the LA County District Attorney's Office; right?

3 MR. LILLIENFELD: It is.

4 COMMISSIONER KENNEDY: And, sadly, you're the subject of  
5 this charging evaluation; right?

6 MR. LILLIENFELD: Very sad.

7 COMMISSIONER KENNEDY: I understand.

8 In this investigation that was conducted, the  
9 evaluation reflects that you asked the LA Fire Department, an  
10 investigator, Timothy Crass, that you needed information about  
11 the alleged victim in this misdemeanor case, Connie Romero;  
12 right?

13 MR. LILLIENFELD: Yes.

14 COMMISSIONER KENNEDY: And the fire department  
15 investigator said, "No. You have to subpoena that information.  
16 I can't give you that information"; right?

17 MR. LILLIENFELD: Yeah, that's correct.

18 COMMISSIONER KENNEDY: And you didn't subpoena it; right?

19 MR. LILLIENFELD: I'm sorry?

20 COMMISSIONER KENNEDY: You did not subpoena --

21 MR. LILLIENFELD: I did not have the power of subpoena at  
22 that time and, no, I did not.

23 COMMISSIONER KENNEDY: All right.

24 And three days later, you accessed Connie Romero's  
25 confidential criminal history from a JDIC terminal at the

1 Sheriff's Lakewood Station, didn't you?

2 MR. LILLIENFELD: I did.

3 COMMISSIONER KENNEDY: And you designated your identifier  
4 and reason as "LILLIE-118PC-INV"; right?

5 MR. LILLIENFELD: That is correct.

6 COMMISSIONER KENNEDY: Okay. And 118 PC, that's a  
7 reference to the Penal Code?

8 MR. LILLIENFELD: It is.

9 COMMISSIONER KENNEDY: And it's for perjury; right?

10 MR. LILLIENFELD: That is correct.

11 COMMISSIONER KENNEDY: Okay.

12 And why did you claim you were seeking confidential  
13 information about an alleged victim in an ongoing battery  
14 prosecution that you have nothing to do with? Why did you  
15 claim you were seeking confidential information about her in  
16 connection with a perjury investigation?

17 MR. LILLIENFELD: Because I had been tasked with  
18 conducting a criminal investigation by the then-Sheriff of Los  
19 Angeles County, Lee Baca, regarding threats to a judicial  
20 officer. Under the Government Code, under the County Charter,  
21 the Sheriff is charged with the protection of judicial  
22 officers.

23 I had previously been assigned to investigate the  
24 murder of a superior court judge and his wife who were killed  
25 out in Chino Hills in their home, but he was at LA County Court

1 Commissioner. So I was somewhat familiar with investigating  
2 murders and assaults against judicial bench officers.

3 That being said, during the course of that inquiry,  
4 when I ran Connie Romero's -- I'm sorry. Is it Connie Ramirez?

5 COMMISSIONER KENNEDY: Romero.

6 MR. LILLIENFELD: When I ran her criminal history, it was  
7 during the course of that inquiry to determine if her alleged  
8 assault on the bench officer was related to his employment as  
9 being a sitting judge.

10 That's why I ran her criminal history, because I was  
11 tasked by the Sheriff with conducting an inquiry because the  
12 Sheriff is charged with protecting judicial bench officers, and  
13 he wanted to know if the threat -- if it was a real threat, or  
14 if she had attacked him or whatever the allegation was, had  
15 something to do with the course and scope of his employment as  
16 being a judge.

17 COMMISSIONER KENNEDY: So why did you put the Penal Code  
18 provision for perjury?

19 MR. LILLIENFELD: Because I'm an idiot, and I couldn't  
20 remember the damn code for threatening a judicial officer is  
21 the best I can remember. To this day, I can't -- I think it's  
22 136, but I'm not even sure of that, to be honest with you.  
23 That's probably why.

24 COMMISSIONER KENNEDY: Okay.

25 MR. LILLIENFELD: It's an odd code. It's not one that we

1 use all the time.

2 COMMISSIONER KENNEDY: Can I ask, like, I know that you  
3 investigated the murder of the commissioner and his wife many  
4 years before; right? That's what you're saying.

5 MR. LILLIENFELD: That is correct.

6 COMMISSIONER KENNEDY: But that makes sense. You're a  
7 homicide detective.

8 MR. LILLIENFELD: I am.

9 COMMISSIONER KENNEDY: And that was a double homicide.

10 MR. LILLIENFELD: It was.

11 COMMISSIONER KENNEDY: This is -- I think it's been called  
12 "Poopgate" in the news.

13 MR. LILLIENFELD: Correct.

14 COMMISSIONER KENNEDY: There's a fight over dog poop.

15 MR. LILLIENFELD: That's correct.

16 COMMISSIONER KENNEDY: So why would then-Sheriff Baca, ask  
17 you to investigate a threat against a judicial officer?

18 MR. LILLIENFELD: Because I had done the same thing in the  
19 past. There was a judicial officer that was being extorted,  
20 and he had gone to the Sheriff -- this is many years ago, prior  
21 to the election of Sheriff Baca -- the then-sitting Sheriff had  
22 asked me to conduct that inquiry. And I have, over the years,  
23 conducted a number of sensitive criminal inquiries involving  
24 people of note or people in unique, appointed or elected  
25 capacities.

1 COMMISSIONER KENNEDY: Are you done? I don't want to  
2 interrupt you. That's making it worse --

3 MR. LILLIENFELD: I am. Thanks for letting me finish the  
4 answer.

5 COMMISSIONER KENNEDY: The Department has a Judicial  
6 Services Division to investigate stuff like this.

7 MR. LILLIENFELD: It does.

8 COMMISSIONER KENNEDY: So why would then-Sheriff Baca, ask  
9 you, a homicide detective, to investigate judicial threats in  
10 the Poopgate case -- that's what they call it in the  
11 press -- when there are professionals who are dedicated to this  
12 in the Judicial Services Division of LA Sheriff's Department?

13 MR. LILLIENFELD: A question probably better posed to  
14 Sheriff Baca.

15 Why he picked me, I couldn't tell you. There was a  
16 cadre of -- there were a number of older, experienced  
17 detectives that had a wide variety of different experiences and  
18 investigative skill sets and I was one of those number of  
19 detectives throughout the Department. The Sheriff's  
20 Department, as you're aware, is big. At one time, we had a  
21 thousand detectives throughout both detective division and the  
22 individual stations, and I was one of those thousand detectives  
23 and sometimes my number would come up. That's why. I assume.

24 But, again, a question better posed for a different  
25 witness than me.

1           COMMISSIONER KENNEDY: Well, and, in fact, the  
2           investigators working for the DA in this charging evaluation,  
3           they did ask then-Sheriff Baca; right? And he wasn't able to  
4           confirm your statement that he asked you to do a judicial  
5           inquiry threat against Connie Romero; right?

6           MR. LILLIENFELD: Is there a question there?

7           COMMISSIONER KENNEDY: Yes. That's the question.

8           MR. LILLIENFELD: Oh, okay.

9                        Yes, you're correct. The investigators at the time  
10          did ask Sheriff Baca that question. Absolutely.

11          COMMISSIONER KENNEDY: And you named three other  
12          officials, and they also could not confirm it; right?

13          MR. LILLIENFELD: I don't -- can you refer me to a page on  
14          that?

15          COMMISSIONER KENNEDY: Sure.

16                        Chief William McSweeney.

17          MR. LILLIENFELD: The page number?

18          COMMISSIONER KENNEDY: The page -- I'm sorry.

19                        Elliott (phonetic), do you have the page?

20          MR. ELLIOTT: Thirty-eight.

21          CHAIR BONNER: Thirty-eight?

22          COMMISSIONER KENNEDY: I'm sorry, Your Honor. I just need  
23          a moment.

24          CHAIR BONNER: Nope. Take your time.

25          MR. LILLIENFELD: You don't have to find it. I found it.



1 COMMISSIONER KENNEDY: Okay.

2 MR. LILLIENFELD: It's 38 and 39.

3 And, yeah, I see in this declination document, pages  
4 38, 39, what you're trying to formulate question-wise. So,  
5 again, my answer would be: You're asking me to answer a  
6 question for people that are more suited to ask that question  
7 of than me.

8 COMMISSIONER KENNEDY: But this reflects that they were  
9 all asked the question, and none confirmed what you're telling  
10 us?

11 MR. LILLIENFELD: Correct.

12 COMMISSIONER KENNEDY: And on November 29th, 2013, in  
13 connection with this same investigation, you faxed a request to  
14 the Ventura Sheriff's Department for a police report  
15 documenting the arrest of Connie Romero in Ventura for an  
16 alleged DUI. And the reason that you gave for the request was  
17 that the detectives are currently conducting a 76 PC, Threat to  
18 a Public Official.

19 MR. LILLIENFELD: There you go. That's the right Penal  
20 Code Section.

21 COMMISSIONER KENNEDY: So this is the part where you  
22 change from perjury to a threat to a public official?

23 MR. LILLIENFELD: Correct.

24 COMMISSIONER KENNEDY: That's what you've said about.

25 And the answer "why did you change" is because now

1 you remembered it.

2 MR. LILLIENFELD: Correct.

3 COMMISSIONER KENNEDY: Okay.

4 And can I ask: Did you have any evidence that  
5 Connie Romero ever threatened Judge Richman?

6 MR. LILLIENFELD: Yes. There was prima facie evidence  
7 from the -- the fact that they had gotten involved in a  
8 confrontation and had exchanged, you know, a physical  
9 interaction with each other. So I had that evidence.

10 COMMISSIONER KENNEDY: He was the defendant in the battery  
11 prosecution.

12 MR. LILLIENFELD: Are you asking me that as a question?

13 COMMISSIONER KENNEDY: Yes.

14 MR. LILLIENFELD: Oh.

15 You're correct. He was the defendant in the  
16 prosecution. That's correct.

17 COMMISSIONER KENNEDY: And she was the alleged victim?

18 MR. LILLIENFELD: That is correct.

19 COMMISSIONER KENNEDY: And that made you think that she  
20 was threatening the judge?

21 MR. LILLIENFELD: Well, as you're well-aware, Mr. Kennedy,  
22 are you going to ask me about the verdict from that  
23 prosecution?

24 COMMISSIONER KENNEDY: I'm going to get there, yeah.  
25 Absolutely.

1 MR. LILLIENFELD: Okay. Yeah.

2 COMMISSIONER KENNEDY: But the verdict doesn't exist at  
3 the time you're doing this.

4 MR. LILLIENFELD: No, it did not. And that's all the more  
5 reason why I was making the inquiry to determine if the assault  
6 on the bench officer was related to his duties or was simply  
7 something unrelated to his duties as a bench officer. That was  
8 the purpose of my inquiry as the Sheriff --

9 COMMISSIONER KENNEDY: What's the threat?

10 MR. LILLIENFELD: I'm sorry?

11 COMMISSIONER KENNEDY: What's the threat Ms. Romero made  
12 to Judge Richman?

13 MR. LILLIENFELD: What is the threat?

14 COMMISSIONER KENNEDY: Yeah, that you were investigating.

15 MR. LILLIENFELD: I'm unaware.

16 COMMISSIONER KENNEDY: Okay.

17 Did you have any evidence that anybody else had  
18 threatened Judge Richman?

19 MR. LILLIENFELD: I did not.

20 COMMISSIONER KENNEDY: Now, in response to your request --  
21 and we really are, because I know you have a plane -- the  
22 Sheriff gave you the police report as you requested; right?

23 MR. LILLIENFELD: Yes.

24 COMMISSIONER KENNEDY: And they stamped on the copy that  
25 they provided you "Ventura County Sheriff, East County Records,

1 Copy, Not to be duplicated"; right?

2 MR. LILLIENFELD: Correct.

3 COMMISSIONER KENNEDY: And the clerk handwrote on the  
4 stamp that the report was provided to, quote, "Mark  
5 Lillienfeld" -- although, its spelled like Lillianfeld -- "LASO  
6 Homicide"; right?

7 MR. LILLIENFELD: Yes.

8 COMMISSIONER KENNEDY: And did you give that report to  
9 defense counsel for Judge Richman?

10 MR. LILLIENFELD: I did not. Had I done that, it would be  
11 a crime.

12 COMMISSIONER KENNEDY: Uh-huh.

13 And do you know how -- I mean, you know that Judge  
14 Richman's defense lawyer filed this report in court twice;  
15 right?

16 MR. LILLIENFELD: Yes.

17 COMMISSIONER KENNEDY: Do you know who gave it to him?

18 MR. LILLIENFELD: Nope. I have no clue.

19 CHAIR BONNER: Did Sheriff Baca have the report?

20 MR. LILLIENFELD: No, he did not.

21 CHAIR BONNER: All right.

22 COMMISSIONER KENNEDY: Is it fair to say that the deputy  
23 city attorney prosecuting that case thought you did?

24 MR. LILLIENFELD: Yes, that is fair to say.

25 COMMISSIONER KENNEDY: That's the Deputy City Attorney

1 Joshua Geller; right?

2 MR. LILLIENFELD: Yes, sir.

3 COMMISSIONER KENNEDY: And he emailed you to ask if there  
4 was any basis supporting the alleged investigation regarding  
5 the threat to Judge Richman; right?

6 MR. LILLIENFELD: I do not specifically recall. That  
7 sounds -- if you have a copy of the email, I'd like to see it,  
8 but I --

9 COMMISSIONER KENNEDY: It's been referred to in this. I  
10 don't have the email.

11 MR. LILLIENFELD: Okay. I don't either.

12 COMMISSIONER KENNEDY: It's referred to in this charge  
13 evaluation.

14 MR. LILLIENFELD: Oh, okay.

15 Then most likely, that occurred. I just don't have a  
16 clear memory of that.

17 COMMISSIONER KENNEDY: And he asked you if you knew where  
18 the defense lawyer for the judge obtained the report too. He  
19 asked that as well.

20 MR. LILLIENFELD: Again, I don't have a clear recollection  
21 of that.

22 COMMISSIONER KENNEDY: Up here, does looking at page 4 of  
23 8 refresh your recollection?

24 MR. LILLIENFELD: Where on the page -- oh, okay.

25 COMMISSIONER KENNEDY: The first paragraph.

1 MR. LILLIENFELD: Okay.

2 COMMISSIONER KENNEDY: And you didn't return his email?

3 MR. LILLIENFELD: Actually, I don't believe it was an  
4 email, sir. I think it was a phone call.

5 COMMISSIONER KENNEDY: Well, actually, he emailed you and  
6 then he phone called you; right? He called you.

7 MR. LILLIENFELD: I remember the phone calls, I don't  
8 remember the email.

9 COMMISSIONER KENNEDY: Okay.

10 Do you remember -- well, you didn't return any  
11 communication from the city attorney prosecuting that case;  
12 right?

13 MR. LILLIENFELD: I did not.

14 COMMISSIONER KENNEDY: And isn't it right that you,  
15 instead of answering the deputy city attorney who asked you  
16 these questions, you wrote to a colleague, Detective Francis  
17 Hardiman, quote, "FYI, is it me, or is this both snotty and  
18 threatening? May be a letter to the city attorney of a  
19 complaint and the Cal Bar."

20 MR. LILLIENFELD: Yes, I did write that. Absolutely.

21 COMMISSIONER KENNEDY: What is wrong with a prosecutor  
22 asking you questions about confidential information that you  
23 have a connection to and were being used in violation of the  
24 law, as you see?

25 MR. LILLIENFELD: The answer to your question is there's

1 absolutely nothing wrong with the prosecutor asking a question  
2 in that vein.

3 COMMISSIONER KENNEDY: So why is he subject to a Cal Bar  
4 complaint for asking you those questions?

5 MR. LILLIENFELD: Because his conduct and his language and  
6 his tone and his demeanor was unprofessional. And I believe  
7 there are Cal Bar rules regarding professionalism in how you  
8 address people, and I thought that he was way out of line. I  
9 think the word was "snarky," which probably isn't really a  
10 word.

11 COMMISSIONER KENNEDY: I think that comes up later.

12 So when you didn't answer, he referred this to the  
13 DA; right?

14 MR. LILLIENFELD: "He" meaning who?

15 MR. LILLIENFELD: Deputy City Attorney Geller.

16 MR. LILLIENFELD: Referred the matter of me obtaining  
17 that --

18 COMMISSIONER KENNEDY: Yes.

19 MR. LILLIENFELD: -- that information?

20 Yes. He referred it to the District Attorney.

21 COMMISSIONER KENNEDY: Or someone from the city attorneys  
22 anyway referred it there?

23 MR. LILLIENFELD: I believe so, yes.

24 COMMISSIONER KENNEDY: Yeah.

25 And the investigators talked to you; right?

1 MR. LILLIENFELD: You know what? I stand corrected, sir.  
2 There was a administrative inquiry that was conducted by the LA  
3 Sheriff's Department based on a complaint -- a letter of  
4 complaint from the snarky attorney. And at the conclusion of  
5 that investigation, they submitted it to the DA for either a  
6 prosecution or a declination. So that's what this --

7 COMMISSIONER KENNEDY: That's right.

8 MR. LILLIENFELD: -- eight-page document is. That's how  
9 it got to the DA.

10 COMMISSIONER KENNEDY: He referred it to the DA, the DA  
11 referred it to ICIB --

12 MR. LILLIENFELD: He did (inaudible) --

13 COMMISSIONER KENNEDY: (Inaudible).

14 MR. LILLIENFELD: I believe that the city attorney  
15 directly wrote to the Internal Criminal Investigations Bureau.

16 COMMISSIONER KENNEDY: Okay.

17 Well, in any event, you agreed to be interviewed by  
18 investigators; right?

19 MR. LILLIENFELD: Twice, I think.

20 COMMISSIONER KENNEDY: Twice. That's right.

21 And when they ask you why you didn't return the city  
22 attorney's phone messages and email, you responded, "Because  
23 Mr. Geller was," quote, "unprofessional, snotty, snarky, and  
24 borderline unethical"; right?

25 MR. LILLIENFELD: That is correct.



1           COMMISSIONER KENNEDY: What is unethical about a public  
2 prosecutor asking to investigate whether a member of the  
3 Department illegally obtained confidential criminal history  
4 information and illegally obtained a police report?

5           MR. LILLIENFELD: I find it unethical when a attorney asks  
6 leading questions that assume facts that aren't already out  
7 there, and I got that distinct impression from Mr. Geller, and  
8 I didn't think it was appropriate. That's why. That's not a  
9 judgment call, but that was the flavor in the tone that I got  
10 from him. Well, that's the answer to your question.

11           COMMISSIONER KENNEDY: You don't ever ask leading  
12 questions when you're interrogating suspects?

13           MR. LILLIENFELD: I don't interrogate suspects --

14           COMMISSIONER KENNEDY: When you interview suspects?

15           MR. LILLIENFELD: Pardon me?

16           COMMISSIONER KENNEDY: You don't ever ask a leading  
17 question when you interview a suspect?

18           MR. LILLIENFELD: It depends on the -- the situation and  
19 all that. I try to avoid them. They're not good in murder  
20 investigations.

21           COMMISSIONER KENNEDY: I don't have any further questions.  
22 I really appreciate you answering my questions.

23           MR. LILLIENFELD: You bet.

24           CHAIR BONNER: Just have a couple of questions.

25                       One is do you know Judge Richman?

1 MR. LILLIENFELD: I do, Your Honor, along with roughly 40  
2 of the 290 judges that are on the bench, along with some  
3 appellate justices, along with Chief Justice George and I are  
4 somewhat friendly.

5 CHAIR BONNER: Has Judge Richman ever acknowledged, you  
6 know, as a favor that you were able to develop some information  
7 that casts, let's say, doubt on, or might have even helped him  
8 with his defense against the assault charges he was facing?

9 MR. LILLIENFELD: He became only aware that the Sheriff  
10 had tasked me with ensuring his safety.

11 For the first time I had ever met him, I went to his  
12 house to kind of do an overview of his home and make sure he  
13 had proper lighting and the bushes were trimmed back and that  
14 his neighbors knew who he was and to call LAPD were there to be  
15 a problem and things along those lines. But he was unaware  
16 that I had been tasked to conduct the inquiry regarding his  
17 physical and personal safety.

18 CHAIR BONNER: I mean, have you continued after that from  
19 time to time to have some social contact or otherwise?

20 MR. LILLIENFELD: Much like I do with the other 30 or 40  
21 judges I'm friendly with, yes.

22 CHAIR BONNER: Okay.

23 I've got to ask you this, sir.

24 MR. LILLIENFELD: Yes, sir.

25 CHAIR BONNER: Did you suggest to your fellow public

1 corruption detailee, Max Fernandez, that he might contact  
2 Judge Richman for the search warrants of Sheila Kuehl and  
3 Patti Giggans' homes.

4 MR. LILLIENFELD: Unequivocally, absolutely not.

5 We, in fact, had gone to the presiding judge of a  
6 criminal court when the unit was first formed. And we had that  
7 judge designate three specific judges throughout the county who  
8 were going to be tasked with signing any and all search  
9 warrants as they were all somewhat vetted and they had no  
10 conflicts to speak of, and Judge Richman was not one of the  
11 three specifically-assigned judges to assist the  
12 Public Corruption Detail in obtaining warrants or orders.

13 CHAIR BONNER: So that of course raises the question: Why  
14 didn't you go to one of the three judges that have been  
15 designated by the presiding judge to get the search warrants  
16 issued?

17 MR. LILLIENFELD: Your Honor --

18 CHAIR BONNER: When I say "you," I mean, to the extent you  
19 know your colleague, Max Fernandez.

20 MR. LILLIENFELD: Yes. The question is posed better for  
21 him than me. I would guess, if I'm allowed to guess, than your  
22 answer here, I would guess that the judges we had designated  
23 were not available.

24 CHAIR BONNER: All right. That's interesting speculation.

25 All three judges weren't available, and it just

1 happens that he went to Judge Richman, who is a judge --  
2 whatever else might be said -- that you assisted in some way or  
3 another in connection with the judge's belief that he'd been  
4 threatened by Ms. Romero: correct? Is that a correct summary,  
5 or is that argumentative? Am I (inaudible) --

6 MR. LILLIENFELD: (Inaudible) --

7 CHAIR BONNER: -- (inaudible).

8 MR. LILLIENFELD: -- with all due respect, it was a  
9 (inaudible) formed response, sir.

10 CHAIR BONNER: Well, it was a leading question.

11 MR. LILLIENFELD: Yes, it was. (Inaudible).

12 CHAIR BONNER: All right. And I'll withdraw the question.

13 MR. LILLIENFELD: Thank you.

14 CHAIR BONNER: Okay. Let me -- just a couple of details  
15 here. I just wanted -- these are, I think, purely factual  
16 questions that you can answer, and you may have already  
17 answered this, but I just want to know when did Alex Villanueva  
18 stand up the Public Corruption Detail within the Sheriff's  
19 Department? I mean, in relationship to his being sworn in in  
20 December of 2018, was it, like, the next month? But,  
21 approximately, when was that stood up?

22 MR. LILLIENFELD: About six months later.

23 CHAIR BONNER: Okay.

24 When did he first ask you to become part of the  
25 Public Corruption Detail?

1 MR. LILLIENFELD: About two weeks prior to the election  
2 that was held in November of '18. I was introduced to him, and  
3 at that time he asked me, were he to win the election, if I  
4 would be interested in coming back and working as a 960  
5 hire-back deputy sheriff?

6 CHAIR BONNER: And did he mention that -- but the purpose  
7 for that would be that you would be involved in or participate  
8 in a Public Corruption Detail?

9 MR. LILLIENFELD: Amongst other potential duties, yes.

10 CHAIR BONNER: Okay. So he was already thinking about it  
11 before he actually was sworn into office; correct?

12 MR. LILLIENFELD: Again, question better for him, but we  
13 certainly --

14 CHAIR BONNER: No. I'm asking you based upon what he told  
15 you --

16 MR. LILLIENFELD: Yes.

17 CHAIR BONNER: -- two weeks before --

18 MR. LILLIENFELD: Yes.

19 CHAIR BONNER: -- before he was sworn in.

20 Okay. So --

21 MR. LILLIENFELD: And if I could elaborate on the answer?

22 CHAIR BONNER: No. I didn't ask you to do that.

23 MR. LILLIENFELD: Okay.

24 CHAIR BONNER: But I may later.

25 But so I'm just -- because in the interest of time, I

1 just wanted to get some --

2 MR. LILLIENFELD: So you don't want the complete answer?

3 CHAIR BONNER: Okay. All right. Go ahead. Go ahead.  
4 Tell me about it.

5 MR. LILLIENFELD: The reason he was interested in a public  
6 corruption detail is because, during the campaign, many people,  
7 including media people, citizens, whistleblowers, attorneys  
8 came up to him and expressed that that there was a great deal  
9 of inappropriate conduct going on throughout LA county,  
10 including wage theft and unfair use of labor, as well as  
11 people -- quid pro quo arrangements. And people were very  
12 upset about that during the campaign, and they expressed that  
13 to him and that was why he had talked about formulating a  
14 specific detail that dealt with those kinds of issues 'cause  
15 there wasn't such a thing.

16 And I thank you for allowing me to answer that.

17 CHAIR BONNER: All right. Was that based upon something  
18 Alex Villanueva said to you, or are you speculating?

19 MR. LILLIENFELD: Yeah.

20 CHAIR BONNER: All right.

21 So did the Public Corruption Detail -- did it exist  
22 through the entire term of Alex Villanueva's term as the  
23 Sheriff?

24 MR. LILLIENFELD: No.

25 CHAIR BONNER: Okay. When did it dissolve or be

1       disbanded?

2               MR. LILLIENFELD:   January 24th of 2023, after Robert Luna  
3       was elected and sworn in as the Sheriff.  He disbanded the  
4       detail.

5               CHAIR BONNER:   Yeah.  Well, I -- okay.  Yeah, my question  
6       was:  Did it -- maybe I misspoke -- but did it exist for the  
7       entire term of office of Alex Villanueva from the time it was  
8       started until he left office?

9               MR. LILLIENFELD:   No, sir.

10              I believe it started around six or seven months into  
11       his term, I think.

12              CHAIR BONNER:   I got the start date.  I'm trying to get  
13       the end date here.

14              MR. LILLIENFELD:   January 24th, 2023.

15              CHAIR BONNER:   Okay.

16              And the person who ended the Public Corruption Detail  
17       was the Sheriff that replaced Alex Villanueva, Robert Luna;  
18       correct?

19              MR. LILLIENFELD:   That is correct.

20              CHAIR BONNER:   All right.

21              Now, how many personnel of the Sheriff's Department  
22       were assigned to the Public Corruption Detail?

23              MR. LILLIENFELD:   It varied.  It started with simply two,  
24       and I believe at one point, there were either eight or ten  
25       detectives assigned to the unit, and the number fluctuated

1 somewhat.

2 CHAIR BONNER: All right. So, I mean, other than -- so we  
3 know that you and Max Fernandez and then there were three  
4 lieutenants you mentioned, how many other -- at the highwater  
5 mark, are you saying there are another four or five that were  
6 in the detail?

7 MR. LILLIENFELD: Yes.

8 CHAIR BONNER: Okay.

9 Which one of the three lieutenants, by the way, did  
10 you report to?

11 MR. LILLIENFELD: Well, all three of them were -- they  
12 were in and out of the unit. The first lieutenant --

13 CHAIR BONNER: Oh, okay.

14 MR. LILLIENFELD: -- was Captain Glenn Walsh, and then  
15 Captain Andy Meyer, and then when he promoted it was  
16 Lieutenant --

17 CHAIR BONNER: Oh, okay. I got that.

18 MR. LILLIENFELD: -- Velez.

19 CHAIR BONNER: So it's just that there was one lieutenant  
20 in that --

21 MR. LILLIENFELD: Correct.

22 CHAIR BONNER: -- but that rotated several times?

23 MR. LILLIENFELD: Yes.

24 CHAIR BONNER: Okay. I've got that.

25 And that lieutenant, whoever it was, reported to



1 Undersheriff Murakami; correct?

2 MR. LILLIENFELD: That's correct.

3 CHAIR BONNER: So when did -- when did Sheriff Villanueva  
4 put Undersheriff Murakami in charge of this Public Corruption  
5 Detail, approximately? I'm not looking for an exact date.

6 MR. LILLIENFELD: I believe in the summer of 2019 when it  
7 was formed and functioning.

8 CHAIR BONNER: Right around the time it was formed or  
9 stood up?

10 MR. LILLIENFELD: That's correct.

11 CHAIR BONNER: Okay. All right.

12 I think these should cover the other questions here.  
13 I guess -- no, there was one.

14 Alex Villanueva, at one point, publicly suggested  
15 that the chief executive officer of the County of Los Angeles,  
16 Sachi Hamai, had engaged in criminal conduct. Can you tell me,  
17 I mean, is that something that was investigated by the  
18 Public Corruption Detail? I mean, was she investigated by the  
19 Public Corruption Detail?

20 MR. LILLIENFELD: A complaint report was authored, and it  
21 was turned over to the California Attorney General.

22 CHAIR BONNER: Were turned over after the Attorney General  
23 took over all the cases?

24 MR. LILLIENFELD: No.

25 CHAIR BONNER: Okay.

1                   Very early on?

2           MR. LILLIENFELD: Correct.

3           CHAIR BONNER: All right.

4                   And who caused that to be turned over to the  
5 California Attorney General?

6           MR. LILLIENFELD: I did.

7           CHAIR BONNER: Oh, you -- I thought Murakami was in charge  
8 of the unit.

9           MR. LILLIENFELD: He was.

10          CHAIR BONNER: Oh. But you -- you made the decision to  
11 turn that complaint over to the state Attorney General?

12          MR. LILLIENFELD: With the permission of the undersheriff,  
13 yes.

14          CHAIR BONNER: Oh, okay.

15                   All right. I guess the other question -- I kind of  
16 asked it before, but I just feel like I should ask it again  
17 because I've identified -- we've identified in the course of  
18 this hearing that there were at least indications of criminal  
19 investigations that were initiated against the Inspector  
20 General, Mr. Huntsman; against Commissioner Patti Giggans; and  
21 Supervisor Sheila Kuehl. There's -- obviously was a criminal  
22 investigation that would be based upon a complaint against  
23 Sachi Hamai, the chief executive officer of the County of Los  
24 Angeles; there was an indication on the part of the former  
25 Sheriff, Alex Villanueva, that an LA Times reporter, Maya Lau,

1 had engaged in criminal activity.

2 And so the question I have is: Did the Public  
3 Corruption Detail investigate anybody who was not either a  
4 critic or had some oversight responsibility of the Sheriff?  
5 That's Sheriff Alex Villanueva.

6 MR. LILLIENFELD: The answer to your question is yes.

7 CHAIR BONNER: They did?

8 MR. LILLIENFELD: Yes.

9 CHAIR BONNER: And did that include anybody other than  
10 employees of the Office of the Inspector General?

11 MR. LILLIENFELD: Yes.

12 CHAIR BONNER: But it did include employees of the Office  
13 of Inspector General; correct?

14 MR. LILLIENFELD: Yes.

15 CHAIR BONNER: Okay.

16 So you don't consider the employee of the Office of  
17 the Inspector General to -- look, we were all here during that  
18 four years. You don't think that at least the former Sheriff,  
19 Alex Villanueva, considered not just Mr. Huntsman, but  
20 everybody in the Inspector General's Office to be a critic and  
21 having some oversight responsibility over him? I mean, you're  
22 not saying that?

23 MR. LILLIENFELD: As I testified earlier, Your Honor, with  
24 all due respect, my relationship with the Sheriff was friendly  
25 and academic and I made a regular habit of asking about his dog

1 and baseball and how things were, and we never discussed his  
2 critics or who the targets were of our criminal inquiries. I  
3 dealt directly with the appointed undersheriff at the time.

4 CHAIR BONNER: And you never discussed it because  
5 Alex Villanueva had recused himself; correct?

6 MR. LILLIENFELD: That's in air quotes just like you did.  
7 Correct.

8 CHAIR BONNER: And when you say "recused" -- of course he  
9 recused himself, but his undersheriff actually reported to him;  
10 correct?

11 MR. LILLIENFELD: That's correct.

12 CHAIR BONNER: All right.

13 So I know you wouldn't be privy to it, but there  
14 could have been some conversations between the undersheriff,  
15 Murakami, and Alex Villanueva as to what the Public Corruption  
16 Detail should be doing or not be doing and who it should be  
17 investigating. It's a hypothetical question, I guess. You  
18 don't really know one way or the other?

19 MR. LILLIENFELD: You want me to answer it?

20 CHAIR BONNER: Well, if you could.

21 MR. LILLIENFELD: I don't really know.

22 CHAIR BONNER: Okay. That's what I thought your answer  
23 would be.

24 So -- and I don't mean that critically --

25 MR. LILLIENFELD: I understand.

1 CHAIR BONNER: -- because I know you would not be present  
2 at those such meetings, assuming that they occurred.

3 CHAIR BONNER: Oh. Well, so the criminal complaint  
4 against Sachi Hamai, who initiated that?

5 MR. LILLIENFELD: I believe a citizen. An employee, I  
6 want to say, of United Way called in and was the complainant on  
7 that, I believe. I don't recall. It's been a good number of  
8 years.

9 CHAIR BONNER: Okay.

10 MR. LILLIENFELD: Mr. Kennedy is shaking his head "no."  
11 So I'm sure you got the documents, you can refresh me with  
12 those, and I'm happy to answer appropriately if that's wrong.

13 CHAIR BONNER: Do we know?

14 COMMISSIONER KENNEDY: The Sheriff's wife who made a  
15 comment on Facebook Live that "it's a felony for her to sit as  
16 a volunteer on the United Way"?

17 MR. LILLIENFELD: Absolutely not. We wouldn't initiate a  
18 complaint or draw a file number or start an inquiry off of  
19 something silly like that. I'm sure you're in possession of  
20 the report and documents or he wouldn't be asking the question.  
21 I'm happy to answer it appropriately if you could produce  
22 those.

23 CHAIR BONNER: Well, anyway. For whoever the actual  
24 complainant was by name, I mean, it -- it is, I think, a fact  
25 of public record that the Sheriff's wife did suggest that

1 Sachi Hamai had engaged in criminal activity with respect to  
2 her charitable work with the United Way, and the record will  
3 speak for itself on whatever that is.

4 But that's all the questions I have but let me ask  
5 other members of the commission.

6 Yes, Commissioner Johnson, may have questions.

7 COMMISSIONER JOHNSON: Yes. Thank you for being here  
8 today.

9 And I wanted to ask you about a reference you made  
10 earlier about the sentence in the volume of the Sheriff's  
11 manual that gave a basis for this special detail involving  
12 public corruption. To the best of your knowledge, can you cite  
13 that basis from the manual as you attempted to do earlier?

14 MR. LILLIENFELD: You know, I know it's Volume 4, and I  
15 want to say it's Section 1, and other than that, I'm lost. Not  
16 only, like many things in the Sheriff's manual, following  
17 procedures, it's based on law. And I believe it's 26000, maybe  
18 26600 of the Government Code that grants the Sheriff the power  
19 to conduct those kinds of inquiries and investigations.

20 COMMISSIONER JOHNSON: And were you present earlier today  
21 for the testimony of Max Fernandez?

22 MR. LILLIENFELD: I was.

23 COMMISSIONER JOHNSON: And did you hear the question  
24 directed to him about the evidence from the initial search  
25 warrant involving reporting in The Advocate magazine? Did you

1 see that?

2 MR. LILLIENFELD: I did.

3 COMMISSIONER JOHNSON: Do you happen to know what today is  
4 in the city of Los Angeles?

5 MR. LILLIENFELD: Today in particular?

6 COMMISSIONER JOHNSON: Yes.

7 MR. LILLIENFELD: No, sir. I'm sorry, I don't.

8 COMMISSIONER JOHNSON: Today is the National Coming Out  
9 Day, the first city in the country to declare National Coming  
10 Out Day a holiday.

11 And do you know the significance of that?

12 MR. LILLIENFELD: I do not.

13 COMMISSIONER JOHNSON: Well, National Coming Out Day is a  
14 day to celebrate the recognition of LGBTQ+ people, and the  
15 freedom from discrimination that LGBTQ+ people have earned.

16 Now, do you know what happened to be the catalyst for  
17 the publication of The Advocate magazine?

18 MR. LILLIENFELD: I do not. I'm sure you're going to tell  
19 me though.

20 COMMISSIONER JOHNSON: Well, I think it might be a little  
21 bit of a -- of a light on the subject and some sunlight on the  
22 background here.

23 Because The Advocate magazine actually grew out of  
24 protests in 1967, here nearby in Silver Lake outside the Black  
25 Cat, and it involved police abuse of LGBTQ people who were

1 arrested, summarily, merely for kissing someone on New Year's  
2 Eve; okay? And The Advocate magazine grew out of those  
3 protests.

4 And I just wanted to ask you if there is the  
5 formation of a special police force? Because you may be  
6 familiar that in the common pilots of many Angelinos, the unit  
7 that you participated in gained a nickname as a special or  
8 secret police force. Okay? And in Los Angeles today, the  
9 concern about the impact of the secret police force that you  
10 participated in has many historical remnants and bases out of  
11 incidents like the arrests of people at the Black Cat in 1967.

12 And I just wanted to ask you: Do you have any  
13 idea -- do you have any idea of the chilling effect on  
14 Angelino's, including commissioners like myself, for whom the  
15 existence of the secret police force and its retaliatory  
16 actions taken against a fellow commissioner, even had upon  
17 people's willingness to serve in the role of commissioners for  
18 sheriff's oversight? Are you aware of the chilling effect that  
19 you're actions in the secret police had on Angelino's?

20 MR. LILLIENFELD: The short answer is yes.

21 COMMISSIONER JOHNSON: Well, I'm glad to hear that,  
22 because I think that there is some value out of today's  
23 testimony, not only in getting it facts, but also in some of  
24 the reconciliation and reckoning with that record of facts that  
25 we have had laid out on the docket today thanks to the



1 excellent questioning and your agreement to participate and  
2 answer questions today.

3 CHAIR BONNER: Thank you.

4 Other commissioners?

5 Yes, Commissioner Calloway.

6 COMMISSIONER CALLOWAY: So I might need some help from  
7 Commissioner Kennedy just in case I say it wrong. I'm not  
8 verbose with a lot of the history, this is my second meeting.

9 So I would just want to make sure the -- just the  
10 approximation, how many complaints did the actual special unit  
11 receive in total?

12 MR. LILLIENFELD: Best question of the day, sir.  
13 Probably, I'm guessing around -- somewhere around 55 or 60 is  
14 what I would guess different inquiries were conducted.

15 COMMISSIONER CALLOWAY: Copy that.

16 And so, out of those complaints -- because I've never  
17 heard of this special corruption unit because I would have  
18 loved to have heard of it, but I've never heard of it. So how  
19 did the complaints from the citizens get made? Was there a  
20 hotline, like, a phone number or email address or...

21 MR. LILLIENFELD: Quite often they would be referred to  
22 that unit. So they would have direct contact, or the unit  
23 would learn about the existence of a complaint, sometimes  
24 through the media, sometimes just through other concerned  
25 citizens, anonymous letters, a variety of ways is how cases

1 will get initiated, and then the complainant would be  
2 contacted. Normally, no inquiry was conducted without either  
3 an oral interview or a letter written by a complainant, a  
4 complaining party. That's how the --

5 COMMISSIONER CALLOWAY: (Inaudible).

6 MR. LILLIENFELD: -- the investigations were initially  
7 conducted.

8 COMMISSIONER CALLOWAY: Understood.

9 And then so what would be your estimate on how many  
10 of the 55 to 60 complaints came actually from an actual  
11 community member, someone that wasn't connected with the  
12 Department at all, like, didn't even know anyone in the  
13 Department, in the county government, just a regular person?

14 MR. LILLIENFELD: My guess would be more than half,  
15 probably 30 of them, 25 to 35 of them.

16 COMMISSIONER CALLOWAY: Copy.

17 And then so the last question, which I guess the one  
18 with Commissioner Kennedy I might need some help from, is with  
19 the investigation that was about the threat to a public  
20 official.

21 MR. LILLIENFELD: Yes, sir.

22 COMMISSIONER CALLOWAY: Did I hear correct that there was  
23 an attempt for the subpoena to be obtained and then it was  
24 denied, and then the access to the confidential file happened.  
25 Was that the timeline?

1 MR. LILLIENFELD: The threat to the public official you're  
2 referencing is the judge with the dogshit-keeper?

3 COMMISSIONER CALLOWAY: Yeah.

4 MR. LILLIENFELD: Okay. That had no -- that had occurred  
5 years before the election of Alex Villanueva or the formation  
6 of the Public Corruption Unit. It happened probably, I think,  
7 five, six, seven, eight years before that.

8 COMMISSIONER CALLOWAY: Okay. So that -- but that's what  
9 we were talking about is two separate instances, there was a  
10 subpoena that didn't happen way before, or was denied before?

11 MR. LILLIENFELD: No. No subpoena was ever issued. Cops  
12 don't issue subpoenas, the Court does.

13 COMMISSIONER CALLOWAY: Yeah.

14 MR. LILLIENFELD: There was not a subpoena that was issued  
15 nor was one sought. That was simply, with all due respect,  
16 Mr. Kennedy throwing dirt all over my head. I'm surprised he  
17 didn't bring in all the bad shit I did in high school and  
18 college, but that's what that was.

19 COMMISSIONER CALLOWAY: Well, if it was relevant, I would  
20 have liked him to bring it in.

21 MR. LILLIENFELD: Absolutely.

22 COMMISSIONER CALLOWAY: Like where you are --

23 MR. LILLIENFELD: I'm shocked he didn't.

24 COMMISSIONER CALLOWAY: Thank you.

25 MR. LILLIENFELD: You're welcome.

1 CHAIR BONNER: Another question?

2 COMMISSIONER COOPER: I have a question.

3 CHAIR BONNER: Yes, Commissioner Cooper.

4 COMMISSIONER COOPER: I listened to you when you stated  
5 that you did not investigate Max Fernandez for leaking  
6 information. Have you thought about how that appeared to the  
7 public?

8 MR. LILLIENFELD: Sure.

9 COMMISSIONER COOPER: Because I found that very  
10 discriminating because it sets up a standard that people who  
11 work for the Sheriff's Department, police department, they get  
12 special breaks. Anyone else that was nonpolice, they don't get  
13 those type of breaks. And so it makes it seem as though we  
14 have two systems of justice, which I find very, very offensive.  
15 So just to say that, "Oh, Max Fernandez, oh, I don't believe he  
16 meant to hurt anyone," but anybody else, you definitely would  
17 have charged. So I think you really, really need to seriously  
18 think about how that affects the general public, because we  
19 can't have two standards like that.

20 CHAIR BONNER: Sounds more like a comment than a question,  
21 but did you want to respond?

22 MR. LILLIENFELD: Nope.

23 CHAIR BONNER: By the way, you said there were 55 to 60  
24 complaints made during the, roughly, three and a half years of  
25 that this Public Corruption Detail was in existence. How many

1 of those were actually -- how many investigations were there?

2 MR. LILLIENFELD: Fifty-five or 60.

3 CHAIR BONNER: Oh, so every complaint you got, you opened  
4 up an investigation?

5 MR. LILLIENFELD: Everyone that, on its face, looked like  
6 it had something to it -- some merit to it, yes.

7 CHAIR BONNER: All right.

8 Other questions by the commission?

9 COMMISSIONER JOHNSON: Well, I just want to ask about a  
10 pattern that emerged in your discussion about the Assistant  
11 City Attorney, Mr. Geller. And I wanted to ask about how you  
12 reached the conclusion that the hard questions that he was  
13 posing to you by email and by voicemail, that that was  
14 unethical. How is it unethical to ask hard questions of  
15 someone operating under the color of a law enforcement badge?

16 MR. LILLIENFELD: Mr. Johnson, I'm not sure if you're an  
17 attorney or not, sir. I've been a policeman four and a half  
18 decades. I've investigated hundreds of murders. I've taken 15  
19 death penalty trials to conclusion. I'm used to somewhat  
20 answering questions from lawyers, and there's a certain way to  
21 go about doing it and there's a certain way to not go about  
22 doing it.

23 And to, again reiterate, my answer stands from an  
24 hour and a half ago when Mr. Kennedy asked me that. I don't  
25 need to repeat the same answer here. There's just a way to go

1 about doing things. In business were supposed to be  
2 professional, and that wasn't there. And as you are,  
3 hopefully, aware, if you're not an attorney -- I don't recall  
4 if you are or not -- but there's a code of ethics that  
5 attorneys have to abide by with the Cal Bar.

6 COMMISSIONER JOHNSON: Right.

7 MR. LILLIENFELD: Mr. Geller was outside of that code, or  
8 I felt he was.

9 COMMISSIONER JOHNSON: I just find it interesting that you  
10 went to the conclusion of his hard questions that you did not  
11 answer, but that he repeatedly had to ask you that it was  
12 unethical.

13 And I want to note also that when Max Fernandez  
14 testified earlier, he, in part of his answers, leapt to the  
15 conclusion that Commissioner Giggans' presence here today for  
16 his questioning, that that had the whiff of corruption to him  
17 too, which, to me, was a significant leap of inference. And  
18 there's a pattern that struck me about why a unit that was  
19 dedicated to alleged corruption could possibly bootstrap those  
20 impressions or perhaps misimpressions aimed at people in public  
21 office or taking on a public function serving the public  
22 interest.

23 Do you see how it can be disturbing to the people  
24 here today and to those watching that you could bootstrap an  
25 inference like that of your own about an ethical misimpression,

1 or that Max Fernandez can draw the conclusion that someone  
2 doing some scrutiny of past actions was somehow engaged in  
3 corruption? Do you see how that could be disturbing to people  
4 about the distortion of the mission of a special detail like  
5 that, that seemed to have a very malleable, a very malleable  
6 basis in policy in the first place?

7 MR. LILLIENFELD: Is your question to me do I --

8 COMMISSIONER JOHNSON: Yes, it is.

9 MR. LILLIENFELD: -- (inaudible) --

10 COMMISSIONER JOHNSON: It's a question.

11 MR. LILLIENFELD: -- (inaudible). Is that your question  
12 to me?

13 COMMISSIONER JOHNSON: Yeah.

14 MR. LILLIENFELD: The answer is yes.

15 COMMISSIONER JOHNSON: Thank you.

16 CHAIR BONNER: Other questions?

17 Commissioner Kennedy, did you have any follow-up  
18 or...

19 COMMISSIONER KENNEDY: I just wanted to --

20 CHAIR BONNER: Should we get Mr. Calloway?

21 COMMISSIONER CALLOWAY: I just wanted to make sure that I  
22 heard correct. You don't have a tattoo of a gang, clique, or  
23 subgroup anywhere on your body. That's what you said?

24 MR. LILLIENFELD: I don't have any tattoos.

25 COMMISSIONER CALLOWAY: Copy that.

1 CHAIR BONNER: Yes, Commissioner Kennedy, any follow-up?

2 COMMISSIONER KENNEDY: My last.

3 Detective, when I met with you at the Hall of  
4 Justice, it's because I had written a memo entitled "Villanueva  
5 Administration's Investigation of Oversight Officials" on  
6 May 27th, 2021, and some people in the Department took issue  
7 with that; is that right?

8 MR. LILLIENFELD: I don't remember why we met. I remember  
9 that you were very ill-informed regarding "the McDonald's, wear  
10 a uniform to jail incident" until I sat you down and we talked  
11 for about an hour and a half, and I showed you the sealed court  
12 order with the judge's permission. That's what I remember  
13 about that.

14 I don't remember how we got to that juncture. I  
15 believe it was because you were putting out misinformation and  
16 somebody in authority yelled at you. I wouldn't have been the  
17 guy. I don't remember if the undersheriff contacted you or how  
18 that came about.

19 COMMISSIONER KENNEDY: No, I met with you voluntarily to  
20 hear what you had to say; right?

21 MR. LILLIENFELD: It was very kind of you.

22 COMMISSIONER KENNEDY: And would looking at the memo, we  
23 were spoke speaking of Sachi Hamai -- would looking at the memo  
24 where I refer to the July 22nd, 2020, Facebook Live session  
25 where Sheriff Villanueva was asked by Vivian Villanueva, his



1 wife, in a written question, she asks, quote, "Is it a felony  
2 for the County CEO to be part of the board of the United Way?"

3 And the Sheriff responded that it was a felony,  
4 citing Cal Government Code 1090.

5 Is that the basis of your complaint or your  
6 communication to the Attorney General?

7 MR. LILLIENFELD: No.

8 COMMISSIONER KENNEDY: You had some other complaint about  
9 Sachi Hamai being a volunteer board member of the United Way?

10 MR. LILLIENFELD: Yes. If you were to produce the report,  
11 I could tell you who the complainant was.

12 COMMISSIONER KENNEDY: I don't have it because I thought  
13 it was this. Because, after the Department sent a letter to  
14 the Attorney General regarding this incident, Sachi Hamai  
15 threatened to sue for a defamation and, quote, "a toxic work  
16 environment created by a fellow department head."

17 And do you recall that the County then settled that  
18 suit for \$1.5 million, and agreed to provide former  
19 Chief Executive Sachi Hamai security for her and her family  
20 indefinitely?

21 MR. LILLIENFELD: I don't. I'm unaware of that. I was  
22 never a part of that civil action. I don't know about that  
23 whatsoever.

24 COMMISSIONER KENNEDY: But this is the complaint --

25 MR. LILLIENFELD: (Inaudible) resigned --

1 I'm sorry?

2 COMMISSIONER KENNEDY: This is the complaint about  
3 Sachi Hamai being corrupt, that she was a volunteer member of  
4 the United Way.

5 MR. LILLIENFELD: That is a complaint about it evidently  
6 from the Sheriff and his wife. It's not the one that we acted  
7 on and initiated a criminal inquiry on. Those are two  
8 different documents produced by two different people.

9 COMMISSIONER KENNEDY: Nothing further on my part.

10 Thank you very much, Detective.

11 CHAIR BONNER: All right. So if there are no further  
12 questions --

13 MR. LILLIENFELD: Don't ask that again, Your Honor.

14 CHAIR BONNER: No, no, no. You can step down.

15 MR. LILLIENFELD: Thanks.

16 CHAIR BONNER: You are done, sir.

17 So you're free to step down and accompany your  
18 attorney or whoever it is out of the hearing room here.

19 Thank you.

20 MR. LILLIENFELD: You bet.

21 CHAIR BONNER: Okay. So we've reached a point in the  
22 hearing -- there are no further witnesses today, are there?

23 COMMISSIONER KENNEDY: No, Your Honor.

24 CHAIR BONNER: So there's a question if you might approach  
25 the lectern because you're both our special counsel and one of

1 our fellow commissioners, double duty today, Commissioner  
2 Kennedy. But we might have just a brief discussion before we  
3 adjourn. I know we're hitting close to 1:00 already, but as to  
4 how do you see this going forward and any thoughts on whether  
5 there should be -- we should have -- let's say, consider  
6 another special hearing into this matter or -- discuss that  
7 with us.

8 COMMISSIONER KENNEDY: Well, you know, I think the  
9 evidence that the former Sheriff assembled a special detail to  
10 investigate political enemies or perceived political enemies  
11 and oversight officials is substantial. So I don't think we  
12 should conclude the special hearings. I think we should take  
13 public comment and adjourn. But, you know, we can have the ad  
14 hoc committee decide whether further information should be  
15 taken.

16 But I think that this hearing raises startling  
17 questions about how the Sheriff's Department has targeted this  
18 commission and other oversight officials. And, unfortunately,  
19 because of the repeated claims of confidentiality, it's very  
20 difficult to get to the bottom of the matter, although, I think  
21 we came close.

22 CHAIR BONNER: Okay. So I think that's right. We're  
23 probably going to just refer this back to the ad hoc committee  
24 to determine whether there should be a next special hearing,  
25 what witnesses we might want to consider subpoenaing. I mean,

1 some are pretty obvious.

2 But let me say too, I mean, I just sort of do a  
3 wrap-up here of my own. It's deeply, deeply troubling that as  
4 early as two weeks before he took office that Sheriff Alex  
5 Villanueva was discussing the idea of -- of implementing and  
6 standing up a public corruption detail. The evidence is  
7 clearly that that's totally unprecedented, never been done by  
8 any other Sheriff at any time to stand up a special detail.

9 And then what's really troubling is how that special  
10 detail -- public corruption detail was used. First of all, the  
11 staffing of it is very problematic. I mean, that you would,  
12 you know, that you would staff somebody on this as a detective  
13 who has been, you know, identified by a superior court judge as  
14 having given false testimony. I mean, is this somebody you  
15 would want to put on a public corruption detail? I don't know.  
16 I think not, by the way. I will answer that. I will make that  
17 totally rhetorical. And so the whole idea of how it got  
18 staffed and all of that is eyebrow-raising.

19 You know, it's clear to everybody, it's even clear to  
20 our last witness, former Detective Lillienfeld, that it is  
21 manifestly inappropriate for a law enforcement official,  
22 particularly the head of the law enforcement agency, in this  
23 case, the Sheriff, to publicly announce or discuss that a  
24 person or an individual is under criminal investigation. I  
25 mean, it's -- you know, if you're looking for a suspect that's

1 on the run -- that's the answer he didn't give me. I mean, you  
2 know, sometimes you have to identify somebody because you want  
3 the public to identify somebody who has just committed a murder  
4 and they're in a brown Toyota -- but there's no exception here.  
5 There's no exception for this and there's no excuse for it.  
6 It's unethical. It's inappropriate to publicly announce  
7 criminal investigations of an individual, if for no other  
8 reason than that individual cannot even defend themselves. I  
9 mean, you know, you're better off being charged. At least you  
10 have a chance to go to court and defend yourself, but you can't  
11 defend yourself when you have a Sheriff who says you're under  
12 criminal investigation. It taints, it tarnishes.

13           And it's interesting there were 55 or 60 cases,  
14 apparently 55 or 60 complaints to the Public Corruption Detail,  
15 but the only ones that anybody's ever heard of are the  
16 investigations of Commissioner Patti Giggans, Supervisor Kuehl,  
17 Sachi Hamai, the former CEO, Inspector General Max Huntsman,  
18 Maya Lau. Those are the only ones you've ever heard of, and  
19 there's a reason for that.

20           And, I mean, it's hard -- the conclusion's almost  
21 inescapable, but I really would like to hear from Undersheriff  
22 Murakami and former Sheriff Alex Villanueva, as to why we  
23 shouldn't -- why any rightminded person wouldn't come to the  
24 conclusion that this Public Corruption Detail, which has been  
25 dissolved -- I applaud Sheriff Luna for that -- but this

1 corruption detail, what other conclusion can you come to other  
2 than it was set up to intimidate Alex Villanueva's critics, to  
3 intimidate the individuals that had oversight responsibilities  
4 for the Sheriff himself and his Department? You know, and they  
5 are nothing less -- you know, when you look at it, they're  
6 nothing less than McCarthyesque-type tactics. And we must be  
7 sure that that will -- this will never happen again because  
8 we'll never be effective oversight if you've got a sheriff who  
9 actually can launch investigations and identify people as  
10 subject to criminal investigations, who is going to serve on  
11 these commissions if that happens?

12           And thank God we have the courage of Commissioner  
13 Patti Giggans, who's still here, because she's been willing to  
14 serve on this commission and think of the price -- the  
15 sacrifice and price she's made to her reputation and to -- and  
16 Peace Over Violence. I mean, those bells can never be unrung.

17           So at any event, I just wanted to -- that's my quick  
18 summation. No, no, no, no, no. That's my quick summation of  
19 where we are so far.

20           Thank you, Commissioner Kennedy, for actually putting  
21 together, preparing, and -- and conducting this hearing.

22           COMMISSIONER JOHNSON: And I do want to add that while it  
23 is some solace that this unit was disbanded, I don't believe  
24 that what we've heard today leaves us any consolation that it  
25 couldn't recur unless there are explicit prohibitions,

1 safeguards, and guardrails built-in against any language in the  
2 code or any language in the manual being bootstrapped into a  
3 legitimation for the recurrence or the reconstitution of a  
4 secret police detail like we have heard described today and its  
5 implications.

6           So I just want to put on the record that this does  
7 warrant further policy provisions to ensure that no such entity  
8 is reconstituted and that no existing basis, however putative,  
9 in the Sheriff's code can be used to justify the reformulation  
10 of such a so-called public corruption unit with a malleable  
11 moral squad-type mission that has been used to intimidate  
12 Angelinos and to produce disinformation that can be used to  
13 sully people's reputations wrongly anytime in the future.

14           CHAIR BONNER: Yep. That's a good point, by the way. If  
15 we can figure out a policy that would prevent the reoccurrence,  
16 we should be thinking about that through the ad hoc committee  
17 initially.

18           Now let me ask any other -- before we turn to public  
19 comment, any other commissioners want to make a comment or  
20 observation or ask Commissioner Kennedy a question?

21           COMMISSIONER COOPER: Yeah. I had a question  
22 concerning -- because you mentioned that they do have some type  
23 of judicial service department, and why didn't they use that.  
24 Can we get more information on that department and what it  
25 legally can do?

1 COMMISSIONER KENNEDY: It investigates threats against  
2 judicial officers.

3 CHAIR BONNER: That's what it does.

4 COMMISSIONER KENNEDY: But, yes, I'll try to submit  
5 written information about that particular division.

6 CHAIR BONNER: Okay.

7 Well, if there's something in policy that sets out  
8 their duties, we'll ask staff to get that for you,  
9 Commissioner Cooper.

10 Any other comments before I ask Tracy how many public  
11 comments we have?

12 Okay. I think we can go to public -- do we have any  
13 public -- now, public comments would be public comments on the  
14 matter we're discussing here, which is the creation and use of  
15 the Public Corruption Detail of the Sheriff's Department?

16 MS. JORDAN: Yes, we do have in-house public comments. We  
17 do not have any online at this time. We have seven in-house.

18 CHAIR BONNER: All right. Let me invite -- why don't you  
19 call the first commenter forward.

20 MS. JORDAN: I will make the announcement in the event  
21 there are some online.

22 Good afternoon and welcome. If you wish to speak  
23 in-person at today's meeting, please turn in your public  
24 comment card at the table with the "public comments" sign. If  
25 you are remote, please raise your hand in Webex, and press "\*3"



1 on your phone. Each person who signs up for a public comment  
2 will have three minutes to speak unless --

3 CHAIR BONNER: I think I said two minutes for this, but  
4 we'll see if somebody needs --

5 MS. JORDAN: Unless the Chair adjusts your time to two  
6 minutes.

7 CHAIR BONNER: Well, you know, again, I think that's  
8 reasonable given the hour here, and the public comment is  
9 limited to the issue that we've been discussing here.

10 So go ahead, Ms. Jordan.

11 MS. JORDAN: Noted, Chair.

12 I will call the public comment after commissioner  
13 discussion. General public comment will be heard near the end  
14 of the agenda under non-agenda public comment item.

15 I will now turn to my colleague, Robert Flores  
16 (phonetic), who will announce the public comment rules in  
17 Spanish.

18 MR. FLORES: Buenas tardes. Le damos la bienvenida a esta  
19 reunión a miembros de la comunidad. Quienes prefieren hacer  
20 sus comentarios en español le daremos tres minutos, y podemos  
21 proveer traducción al Inglés. Simplemente Diga la palabra  
22 "Español" antes de comenzar sus comentarios, y le diremos como  
23 proceder. Gracias.

24 MS. JORDAN: The first public comment is from Cindy Nunez  
25 (phonetic).

1 CHAIR BONNER: Okay.

2 Ms. Nunez?

3 MS. NUNEZ: Good afternoon, Chairs.

4 Just wanted to take a couple minutes to say just  
5 sitting here watching Commissioner Kennedy question Detective  
6 Fernandez and how he expressed, you know, during the interview,  
7 he felt harassed by the commission and how the attorney would  
8 quickly up here to, you know, prevent him from speaking, and  
9 referred to us as a group.

10 To us, it was very offensive, especially to me, being  
11 a part of an impacted family, sister of Francisco Nunez, who  
12 was killed, tortured, and kidnapped by LASD, which is one of  
13 them. So it is just very disrespectful on the impacted  
14 families that are sitting here to see someone represent and  
15 defend them right away because they're feeling harassed by a  
16 question in an interview in a testimony.

17 What about us? We're harassed every day. Our  
18 families are harassed every single day, and I have to make sure  
19 I document to prove that these people, these deputies are  
20 harassing. I have documented just two weeks ago that these  
21 deputies that feel harassed by a question by Commissioner  
22 Kennedy, well, these deputies in Lancaster just pointed a gun  
23 at Francisco Nunez' grieving mother, and I have pictures of  
24 that. That's harassment. And who's defending us? Who's  
25 listening to us?

1           And it's a shame that they're sitting up here feeling  
2 harassed, and his attorney referring to us as groups, that's  
3 very disrespectful and very offensive. This is where the  
4 problem is, that they are defended by all means. But us, what  
5 about us sitting here? That was disrespectful. And we just  
6 sit here and just -- we can't say anything.

7           They're harassed, they get to say they don't recall.  
8 I can recall every single thing that these deputies have done  
9 to me since March 14th that Francisco Nunez was found dead in  
10 an alley. I can sit here, and I can recall every single  
11 incident, every single thing that they've done to us; they  
12 can't recall a thing because it's to their advantage. They're  
13 protected. So they can kill people and that's -- that's just  
14 what it's going to be.

15           This is the issue here and it starts here. They need  
16 to stop doing this.

17           Thank you.

18           MS. JORDAN: Thank you.

19           Next public comment is from Cassandra Hernandez  
20 (phonetic).

21           Cassandra Hernandez?

22           MS. HERNANDEZ: As I come here, it's very discriminating  
23 coming and it's frustrating how every time we come, we hear all  
24 these explanations of all the cops and what they do and  
25 everything's okay. And how does something get leaked, and that

1 doesn't get investigated? Nothing gets investigated. It's not  
2 fair. Like, my aunt said, "You know, these cops get away with  
3 everything. They get away with murder."

4           You know, here we are, 211 days of no justice, 211  
5 days of harassment, 211 days of evidence being tampered with,  
6 211 days of reports not matching, 211 days of grieving. It's  
7 not fair, you know, making these inappropriate comments.

8           We have Sheriff Luna who tells us "Don't ring that  
9 bell," and then we have a lawyer telling us inappropriate  
10 things. I'm not a group. We're a impacted family. You know,  
11 we're just here trying to make a statement and let it be known  
12 that we're here. We're here fighting for justice. We matter.

13           You know, if it's one of your guys' families, you  
14 guys are telling me that you guys wouldn't be impacted and it  
15 wouldn't affect you and you're just going to sit here and  
16 you're going to be, like, "It's okay. This is what the normal  
17 is." You know, I don't wish that on nobody. This is a pain  
18 that never goes away.

19           And, you know, I hope, you know, these meetings one  
20 day, I can look back and be, like, "Wow, you guys really did do  
21 something and there really is a change here."

22           And, you know, I appreciate some of you guys. You  
23 guys are really, really sincere, and, you know, I could see it  
24 when you guys are hearing our stories and when you guys are --  
25 you guys have comments and you guys have questions and you guys

1 have concerns, that really does mean a lot because it shows  
2 that some of you guys do care and, you know, and I know we can  
3 always have everybody on our side. But to see that, you know,  
4 some of you guys are here and you're listening and you have  
5 questions and you're concerned and you're standing up for us, I  
6 just want to say I appreciate that.

7 But thank you, guys.

8 MS. JORDAN: Thank you.

9 Next public comment is from Raquel Derfler.

10 MS. DERFLER: Good afternoon. Raquel Derfler with Cancel  
11 the Contract.

12 In a first, I want to go on the record about the  
13 behavior of the witness's counsel that was here today. He  
14 accused Commissioner Kennedy and this body of character  
15 assassination. By extension, this was causing disrespect to  
16 his client, yet somehow, in the next breath, he is free to call  
17 impacted families "these people" while looking at them, to  
18 their face, in a blatant act of disrespect.

19 So my question is: Should we, perhaps, make a Cal  
20 Bar complaint as the last witness suggested should be done  
21 against an attorney that asked him a question about his  
22 behavior?

23 This hearing laid bare for everyone to witness  
24 firsthand LASDs arrogance, defiance, and doublespeak when it  
25 comes to questions about their conduct. LASD expects everyone

1 to follow the rules, to be held accountable for their actions  
2 but to not hold themselves to the same standard.

3 We have deputies from the Lancaster Station,  
4 including Deputy Jimenez and Simi pointing firearms at an  
5 unarmed community elder based on some report they got that  
6 someone ran into that house when the occupants of that house  
7 are saying there was no one here. They pulled up in five or  
8 six squad cars, and as Ms. Nunez has explained, she does have  
9 pictures and video.

10 We also had a female deputy who refused to give her  
11 name or her badge number when she was asked by Cindy. She was  
12 told, kind of paraphrasing, she doesn't have to fucking give  
13 information. She doesn't have to give them shit. Excuse my  
14 language, but that was what the deputy said to a community  
15 member.

16 My last question is: I wonder if that use of force  
17 is going to be reported, if LASD is going to follow their own  
18 rules and not engage in, like, public corruption by actually  
19 reporting those pointing a firearm, which is now a requirement  
20 of their newly-updated use of force policy.

21 Thank you.

22 MS. JORDAN: Thank you.

23 Next public comment: Vanessa Perez.

24 Vanessa Perez?

25 Okay. Moving on. Next public comment: Selena

1 Coleman (phonetic).

2 MS. COLEMAN: First of all, I want to thank everybody  
3 that's here and making this happen.

4 My family is in year nine of this. I want to say as  
5 a LA county employee, we identify that we're county employees  
6 and we still get the harassment. If it was anybody in any  
7 other department, we would be suspended, we would be home  
8 without pay. And so we need to really look at what's going on.

9 Their attorneys took pictures of us. Are those  
10 pictures going to be used for more harassment in the community?

11 Everybody knows my story here. I live in Kern  
12 County, because every time we were doing a rally, I would have  
13 police at my door at 3:00 in the morning harassing my family.

14 My daughter, whose boyfriend was killed by the  
15 police, was arrested in March of 2023 and held for 14 days.  
16 Paperwork was submitted saying that she was in front of a judge  
17 when she never went in front of the judge. And every time I  
18 called to inquire, we got mixed information. If I talked to a  
19 uniformed officer, she was not being compliant in all of this,  
20 but when I talked to health staff, she was compliant, she was  
21 listening, she was trying to get her COVID test, all kind of  
22 things.

23 So we know that this is real. And, again, I  
24 appreciate y'all because we have come a long way. We came so  
25 far that I'm willing to talk because in the beginning I wasn't.

1 You can ask Mr. Kennedy how many times he approached me, and I  
2 took his card and said, "Thank you," and kept moving. So,  
3 again, I thank you. I'm not going nowhere. I'm not scared.  
4 I'm blessed to be here, and I'm going to continue to be here  
5 whether it's online or in-person. So, again, I want to thank  
6 everybody here.

7 Thank you.

8 MS. JORDAN: Thank you.

9 Next public comment: Helen Jones.

10 And if the final speaker can step in line that's  
11 in-house: Stephanie Luna.

12 MS. JONES: Thank you, commissioners, today for holding  
13 this meeting.

14 But we really want this commission to know how  
15 important that these meetings continue. We need these hearings  
16 because this is the place -- this is the only place that us,  
17 the public and the communities, get to have. These deputies  
18 come up here, y'all get to really see what they really saying,  
19 what the -- in between the words that we will not ever get to  
20 hear in a courtroom because a lot of our courts -- a lot of our  
21 cases don't even make it into a courtroom.

22 And especially with the -- what the Sheriff's  
23 Department is doing today is threatening family members for  
24 their -- for their retirement. So most times today, families  
25 can't even push forward with their cases to even sue the



1 Sheriff's Department and get some of these deputies in the  
2 courtroom to prove what happened to their kids.

3 Even with my son, of course, y'all know my son was  
4 murdered by the 3000 Boys deputy sheriff gang members. And so  
5 I really truly understand how the families feel and how their  
6 families being like today family was beat the death, killed,  
7 and shot and killed in a alley and left in a alley to die.

8 This is the only body that would hold the Sheriff  
9 Department accountable for talking and letting us really  
10 understand what's going on in the Sheriff's Department and were  
11 they -- were they able to talk personally so we can really  
12 understand the lies and see between, because we know, we see  
13 the lies. Y'all sees lies. We're pretty sure y'all do too.

14 So we really want to just make sure that these  
15 hearings continue. Please do not stop these hearings. This is  
16 the only place that the public and us as a community and as  
17 family members have. This is the only place we have to where  
18 the Sheriff Department have to come and talk. This is this all  
19 we have. So we really would hope that y'all keep these  
20 hearings going cause they are very important to us.

21 MS. JORDAN: Thank you.

22 Stephanie Luna, next speaker.

23 MS. LUNA: How's it going, everyone?

24 I think I want to start this conversation off by  
25 thanking the commission.

1 Sean, I want to thank you for stepping up and, you  
2 know, doing the questioning.

3 I also want to thank the commissioners that are  
4 sitting, you know, on the board that are facing the harassment.  
5 I know it's not easy to continue showing up when you're, you  
6 know, pretty much battling an entity that has the ability to  
7 take your life and get away with it, you know. So I do want to  
8 thank those of you that are facing the harassment that continue  
9 showing up. We see you. It's valid, and I appreciate it.

10 You know, as far as the hearing today, I think it  
11 was -- it was interesting the way that, you know, the  
12 questioning was being done. It was interesting to hear the  
13 answers, and it was also interesting to see the way that that  
14 attorney stood up, you know, to defend Sergeant Fernandez when,  
15 you know, with claims of harassment.

16 When he did mention that he was being harassed by  
17 groups, you know, I have no issue being part of that  
18 conversation of being a group because, you know, yes, I am part  
19 of the group that is searching for accountability. I am part  
20 of the group that is searching for answers, part of the group  
21 that is willing to show up and be consistent in finding a way  
22 to hold the Department accountable, because like Sister Helen  
23 mentioned, this is one of the only spaces where, you know, you  
24 can get deputies on the stand and question them and really get  
25 to the root of what's going on, not just within the

1 communities, but what's going on behind the scenes.

2 And, yeah, it's just the overall appreciation for  
3 everything that you guys have done, have continued to do. It's  
4 been a long six years, specifically, for my family dealing with  
5 harassment, dealing with intimidation, dealing with, you know,  
6 the civil process and everything that comes with being an  
7 impacted family, and if there's one thing I've learned from  
8 coming to this commission is that there's truth and power in  
9 speaking out.

10 So to the families here, keep showing up, keep  
11 fighting back, don't back down, don't let the Department take  
12 any more from you than they already have because, you know,  
13 they're afraid of us for a reason.

14 Thank you.

15 MS. JORDAN: Thank you.

16 We have two online public comments. The first one is  
17 Carlos Montez (phonetic).

18 Carlos, you have been unmuted.

19 MR. MONTEZ: Yes, I guess I'll thank you all.

20 So this is Carlos Montez. I'm a long time Chicano  
21 activist in (inaudible) East LA, and I'm a member of Centro  
22 CSO, Community Service Organization. We fight for police  
23 accountability.

24 But you know what? I'm glad this hearing because  
25 you're exposing how Villanueva and his corruption unit was

1 actually political witch hunt.

2 And, you know, poor Patti Giggans, you know. I'm  
3 sorry that you had to face that raid at your house in the  
4 morning and also Sheila Kuehl.

5 So I'm glad we got rid of Villanueva, but we got to  
6 get rid of this special unit of corruption that was used for  
7 political attacks for critics of Villanueva, the Civilian  
8 Oversight Commission.

9 You know, we got a new Sheriff, so hopefully he  
10 will -- I will say -- I was saying we would ask him to abolish  
11 this unit because the sheriffs -- the courts have no business  
12 in investigating and raiding or arresting people who are  
13 totally protesting U.S. policy or police corruption, police  
14 brutality -- right? -- especially in this kinds of -- now that  
15 we're all protesting.

16 I, myself, was a victim of a raid at 5:00 in the  
17 morning by the SWAT sheriffs for my political beliefs. The  
18 search warrant said that I was being investigated for domestic  
19 terrorism for supporting the Palestinians and the Columbians.  
20 And, you know, I was exonerated. All I was doing was  
21 expressing my solidarity with the struggle of the Palestinian  
22 people back in 2011 and the struggle of the Columbian people to  
23 free themselves from U.S. imperialism. I'll say it.

24 And I denounced back then -- what's his name? --  
25 Clinton for funding millions of dollars for (inaudible)

1 Columbia, that all he did was kill Columbian folks.

2 So thank you for denouncing this witch hunt. This  
3 unit has to be abolished, and we have to continue to denounce  
4 any witch hunt against anybody whether it's the COC or people  
5 out in the street like myself.

6 Thank you very much.

7 MS. JORDAN: Thank you.

8 Final online speaker: Julie Martinez.

9 Julie, you have been unmuted.

10 MS. MARTINEZ: -- the commission. Thank you for holding  
11 this special commission.

12 I have a lot of things to say in a short amount of  
13 time, but first off, I can honestly say you did not necessarily  
14 bring -- shed this to light, and I could explain that.

15 Because I am one of the group, the other -- the  
16 group -- that group that was described. I'm the grandmother.  
17 My grandson was killed by a deputy sheriff who's part of a gang  
18 in East LA. And that other group that he tried to disparage by  
19 categorizing us as being possibly unsavory and impolite, you  
20 know, that other group, we make up a powerful group. We are a  
21 group of families. We have teachers, nurses, doctors,  
22 attorneys. That group is very, very powerful.

23 And so much so that my eldest is finishing her third  
24 year in a top-10 law school because she was inspired to study  
25 law because of the corruption in the LA County Sheriff

1 Department. So thank you. You did shed light.

2 But what I want to tell you is: You've shed light in  
3 a way -- the positive ways you've been a community partner for  
4 this group, that other group that he described. You have been  
5 our partner, and you have utilized the power of your commission  
6 and your positions within the community. You have used that to  
7 bring forth this corrupt unit of Villanueva. He has wreaked so  
8 much damage on our community.

9 And the reason that I started with saying "you did  
10 not shed light" is that the community has been complaining  
11 about the corruption of Sheriff Department for decades.  
12 However, we're at the point where you are doing a tremendous  
13 amount of positive good for our community by bringing this  
14 forward.

15 I have last ask of you as commission, can you please  
16 present this type of commission at --

17 MS. JORDAN: Thank you.

18 There are no further public comments at this time.

19 CHAIR BONNER: All right. I'm just wondering before we  
20 conclude, do any commissioners have anything they want to add  
21 before we adjourn?

22 Hearing none, this Special Hearing of the Civilian  
23 Oversight Commission is adjourned.

24 Thank you, all.

25 And thank you, Commissioner Kennedy, particularly.

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(The hearing was concluded.)

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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, October 11, 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.

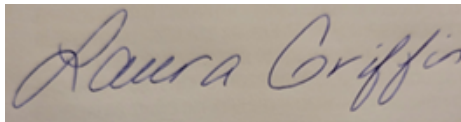
11 I further certify that I am neither counsel for nor  
12 related to any party to said action nor in any way interested  
13 in the outcome thereof.

14 IN WITNESS WHEREOF, I have hereunto subscribed my name  
15 this 12th day of December, 2024.

16

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19

20 LAURA GRIFFIN, AAERT CERT CET-1709

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25



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