

**Unedited Partial Transcript of Witness Testimony from CCJV meeting held on  
March 2, 2012 – For Internal CCJV Use Only**

**LA COUNTY CITIZENS' COMMISSION ON JAIL VIOLENCE**



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1 MEETING OF THE LA COUNTY CITIZENS' COMMISSION ON JAIL VIOLENCE

2 FRIDAY, MARCH 2, 2012, 11:00 A.M.

3  
4 **MIRIAM A. KRINSKY:** I BELIEVE THE PUBLIC SPEAKER FOR THIS ITEM  
5 WOULD LIKE TO SPEAK NOW, AS WELL, BEFORE LUNCH?

6  
7 **HON. LOURDES BAIRD, CHAIR:** I BELIEVE WE DO HAVE MR. ELIASBURG  
8 WHO IS HERE WHO WANTED TO SPEAK. DO YOU WISH TO SPEAK NOW OR  
9 AFTER THE AFTERNOON SESSION? VERY WELL, COME ON FORWARD. YOU  
10 HAVE THREE MINUTES, MR. ELIASBURG.

11  
12 **MR. ELIASBURG:** THANK YOU, JUDGE BAIRD, MEMBERS OF THE  
13 COMMISSION. JUST A COUPLE OF POINTS I WANT TO MAKE. I DO HOPE  
14 I WILL HAVE A CHANCE LATER TO MAYBE TALK MORE FULLY TO THE  
15 COMMISSION NOT JUST IN THE PUBLIC COMMENT SECTION, BUT THERE  
16 ARE A COUPLE THINGS I WANT TO TALK ABOUT. ONE MR. GENNACO  
17 MENTIONED SOME CATEGORIES OF FORCE. I'M SURE HE WASN'T  
18 INTENDING THEM NECESSARILY TO BE ALL INCLUSIVE, BUT HE  
19 MENTIONED DEPUTY FORCE WHERE THERE'S A DEPUTY AND INMATE  
20 INVOLVED AND A LOT OF INMATE-ON-INMATE ISSUES. BUT ALSO HE  
21 MENTIONED IN SITUATIONS WHERE THE DEPUTIES MAY HAVE BEEN  
22 NEGLIGENT AND ALLOWED INMATE-ON-INMATE FORCE. I THINK THERE'S  
23 ANOTHER IMPORTANT CATEGORY. YOU CAN SEE THEM ON A NUMBER OF  
24 DECLARATIONS WERE FILED. WHERE GATES POP OPEN AND GATES DON'T  
25 POP OPEN IN MEN'S CENTRAL JAIL. THEY ARE ONLY OPENED BY THE

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1 DEPUTIES IN THE CONTROL BOOTH AND THEY HAPPEN TO "POP OPEN" AT  
2 A TIME WHEN THERE'S A RIVAL GANG MEMBER RIGHT OUTSIDE. THERE  
3 ARE A NUMBER OF INCIDENTS DETAILED IN OUR REPORT. THAT'S NOT  
4 NEGLIGENCE. THAT'S DEPUTIES COOPERATING TO AND COOPERATING  
5 WITH INMATES ASSAULTING OTHER INMATES. SO I WOULDN'T CALL THAT  
6 NEGLECT. I'D CALL THAT INTENTIONAL VIOLENCE ARRANGED BY  
7 DEPUTIES IN WHICH OTHER INMATES ATTACK EACH OTHER. THE SECOND  
8 THING IS THAT THE SHERIFF'S DEPARTMENT REGULARLY STATES OR  
9 SORT OF DECIDED THAT THE JUDGE HAS NOTHING BUT, ALMOST NOTHING  
10 BUT, EXTENSIVE VIOLENT CRIMINAL HISTORIES [INAUDIBLE] A REPORT  
11 THAT JUST CAME OUT REPORTS THAT THERE ARE IN FACT A LOT OF  
12 PEOPLE WHO DON'T HAVE THOSE VIOLENT HISTORIES. THERE ARE  
13 PEOPLE THERE WHO ARE FAILURE TO APPEAR FOR TRAFFIC WARRANTS.  
14 ONE OF THE PEOPLE I HAVE SPOKEN WITH WHO WAS SAVAGELY BEATEN  
15 IN THE JAIL WAS IN JAIL ON FAILURE TO APPEAR ON -- FAILURE TO  
16 APPEAR AN WARRANT FOR DRIVING WITHOUT A LICENSE. VERA DID NOT  
17 PUT STATISTICS AND IN FACT DR. AUSTIN IS CURRENTLY IN THE  
18 PROCESS OF DOING A REPORT THAT SHOULD ENABLE THIS COMMISSION  
19 TO HAVE A BETTER UNDERSTANDING WHO IS ACTUALLY IN THE JAIL.  
20 THERE CERTAINLY ARE PEOPLE IN THERE WITH VIOLENT CRIMINAL  
21 HISTORIES AND CRIMINAL TENDENCIES. BUT I THINK THAT THERE HAS  
22 BEEN A GROSS EXAGGERATION THAT EVERYBODY IN THERE IS A SUPER  
23 TOUGH GUY WHO IS EAGER TO GO AT SHERIFF'S DEPUTIES IN FACT  
24 THERE ARE A LOT OF PEOPLE I SPOKE TO A GENTLEMAN THAT WAS  
25 SEXUALLY ASSAULTED BY A DEPUTY. HE WAS PICKED UP ON PUBLIC

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1 DRUNKENNESS THEN BROUGHT ON A WARRANT THAT WAS FALSELY  
2 [INAUDIBLE] YOU HAD. WHEN HE FINALLY WENT TO COURT IN COVINA A  
3 FEW DAYS LATER HE WAS RELEASED BECAUSE THERE WAS NO PROPER  
4 WARRANT. THE THIRD ISSUE IS MENTALLY ILL. WHILE I THINK IT'S  
5 IMPORTANT MR. DROOYAN SAID THE SEVERELY MENTALLY ILL ARE  
6 SUPPOSED TO BE IN TWIN TOWERS. I THINK IT'S CORRECT BUT IT'S  
7 NOT THE REALITY. THE SHERIFF'S DEPARTMENT SAID THAT ITS  
8 PERCENTAGE OF MENTALLY ILL POPULATION IF THE JAILS IS 12  
9 PERCENT. TALK TO ANY CORRECTIONS EXPERT AND THEY WILL TELL YOU  
10 THERE IS NO URBAN JAIL IN THE COUNTRY THAT HAS A 12 PERCENT OF  
11 ITS POPULATION AS SEVERELY MENTALLY ILL. THE NUMBER IS MORE  
12 LIKELY 25 TO 30 PERCENT. AND THAT PROBLEM LEADS TO THIS  
13 CONSTANT. AND THERE AREN'T ENOUGH BEDS AND STAFF TO HANDLE  
14 THAT PERCENTAGE. SO THEY ARE CONSTANTLY DECLASSIFIED, SENT  
15 INTO MEN'S CENTRAL JAIL, WHICH IS A TOTALLY INAPPROPRIATE  
16 SETTING FOR SOMEBODY WHO HAS MENTAL ILLNESS ISSUES. AND THE  
17 LAST THING I'D SAY ON THE STAFFING, CHIEF MCDONLD DONALD.  
18 THERE WAS A REPORT DONE BY CROUT AND SIDA IF HAVEN'T SEEN THE  
19 REPORT. BUT IT DID REPORT THAT THERE WAS GROSS UNDERSTAFFING  
20 IN THE JAIL. I THINK THAT THAT HASN'T CHANGED DRAMATICALLY AND  
21 I THINK THE CROUT AND SIDA ARE IMPORTANT WOULD BE VERY USEFUL  
22 FOR THE COMMISSION TO LOOK AT. THANK YOU VERY MUCH. ARE WE  
23 READY FOR THE LUNCH TALK?  
24

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1 **MIRIAM A. KRINSKY:** THIS IS PROBABLY THE MOST SIGNIFICANT THING  
2 I HAVE TO REPORT ON. SO WE HAVE ARRANGED FOR LUNCH FOR MEMBERS  
3 OF THE COMMISSION BACK IN THE DEPARTMENT ROOM. WE'VE  
4 DESIGNATED THREE AREAS FOR YOU ALL TO SIT. AND I'D LIKE TO  
5 REMIND YOU TWO THINGS. ONE IS WE'VE BEEN CAUTIONED THAT IT'S  
6 UNUSUAL FOR PUBLIC BODIES TO HAVE LUNCH TOGETHER. AND IN THAT  
7 IT'S OFTEN TEMPTING TO TALK ABOUT WHAT YOU'VE JUST HEARD OR  
8 OTHER MATTERS RELATING TO THE COMMISSION, AGAIN WE JUST NEED  
9 TO REMIND EVERYONE THAT WE ABSOLUTELY CANNOT TALK IN ANY WAY,  
10 SHAPE OR FORM ABOUT ANYTHING HAVING TO DO WITH OUR COMMISSION  
11 WHILE WE'RE GETTING OUR FOOD. THERE IS AN AREA A, AN AREA B  
12 AND AN AREA C AND WE WOULD ASK YOU TO SIT IN GROUPS OF NO  
13 LARGER THAN THREE IN THOSE AREAS. THE FOOD IS IN AREA A. AND  
14 THE OTHER TWO AREAS ARE CLEARLY MARKED. SO, AGAIN, JUST IN AN  
15 ABUNDANCE OF CAUTION, WE'D ASK THAT AS YOU SIT DOWN WITH YOUR  
16 FOOD, THAT NO MORE THAN THREE OF YOU SIT AROUND TABLE A B OR  
17 C. IT'S 5 OF 1 RIGHT NOW. OUR NEXT WITNESS WILL BE STARTING AT  
18 1:30. SO IF EVERYBODY COULD GET YOUR LUNCH, SPEND AROUND A  
19 HALF HOUR, AND START TO RETURN TO THIS ROOM AROUND 1:25 SO  
20 THAT WE'RE SET TO GO WHEN OUR WITNESS GETS HERE.

21

22 **HON. LOURDES BAIRD, CHAIR:** SO WE DO EXPECT TO RESUME, THEN, AT  
23 1:30.

24

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1 **MIRIAM A. KRINSKY:** CORRECT. JUDGE BAIRD THANK YOU VERY MUCH.  
2 LUNCH RECESS HAS BEGUN.

3

4 **HON. LOURDES BAIRD, CHAIR:** ALL RIGHT. I THINK WE ARE READY TO  
5 RESUME. ONE OF THE THINGS I WOULD LIKE TO MENTION IS THAT I  
6 THINK OUR NEXT MEETING FOR APRIL 14TH -- SORRY, 16TH AT 10  
7 O'CLOCK IS CONFIRMED. I'VE ASKED MS. KRINSKY TO REMIND US AT  
8 THE END OF THE DAY, TOO. IT WILL BE AN ALL-DAY SESSION.

9

10 **SPEAKER:** ALSO THE LAST DAY TO FILL ONE'S INCOME TAX RETURNS.

11

12 **HON. LOURDES BAIRD, CHAIR:** WE NOTED THAT. ALL RIGHT. THANK YOU  
13 VERY MUCH. MR. BOBB?

14

15 **SPEAKER:** MERRICK BOB: WELL THANK YOU VERY MUCH. IT'S A DELIGHT  
16 TO BE HERE TODAY. IT'S A DELIGHT TO SEE ALL OF YOU. MANY OF  
17 YOU I'VE KNOWN THROUGHOUT MY CAREER. I GRADUATED IN 1971 FROM  
18 LAW SCHOOL AT U.C. BERKELEY. I CAME DOWN TO LOS ANGELES TO  
19 CLERK FOR JUDGE IRVING HILL AND IN THAT CAPACITY GOT TO KNOW  
20 JUDGE TEVRIZIAN. AND THEN I WORKED FOR TWO DIFFERENT LAW  
21 FIRMS, O'MELVYNE & MYERS AND TUTTLE AND TAYLOR. TO FILL YOU IN  
22 A LITTLE BIT MORE, GO AHEAD. DID YOU SAY SOMETHING?

23

24 **HON. LOURDES BAIRD, CHAIR:** ME? NO.

25

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1 MERRICK BOBB: IN MARCH, 21 YEARS AGO ALMOST TO TODAY, THE  
2 RODNEY KING INCIDENT OCCURRED. AND IN THE WAKE OF THE RODNEY  
3 KING INCIDENT, TOM BRADLEY, THE MAYOR, ASKED WARREN  
4 CHRISTOPHER TO FORM A COMMISSION TO TAKE A LOOK AT THE LAPD  
5 AND TRY TO DETERMINE HOW WELL THE LAPD DEALT WITH THE RISK OF  
6 POLICE MISCONDUCT. THE CHRISTOPHER COMMISSION REPORT WAS  
7 ISSUED SHORTLY THERE AFTER. I SERVED AS A STAFF MEMBER AND AS  
8 A DEPUTY GENERAL COUNSEL OF THE CHRISTOPHER COMMISSION  
9 INVESTIGATION. IN THE SUMMER OF 1991, THERE WERE FOUR  
10 CONTROVERSIAL SHOOTINGS IN THE COUNTY OF LOS ANGELES INVOLVING  
11 THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT. ALL THE SHOOTINGS  
12 WERE MINORITIES. AND THERE WAS COMMUNITY OUTRAGE AND EVEN SOME  
13 CIVIL UNREST BEHIND A COUPLE OF THOSE SHOOTINGS. AT THE SAME  
14 TIME, THE COUNTY OF LOS ANGELES WAS EXPENDING VASTLY MORE  
15 MONEY THAN IT HAD IN THE PAST ON JUDGMENTS AND SETTLEMENTS IN  
16 CASES BROUGHT AGAINST THE COUNTY FOR THE ACTIVITIES OF THE  
17 SHERIFF'S DEPARTMENT, AND THERE WAS A CONCERN EVEN WITH THE  
18 SIZE OF THE COUNTY BUDGET THAT IT WAS GETTING OUT OF HAND. SO  
19 THE BOARD OF SUPERVISORS DETERMINED THAT THERE WOULD BE A  
20 CHRISTOPHER COMMISSION-LIKE INVESTIGATION OF THE SHERIFF'S  
21 DEPARTMENT. THEY ASKED RETIRED SUPERIOR COURT JUDGE JAMES  
22 KOLTS TO HEAD UP THAT INQUIRY. HE, IN TURN, SELECTED ME AS HIS  
23 GENERAL COUNSEL. AND WE INVESTIGATED THE SHERIFF'S DEPARTMENT  
24 AND SIX MONTHS OR SO LATER PRODUCED WHAT IS KNOWN AS THE KOLTS  
25 REPORT, WHICH LOOKED BROADLY AT THE SHERIFF'S DEPARTMENT,

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1 LOOKED AT BOTH CUSTODY OPERATIONS AND THE PATROL SIDE OF THE  
2 SHERIFF'S DEPARTMENT AND DETERMINED WHERE THERE WERE --  
3 WHETHER THERE WAS ROOM FOR IMPROVEMENT AND WHAT THE SHERIFF  
4 COULD BE DOING BETTER IN TERMS OF IDENTIFYING PROBLEM  
5 OFFICERS, DEALING WITH PROBLEM OFFICERS OR POTENTIALLY PROBLEM  
6 OFFICERS, INSTILLING AN ETHIC OF ACCOUNTABILITY ALL THROUGHOUT  
7 THE CHAIN OF COMMAND, THE DEPUTY LEVEL, SERGEANT LEVEL,  
8 LIEUTENANT LEVEL, CAPTAIN AND SO FORTH. AND TO SET UP SYSTEMS  
9 AND MECHANISMS SO THAT SUPERIORS COULD HOLD THEIR SUBORDINATES  
10 ACCOUNTABLE FOR THEIR PERFORMANCE. AN EARLY WARNING AND  
11 TRACKING SYSTEM WAS A KEY RECOMMENDATION. AND THE SHERIFF'S  
12 DEPARTMENT WAS ONE OF THE FIRST LARGE LAW ENFORCEMENT AGENCIES  
13 IN THE COUNTRY, IF NOT THE FIRST, TO DEVELOP A VERY  
14 SOPHISTICATED TRACKING SYSTEM CALLED THE PPI, WHICH STANDS FOR  
15 PERSONNEL PERFORMANCE INDEX. IT'S VERY MUCH LIKE AND SORT OF A  
16 GRANDFATHER OF WHAT THE LAPD HAS DEVELOPED IN A VERY  
17 SOPHISTICATED DATABASE CALLED TEAMS 2. CONTRASTING THE  
18 SHERIFF'S DEPARTMENT AND THE LAPD FOR A SECOND, BECAUSE THE  
19 CHRISTOPHER COMMISSION, AT THE CONCLUSION OF ITS  
20 DELIBERATIONS, HAD A POLICE COMMISSION TO WHOM IT COULD TURN  
21 TO OVERSEE AND IMPLEMENT THE CHRISTOPHER COMMISSION  
22 RECOMMENDATIONS. AND THE CHRISTOPHER COMMISSION ALSO  
23 RECOMMENDED SOME CHARTER CHANGES TO STRENGTHEN THAT COMMISSION  
24 SO THAT IT WOULD HAVE THE MEANS NECESSARY TO DO ITS JOB. AND  
25 SO THE OFFICE OF INSPECTOR GENERAL WAS CREATED WITHIN THE

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1 POLICE COMMISSION. AND THAT INSPECTOR GENERAL AND THE  
2 COMMISSION WORKED TOGETHER TO SUPERVISE AND OVERSEE THE LAPD  
3 MUCH AS THE BOARD OF DIRECTORS OVERSEES A CORPORATION AND SO  
4 FORTH. ON THE COUNTY SIDE -- ON THE COUNTY SIDE THERE WAS NOT  
5 AN ANALOG. ON THE COUNTY SIDE, YOU HAVE THE SHERIFF AS AN  
6 INDEPENDENTLY ELECTED OFFICIAL. HE IS RESPONSIBLE TO THE  
7 VOTERS OF THE COUNTY OF LOS ANGELES, REALLY TO NOBODY ELSE. IF  
8 BOARD OF SUPERVISORS IS THE EXECUTIVE AND LEGISLATIVE BODY, IT  
9 HAS THE POWER TO ALLOT MONEY TO THE SHERIFF. SO THE BOARD OF  
10 SUPERVISORS DOES ALOTT THE BUDGET TO THE SHERIFF'S DEPARTMENT.  
11 BUT THEIR POWER IS SOMEWHAT LIMITED. THEY DON'T HAVE LINE --  
12 THEY DON'T HAVE LINE ITEM VETO POWER, FOR EXAMPLE, AND THEY  
13 CAN'T OR HAVE NOT CHOSEN TO TRY TO COMPEL THE SHERIFF TO DO  
14 THIS OR THAT OR FORBID THE SHERIFF FROM DOING THIS OR THAT.  
15 THE OTHER POWER THAT THE BOARD OF SUPERVISORS HAS IS THE POWER  
16 TO APPROVE OR REJECT SETTLEMENTS OF LITIGATION AGAINST THE  
17 COUNTY WHEN IT REACHES A SIGNIFICANT AMOUNT. AND THEY HAVE  
18 USED THAT POWER TO DEMAND CORRECTIVE ACTION OF THE SHERIFF'S  
19 DEPARTMENT FROM TIME TO TIME. THOSE ARE THEIR HANDLES. BECAUSE  
20 THERE'S NOT A COMMISSION IN THE LAPD, THERE WAS NO GROUP THAT  
21 THE SUPERVISORS COULD TURN TO TO HAVE ONGOING MONITORING AND  
22 REPORTING BACK AND INFORMATION ABOUT THE SHERIFF'S DEPARTMENT  
23 AND HOW IT WAS DOING ITS JOB. TO THAT END, THEY ASKED ME  
24 WHETHER I WOULD SERVE AS SPECIAL COUNSEL TO THE BOARD OF  
25 SUPERVISORS AND IN THAT CAPACITY REPORT BACK AT SIX-MONTH

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1 INTERVALS OR TWICE A YEAR ON THE STATE OF AFFAIRS IN THE  
2 SHERIFF'S DEPARTMENT. I HAVE BEEN DOING THAT. IT'S PURSUANT TO  
3 CONTRACT. I HAVE HAD ONE-YEAR CONTRACTS, I HAVE HAD TWO-YEAR  
4 CONTRACTS, I HAVE HAD THREE-YEAR CONTRACTS. IT'S SUBJECT TO  
5 THE WILL OF THE BOARD. AND FOR THE PAST ABOUT NOW 18 YEARS,  
6 THEY'VE SEEN FIT TO CONTINUE MY SERVICES. I'D LIKE TO TAKE A  
7 MOMENT TO TRY TO DISTINGUISH WHAT I DO FROM WHAT MIKE GENNACO  
8 DOES. WE ARE BOTH SPECIAL COUNSEL. WE ARE BOTH RESPONSIBLE TO  
9 THE BOARD OF SUPERVISORS WHO EMPLOYS US. WE ARE BOTH SUBJECT  
10 TO THE WILL OF THE BOARD IN TERMS OF OUR LIFE OF STAY. WE'RE  
11 BOTH CONTRACT EMPLOYEES. BUT OUR JOBS ARE ACTUALLY QUITE  
12 DIFFERENT. MIKE GENNACO'S PRINCIPLE JOB IS TO DEAL WITH THE  
13 SHERIFF'S DEPARTMENT ON A CASE BY CASE BASIS. SO WHEN THERE IS  
14 AN INTERNAL AFFAIRS INVESTIGATION OF SOME MOMENT, GENNACO'S  
15 OFFICE IS THERE TO OVERSEE THAT INVESTIGATION, TO KIBBITZ,, TO  
16 TAKE PART AS NECESSARY, AND ULTIMATELY TO TRY TO ACT AS A  
17 GUARANTOR TO THE PUBLIC AND TO THE SHERIFF'S DEPARTMENT AND  
18 THE BOARD OF SUPERVISORS THAT ANY PARTICULAR SERIOUS  
19 INVESTIGATION WAS FULL, FAIR, THOROUGH AND OBJECTIVE. AND HE  
20 DOES THAT. HIS BREAD AND BUTTER ARE THE SERIOUS CASES THAT  
21 INTERNAL AFFAIRS INVESTIGATES. AND I MIGHT SAY THAT HE DOES A  
22 VERY GOOD JOB AT THAT. HE ALSO WILL SEE FROM TIME TO TIME THAT  
23 THERE ARE BROADER ISSUES IMPLICATED IN A PARTICULAR CASE, AND  
24 HE WILL BRING THOSE TO THE ATTENTION OF THE PUBLIC, ALSO. MY  
25 JOB CONTRASTS IN THAT I LOOK AT THE DEPARTMENT AS A WHOLE AND

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1 I LOOK AT THE DEPARTMENT AND THE VARIOUS SYSTEMS WITHIN THE  
2 DEPARTMENT TO SEE WHETHER IT IS FULFILLING ITS OBLIGATIONS TO  
3 MANAGE THE RISK OF POLICE MISCONDUCT, BE IT IN THE JAILS OR BE  
4 IT ON THE STREETS IN A PROPER WAY, WHETHER THAT ACCOUNTABILITY  
5 THAT I DESCRIBED FROM THE DEPUTY UP THROUGH THE SHERIFF  
6 HIMSELF IS BEING OBSERVED, WHETHER CAPTAINS ARE USING THE  
7 INFORMATION AVAILABLE TO THEM THROUGH THE PPI OR OTHERWISE TO  
8 LOOK AT THE CAREERS OF THE DEPUTIES, WORKING WITH THEM, SEE  
9 WHAT THEIR USE OF FORCE PATTERNS ARE. SEE WHAT THEIR  
10 COMPLAINTS ARE, SEE HOW OFTEN THEY ARE INVOLVED IN SHOOTINGS  
11 HOW OFTEN THEY ARE INVOLVED IN LITIGATION AND USE THAT DATA  
12 ACTIVELY TO MANAGE THE PERSONNEL UNDER THEIR SPAN OF CONTROL.  
13 AND THEN FOR THEIR SUPERVISORS TO BE USING THE INFORMATION AT  
14 THEIR DISPOSAL TO TRY TO SEE WHETHER THE CAPTAIN IN A  
15 PARTICULAR INSTANCE IS ACQUITTING HIMSELF OR HERSELF OF THE  
16 OBLIGATIONS TO ACTIVELY MANAGE PEOPLE UNDER HIS SPAN OF  
17 CONTROL SO I TEND TO LOOK NOT SO MUCH AT AN INDIVIDUAL CASE,  
18 ALTHOUGH FROM TIME TO TIME THE SHERIFF'S DEPARTMENT HAS ASKED  
19 ME TO INVESTIGATE SPECIFIC CASES, I TEND TO LOOK AT PROCESS. I  
20 TEND TO LOOK AT LINES OF RESPONSIBILITY AND ACCOUNTABILITY. I  
21 LOOK AT DATA. AND THE DATA THAT IS AVAILABLE TO MANAGEMENT.  
22 AND TRY TO HOLD MANAGEMENT ACCOUNT ABLE TO THAT USE OF THAT  
23 DATA IN DAY-TO-DAY MANAGEMENT OF THE DEPARTMENT. IF, FOR  
24 EXAMPLE, I LOOK AT MEDICAL CARE IN THE JAILS AND SEE THAT  
25 THERE HAVE BEEN A WHOLE VARIETY OF COMPLAINTS FROM INMATES IF

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1 THEY'RE NOT GETTING MEDICAL HELP WHEN THEY SEEK IT, THEN I GO  
2 ASK: WERE YOU AWARE OF THESE COMPLAINTS? IF YOU WEREN'T AWARE  
3 OF THESE COMPLAINTS, WHY NOT? WHAT DID YOU DO IN RESPONSE TO  
4 THEM? WHAT ARE YOUR OBLIGATIONS? WHAT RULES GOVERN YOUR  
5 CONDUCT? HOW ARE YOU SUPPOSED TO HANDLE THIS? AND IF YOU HAVE  
6 NOT, WHY NOT? AND THEN IF I DETECT THAT THERE ARE POLICIES  
7 THAT NEED TO BE DRAFTED, I WILL RECOMMEND THOSE. IF I FEEL  
8 THAT THERE ARE PROCEDURES THAT NEED TO BE INVENTED OR CREATED,  
9 I WILL RECOMMEND THAT. AND I WILL PUBLISH IN THESE SEMIANNUAL  
10 REPORTS BROAD STUDIES OF VARIOUS ASPECTS OF THE JAIL OPERATION  
11 AND PATROL. OVER THE YEARS, AS YOU MAY KNOW, I'VE HAD MANY  
12 OPPORTUNITIES TO TAKE A LOOK AT THE JAIL OPERATIONS AND HAVE  
13 COMMENTED ON THEM IN SEMIANNUAL REPORTS AND OTHER REPORTS. SO  
14 I AM HERE JUST TO ANSWER YOUR QUESTIONS. I AM DELIGHTED, AS I  
15 SAY, TO SEE YOU AND SEE PEOPLE I'VE BEEN FRIENDS WITH FOR A  
16 LONG TIME.

17

18 **SPEAKER:** MR. BOBB, LET ME ASK YOU A COUPLE OF FOUNDATION  
19 QUESTIONS. DO YOU GET THE COOPERATION OF THE SHERIFF'S  
20 DEPARTMENT AND THE SHERIFF HIMSELF?

21

22 **MERRICK BOBB:** ONE OF THE THINGS THAT I REQUIRED WHEN I FIRST  
23 TOOK THE JOB IS THAT I BE GUARANTEED UNFETTERED ACCESS TO THE  
24 DEPARTMENT, TO ALL ITS DOCUMENTS, TO ALL ITS PERSONNEL AND ALL  
25 ITS DATA. WHETHER COMPUTERIZED OR NOT. I FELT THAT THAT WAS A

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1 NECESSARY PIECE OF THE WORK AND I WAS GIVEN THAT GUARANTEE.  
2 ALTHOUGH I CAN'T PRETEND FROM TIME TO TIME THERE HAVEN'T BEEN  
3 ARGUMENTS ABOUT THE PROVISION OF INFORMATION. IN GENERAL, I  
4 BELIEVE THAT I'VE HAD VERY GOOD COOPERATION WITH THE  
5 DEPARTMENT IN TERMS OF ACCESS.

6

7 **SPEAKER:** DO YOU HAVE ACCESS TO PERSONNEL AND DISCIPLINARY  
8 RECORDS?

9

10 **MERRICK BOBB:** I DO.

11

12 **SPEAKER:** LET ME -- I WANT -- YOU TOUCHED ON SOMETHING THAT I  
13 THINK MAY DOWN THE ROAD BE SIGNIFICANT FOR US, AND THAT IS THE  
14 BOARD OF SUPERVISORS' ROLE AND THE DEPARTMENT'S BUDGET. DOES  
15 THE BOARD OF SUPERVISORS HAVE THE ABILITY TO TARGET MONIES TO  
16 ADDRESS PARTICULAR PROBLEMS? AND IF SO, DOES THAT GET FOLLOWED  
17 UP WITH AUDITS OR REVIEWS?

18

19 **MERRICK BOBB:** WELL, AS I UNDERSTAND IT, AND I CAN'T SPEAK FOR  
20 COUNTY COUNSEL IN THIS REGARD, BUT THE BOARD OF SUPERVISORS  
21 CANNOT SAY 'I WANT YOU TO TAKE \$3 MILLION OF HIS BUDGET AND  
22 BUILD A SUBSTATION IN MY DISTRICT.' THEY CAN ASK THE SHERIFF  
23 TO DO THAT. THEY COULD CAJOLE. THEY COULD HORSE TRADE. THEY  
24 COULD DO A LOT OF THINGS TO GET THAT SUBSTATION BUILT. BUT IT

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1 IS MY UNDERSTANDING THEY CAN'T ORDER THE SHERIFF TO BUILD THAT  
2 SUBSTATION.

3

4 **SPEAKER:** WELL LET'S SAY FOR EXAMPLE, COULD THEY ALLOCATE A  
5 CERTAIN AMOUNT OF MONEY FOR CAMERAS IN THE JAIL FACILITY AND  
6 ORDER THAT THEY BE INSTALLED?

7

8 **MERRICK BOBB:** YES. AND INDEED THEY DID THAT A COUPLE YEARS  
9 AGO.

10

11 **SPEAKER:** SO IN SOME SENSE THEY DO HAVE SOME ABILITY TO CONTROL  
12 THE WAY IN WHICH FUNDING IS APPLIED IN THE JAIL FACILITIES?

13

14 **MERRICK BOBB:** WELL, I WOULD SAY THAT IF PUSH REALLY CAME TO  
15 SHOVE, THEY CAN'T TELL THE SHERIFF'S DEPARTMENT TO BUY THE  
16 CAMERAS. THE SHERIFF'S DEPARTMENT CAN AGREE TO BUY THE  
17 CAMERAS. THE SHERIFF'S DEPARTMENT COULD TELL THEM "I CAN'T BUY  
18 THE CAMERAS UNYOU GIVE ME A -- UNLESS YOU GIVE ME A MILLION  
19 BUCKS OR WHATEVER." BUT I DON'T THINK THEY CAN SAY "SHERIFF,  
20 YOU ARE GOING TO PUT UP CAMERAS IN THE JAIL."

21

22 **SPEAKER:** WHAT I'D LIKE TO DO, I'VE GONE THROUGH SOME OF YOUR  
23 REPORTS OVER THE YEARS, AND I'D LIKE TO TALK TO YOU ABOUT SOME  
24 OF THE RECOMMENDATIONS THAT YOU'VE MADE AND ASK YOU TO EXPLAIN

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1 WHAT THAT RECOMMENDATION WAS, WHY YOU MADE THE RECOMMENDATION  
2 AND WHETHER OR NOT THE RECOMMENDATION WAS EVER IMPLEMENTED.

3

4 **MERRICK BOBB:** OKAY.

5

6 **SPEAKER:** SO LET'S START WITH THE SUBJECT OF WHAT YOU REFERRED  
7 TO IN ONE OF YOUR REPORTS AS "TARGETED STINGS." WHAT IS A  
8 TARGETED STING?

9

10 **MERRICK BOBB:** WELL, THERE ARE TARGETED STINGS AND RANDOM  
11 STINGS. A STING OPERATION, AS MANY OF YOU KNOW QUITE WELL, IS  
12 ONE WHERE YOU SET UP A SITUATION THAT PROVIDES AN OPPORTUNITY  
13 FOR A DEPUTY SHERIFF OR A POLICE OFFICER TO BE -- TO HIS TRUST  
14 AND TAKE MONEY OR DRUGS OR SMUGGLE A CELL PHONE INTO THE JAIL  
15 OR WHATEVER. AND YOU TEST THAT DEPUTY. IF YOU HAVE INFORMATION  
16 AT YOUR DISPOSAL WHICH LEADS YOU TO BELIEVE THAT DEPUTY X MAY  
17 BE TEMPTED BY MONEY TO TAKE A CELL PHONE IN AND YOU SET UP A  
18 SPECIFIC OPERATION TO TARGET THAT DEPUTY, THAT'S A TARGETED  
19 STING OPERATION. IN CONTRAST, THERE ARE RANDOM STINGS. AND A  
20 RANDOM STING IS SOMETHING THAT HAS BEEN USED EXTENSIVELY BY  
21 THE NEW YORK POLICE DEPARTMENT AND BY THE LAPD WHERE INSTEAD  
22 OF TARGETING A SPECIFIC DEPUTY, YOU RANDOMLY TEST DEPUTIES TO  
23 SEE WHETHER THEY WILL COMPLY OR WHETHER THEY'LL PUT SOME MONEY  
24 IN THEIR POCKET. THE ADVANTAGE OF A RANDOM STING PROGRAM IS

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1 THAT THE INDIVIDUAL POLICE OFFICER DOESN'T KNOW WHETHER HE'S  
2 BEING STUNG OR NOT. AND SO THAT CHILLS MISCONDUCT.

3

4 **SPEAKER:** DID THE SHERIFF'S OFFICE ADOPT YOUR RECOMMENDATIONS  
5 WITH RESPECT TO STING OPERATIONS?

6

7 **HON. LOURDES BAIRD, CHAIR:** I DON'T THINK WE CAN HEAR YOU.  
8 COULD YOU SPEAK INTO THE MICROPHONE, PLEASE?

9

10 **SPEAKER:** DID THE SHERIFF'S OFFICE ADOPT YOUR RECOMMENDATIONS  
11 WITH RESPECT TO STING OPERATIONS?

12

13 **MERRICK BOBB:** WITH RESPECT TO TARGETED STINGS, YES. THEY DID.  
14 AND IT IS MY UNDERSTANDING THAT FOR A NUMBER OF YEARS, THE  
15 INTERNAL CRIMINAL INVESTIGATIVE BUREAU, WHICH IS ICIB, HAS  
16 CONDUCTED SOME TARGETED STINGS. IT IS MY FURTHER UNDERSTANDING  
17 THAT UNTIL QUITE RECENTLY, THERE WAS A RELUCTANCE ON THE PART  
18 OF THE DEPARTMENT TO DO RANDOM STINGS. IT IS MY UNDERSTANDING  
19 THAT THEY ARE DOING SUCH THINGS OR CONSIDERING DOING SUCH  
20 THINGS NOW.

21

22 **SPEAKER:** WHAT ABOUT I NOTICED IN ONE OF YOUR REPORTS THAT YOU  
23 RECOMMENDED A ROTATION AMONG DEPUTIES.

24

25 **MERRICK BOBB:** I DID.

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1

2 **SPEAKER:** IS THAT A RECOMMENDATION YOU MADE REPEATEDLY OVER THE  
3 YEARS?

4

5 **MERRICK BOBB:** IT IS. THAT RECOMMENDATION IS BASED UPON WHAT I  
6 UNDERSTAND BEST POLICE PRACTICE TO BE WITH RESPECT TO UNITS  
7 THAT ARE VULNERABLE TO CORRUPTION. THAT WAS ONE OF THE THINGS  
8 THAT THE MOLLEN COMMISSION FOCUSED ON WHEN IT DID ITS REPORT  
9 ON THE NYPD AND CORRUPTION WITHIN THE NYPD. AND IT'S SOMETHING  
10 THAT NARCOTICS UNITS DO ALL THE TIME, AND THAT IS THAT YOU  
11 MOVE PEOPLE AROUND WITH FREQUENCY SO THAT CLIQUES DON'T  
12 DEVELOP, SO THAT THERE IS NOT A SUBCULTURE THAT DEVELOPS AMONG  
13 A GROUP OF OFFICERS WHO WORK TOGETHER -- YEAR AFTER YEAR OR  
14 DECADE AFTER DECADE. AND THAT ROTATION IS A PROPHYLACTIC  
15 MEASURE TO REDUCE THE RISK OF POLICE MISCONDUCT. WE'VE  
16 RECOMMENDED ROTATION IN THE JAILS. WE'VE RECOMMENDED TWO KINDS  
17 OF ROTATION. FIRST IS WITHIN THE FACILITY ITSELF SO THAT A  
18 GIVEN DEPUTY IS NOT ON THE 3,000 FLOOR, FOR EXAMPLE, YEAR  
19 AFTER YEAR. BUT WORKS AT SIX-MONTH INTERVALS OR WHATEVER  
20 ELSEWHERE WITHIN THE FACILITY. WHAT WE'VE ALSO RECOMMENDED IS  
21 ROTATION BETWEEN FACILITIES. SO THAT THE YOUNG DEPUTY WHO IS  
22 WORKING AT MEN'S CENTRAL GETS AN OPPORTUNITY TO WORK AT A LESS  
23 RESTRICTIVE CORRECTIONS ENVIRONMENT AND LEARNS ABOUT A FULL  
24 RANGE OF PEOPLE WHO ARE HOUSED IN THE JAILS AND CAN HAVE  
25 ATTITUDES SHAPED THAT WAY.

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1

2 **SPEAKER:** AND HAVE THOSE RECOMMENDATIONS BEEN ADOPTED? AND IF  
3 SO, WHEN WERE THEY ADOPTED?

4

5 **MERRICK BOBB:** AS OF JANUARY 2011, IT IS MY UNDERSTANDING THAT  
6 A ROTATION PROGRAM WITHIN MEN'S CENTRAL JAIL WAS INITIATED AND  
7 THAT, AS I UNDERSTAND IT, CONTINUES. THERE HAS NOT BEEN  
8 ROTATION AMONG JAILS SO THAT THE PART OF THE RECOMMENDATION  
9 THAT SUGGESTED THAT THE GUY WHO'S BEEN IN MCJ GO TO SOME OTHER  
10 FACILITY FOR A WHILE. THAT PART HAS NOT BEEN ADOPTED YET.

11

12 **SPEAKER:** AS I THOUGHT YOU HAD MADE THESE RECOMMENDATIONS AS  
13 FAR BACK AS 2004?

14

15 **MERRICK BOBB:** ACTUALLY, THOSE RECOMMENDATIONS WITH RESPECT TO  
16 ROTATION DATE BACK FARTHER THAN THAT. AND THEY MAY GO ALL THE  
17 WAY BACK TO KOLTS, I CAN'T REMEMBER SPECIFICALLY. BUT I THINK  
18 THEY DID.

19

20 **SPEAKER:** DID YOU MAKE ANY RECOMMENDATION WITH RESPECT TO THE  
21 FIRST ASSIGNMENT OF DEPUTIES OUTSIDE THE ACADEMY?

22

23 **MERRICK BOBB:** I HAVE. AND I HAVE AT TIMES BEEN TROUBLED ABOUT  
24 THE FIRST ASSIGNMENT OUT OF THE ACADEMY BEING TO THE JAIL.  
25 ONE, I THINK MOST OF THE PEOPLE WHO GO INTO THE SHERIFF'S

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1 DEPARTMENT GO IN WITH THE IDEA THAT THEY ARE GOING TO BE  
2 PATROL OFFICERS AND OUT ON THE STREET. AND TO TELL THEM "NO,  
3 YOU'RE REALLY NOT, BUT FOR THE NEXT FOUR OR FIVE YEARS, YOU'RE  
4 GOING TO BE A JAIL GUARD" I DON'T THINK IS CONSISTENT WITH  
5 RAISING THE MORALE OF THE TROOPS. I ALSO THINK THAT THERE ARE  
6 THINGS TO BE LEARNED CERTAINLY BY WORKING IN THE JAIL, BUT  
7 THAT YOU CAN DO SO IN A YEAR OR 18 MONTHS AND THAT THE FOUR OR  
8 FIVE YEARS THAT PEOPLE SPEND IN THE JAIL IS ONLY AN  
9 OPPORTUNITY TO BECOME HARDENED AND ADOPT SOME BAD HABITS. THE  
10 SHERIFF'S DEPARTMENT DOES HAVE SOMEWHAT OF A LOGISTIC PROBLEM  
11 IN THAT SENSE. IT CAN ONLY HIRE SO MANY DEPUTIES IN A YEAR. IT  
12 HAS A CONTRACT WITH THE UNION THAT SAYS THE 65 PERCENT OF THE  
13 PERSONNEL IN THE JAILS HAVE TO BE SWORN DEPUTIES. AND 35  
14 PERCENT CAN BE CUSTODY ASSISTANTS. SO THERE'S AN ARTIFICIAL  
15 LIMITATION AND CONSTRAINT THAT 65 PERCENT OF YOUR WORKFORCE  
16 MUST BE DEPUTIES. THAT'S GOOD FOR DEPUTIES. IT'S GOOD FOR THE  
17 UNION. IT KEEPS -- BUT UNLESS YOU'RE IN A SITUATION WHERE  
18 YOU'RE DOING A LOT OF HIRING AND YOU CAN MOVE PEOPLE OUT OF  
19 THE JAIL AND INTO PATROL QUICKLY, PEOPLE STAGNATE IN THE JAIL.  
20 AND I THINK THAT -- AND I THINK THAT STAGNATION IS  
21 DETRIMENTAL, DELETERIOUS, AND I THINK THAT IT IS TIME TO BEGIN  
22 TO CONSIDER WHETHER THAT CAREER PATH IS THE CORRECT ONE OR  
23 WHETHER THERE SHOULD BE TWO DIFFERENT CAREERS WITHIN THE  
24 SHERIFF'S DEPARTMENT. YOU'RE A DEPUTY ON PATROL OR YOU'RE A  
25 DEPUTY WORKING IN CUSTODY AND THAT YOU CAN RISE THROUGH THE

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1 RANKS ON EITHER SIDE. BUT UP TO AT LEAST THE LEVEL OF CAPTAIN  
2 YOU WILL WORK ON ONE SIDE OR THE OTHER.

3

4 **SPEAKER:** ARE YOU ABLE TO RISE THROUGH THE RANKS FROM THE  
5 CUSTODY SIDE NOW?

6

7 **MERRICK BOBB:** NO. THE WAY IT WORKS IN THE SHERIFF'S  
8 DEPARTMENT IS THAT AT EACH PROMOTIONAL STAGE, THE NEWLY  
9 APPOINTED SUPERVISOR OR SERGEANT OR LIEUTENANT IS SENT BACK TO  
10 THE JAIL FOR A WHILE BEFORE HE OR SHE GOES BACK OUT TO PATROL.  
11 SO IF YOU'RE A DEPUTY AND YOU'VE BEEN WORKING PATROL, YOU'RE  
12 PROMOTED TO SERGEANT, YOU'RE BACK TO THE JAIL. AND SIMILARLY  
13 IF YOU'RE A NEWLY REPORTED LIEUTENANT WHO'S BEEN OUT ON  
14 PATROL, YOU GO BACK TO THE JAIL.

15

16 **SPEAKER:** SEVERAL YEARS AGO, THERE WAS A SIGNIFICANT INCREASE  
17 IN THE BUDGET FOR HIRING, AND A NUMBER OF ADDITIONAL DEPUTIES  
18 WERE HIRED. AND THEN SINCE THAT POINT IN TIME, THEY HAVE NOT  
19 HAD THE SAME NUMBER OF DEPUTIES THAT THEY'VE BEEN ABLE TO  
20 HIRE, IS THAT CORRECT?

21

22 **MERRICK BOBB:** THAT'S CORRECT.

23

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1 **SPEAKER:** DID YOU -- HAVE YOU EXPRESSED OVER THE YEARS CONCERNS  
2 ABOUT THE HIRING STANDARDS, PARTICULARLY THE HIRING STANDARDS  
3 WHEN YOU HAD THAT BIG BULGE OF PEOPLE WHO WERE BEING HIRED?

4

5 **MERRICK BOBB:** I'VE BEEN CONCERNED ABOUT THE BULGES, AND I'VE  
6 BEEN CONCERNED ALSO ABOUT SORT OF THE -- YOU KNOW, IT'S EITHER  
7 A DROUGHT OR A FLOOD. WHEN IT IS POSSIBLE FOR THE SHERIFFS TO  
8 HIRE A LOT OF PEOPLE WHERE THEY NEED TO HIRE A LOT OF PEOPLE  
9 BECAUSE OF RETIREMENTS OR WHATEVER, AND THEY HIRE THEM IN VERY  
10 LARGE NUMBERS, THOSE CLASSES TEND NOT TO BE AS WELL VETTED AS  
11 OTHER CLASSES. THE PEOPLE WHO DO BACKGROUNDS ARE OVERWHELMED.  
12 THEY CAN'T DO IT ALL. THE BACKGROUND INVESTIGATIONS ARE NOT AS  
13 GOOD. AND YOU WIND UP WITH PEOPLE THAT YOU OTHERWISE MIGHT NOT  
14 HAVE WANTED TO SELECT. AND THEN THOSE PEOPLE GO INTO THE  
15 SYSTEM AND AS WE'VE SEEN QUITE RECENTLY MAY GET THEMSELVES  
16 INTO DIFFICULTIES. THE DOUBTS ARE REALLY BAD BECAUSE AT LEAST  
17 AS TO CUSTODY, IT CAUSES A STAGNATION THAT I DESCRIBED WHERE  
18 YOU JUST CAN'T MOVE THEM OUT BECAUSE THERE ARE NO PLACES FOR  
19 THEM ON PATROL AND SO I HAVE TO STAY IN THE JAIL UNTIL SUCH  
20 PLACES ARE MADE AVAILABLE.

21

22 **SPEAKER:** PLUS I GATHER SOME OF THOSE WHO ARE STAYING IN THE  
23 JAIL ARE THOSE WHO ARE HIRED IN THAT BULGE WHO MAY HAVE  
24 SOMEWHAT PROBLEMATIC BACKGROUNDS?

25

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1     **MERRICK BOBB:** CORRECT.

2

3     **SPEAKER:** HAVE YOU MADE ANY RECOMMENDATIONS WITH RESPECT TO  
4     DEALING WITH THE TRAINING ON ETHICAL ISSUES AND THE CODE OF  
5     SILENCE? ARE THESE -- PARTICULARLY THE CODE OF SILENCE, IS  
6     THAT SOMETHING THAT YOU HAVE OBSERVED AMONG DEPUTIES? MAYBE  
7     DESCRIBE WHAT THAT IS. AND WHAT TRAINING HAVE YOU RECOMMENDED  
8     WITH RESPECT TO THOSE ISSUES?

9

10    **MERRICK BOBB:** THERE IS A CODE OF SILENCE. BUT -- AND IT'S A  
11    PROBLEM. BUT IT'S ALSO SOMEWHAT UNDERSTANDABLE IN THE CONTEXT  
12    THAT IF YOU'RE WORKING CLOSELY TOGETHER WITH PEOPLE AND  
13    THEY'RE YOUR FRIENDS AND THEY'RE THE PEOPLE THAT YOU GO OUT TO  
14    DINNER WITH AND YOU KNOW ABOUT THEIR KIDS AND THEY KNOW ABOUT  
15    YOUR KIDS, IT'S HARD TO GO TO A SUPERIOR AND SAY, "LOOK, I  
16    ADMIRE DEPUTY X, BUT I TOOK A BLOW TOO MANY WITH THE BATON  
17    WHEN HE WAS TRYING TO RESTRAIN THIS PERSON." TO GET TO THAT  
18    POINT, IF YOU CAN GET TO THAT POINT, YOU NEED TO INCULCATE A  
19    CULTURE OF RESPONSIBILITY AND ACCOUNTABILITY SO THAT THE  
20    ETHICAL OBLIGATIONS OF THE DEPUTIES ARE CLEAR TO THE DEPUTIES.  
21    THEIR LOYALTIES ARE CLEAR TO THE INSTITUTION ITSELF AND THAT  
22    THEY NEED TO ACT IN ACCORDANCE WITH THE CORE VALUES OF THE  
23    DEPARTMENT. THE SHERIFF HAS RECENTLY TRIED TO EMPHASIZE THAT  
24    IN SOME PROVISIONS HE'S MADE TO THE USE OF FORCE POLICY, BUT  
25    OVER TIME, I THINK THAT THE MESSAGE WAS NOT COMMUNICATED WELL

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1 ON THE CUSTODY SIDE. IT MAY HAVE BEEN COMMUNICATED BETTER ON  
2 THE PATROL SIDE.

3

4 **SPEAKER:** AND DID YOU URGE TRAINING -- ADDITIONAL TRAINING WITH  
5 RESPECT TO THOSE ISSUES ON THE CUSTODY SIDE?

6

7 **MERRICK BOBB:** ADDITIONAL TRAINING AND AN ATTITUDE WITHIN  
8 CUSTODY THAT MISCONDUCT AS HAS BEEN ALLEGED AND IT'S BEEN  
9 SHOWN TO HAVE EXISTED BE DEALT WITH, THAT IF YOU'RE THE  
10 SERGEANT OR LIEUTENANT AND YOU KNOW THAT THE DEPUTY X TENDS TO  
11 BE OVERLY AGGRESSIVE WITH INMATES, WHY DIDN'T YOU DO SOMETHING  
12 ABOUT DEPUTY X? OR TO DO THE LIEUTENANT OR THE CAPTAIN SAYING  
13 TO THE SERGEANT "YOU KNEW ABOUT DEPUTY X. YOU KNOW WHAT HE'S  
14 DONE. EVERYBODY KNOWS WHAT DEPUTY X IS LIKE. WHY DIDN'T YOU DO  
15 SOMETHING ABOUT IT"? AND I THINK IT DOESN'T HAPPEN  
16 PARTICULARLY ON THE CUSTODY SIDE BECAUSE I THINK THAT'S SEEN  
17 JUST AS A TEMPORARY STAGE IN YOUR CAREER. AND THAT IF THE  
18 GUY'S A PROBLEM, OKAY, WE'LL PUT UP WITH HIM A COUPLE OF YEARS  
19 AND THEN HE'LL BE OUT ON PATROL AND HE WON'T BE OUR PROBLEM  
20 ANYMORE. IT'S NOT LIKE "THIS GUY IS OUR PROBLEM TODAY. WE'VE  
21 GOT TO DEAL WITH HIS PROBLEM TODAY SO THAT THIS GUY GETS  
22 STRAIGHTENED OUT SO WHEN HE GOES ONTO PATROL, HE IS GOING TO  
23 BE AN ETHICAL OFFICER WHO IS HELD ACCOUNTABLE."

24

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1 **SPEAKER:** YOU HEADED IN THE DIRECTION OF MY NEXT QUESTION,  
2 WHICH IS REALLY THE QUALITY OF THE SUPERVISION WITHIN THE  
3 CUSTODY FACILITIES. AND WHAT ISSUES HAVE YOU RAISED WITH  
4 RESPECT TO SUPERVISION AND WHAT RECOMMENDATIONS HAVE YOU MADE?  
5 AND WHAT'S THE STATUS OF THOSE RECOMMENDATIONS?

6

7 **MERRICK BOBB:** WELL THERE'S SEVERAL DIFFERENT QUESTIONS  
8 EMBEDDED IN THAT QUESTION. THE STAFFING AT THE JAIL, IN  
9 GENERAL --

10

11 **SPEAKER:** I MUST SAY I HAVEN'T HEARD ANY OF THE JUDGES SUSTAIN  
12 ANY OBJECTIONS YET. [LAUGHTER.]

13

14 MERRICK BOBB -- HAS BEEN VERY, VERY LEAN. I TOLD YOU ABOUT THE  
15 MIX OF DEPUTIES AND CUSTODY ASSISTANTS. ALSO, AT THE SERGEANT  
16 LEVEL IT HAS BEEN WOEFULLY UNDERSTAFFED. IT IS ONLY NOW THAT  
17 WE HAVE TWO SERGEANTS PER FLOOR ON SHIFT FOR TWO OF THE THREE  
18 SHIFTS. THEY'RE THERE FOR MORNINGS. THEY'RE THERE FOR DAYS.  
19 OVERNIGHT THERE STILL MAY BE ONE SERGEANT. ONE SERGEANT AT MCJ  
20 IN PARTICULAR IS NOT ENOUGH. YOU GOT TO HAVE ONE SERGEANT AT  
21 THE BOOTH WATCHING WHAT'S GOING ON, DEALING WITH ISSUES THERE,  
22 AND YOU NEED ANOTHER SERGEANT CONSTANTLY ON PATROL, OUT ON THE  
23 ROWS, WALKING THE ROWS, SEEING WHAT'S GOING ON, RESPONDING TO  
24 INCIDENTS THAT OCCUR, BEING THERE AS THEY ARE OCCURRING. YOU  
25 ONLY HAVE ONE SERGEANT. YOU CAN'T DO THAT. YOU CAN'T COVER IT.

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1 SO THE SPAN OF CONTROL NEEDS TO BE DEALT WITH. THERE NEED TO  
2 BE MORE AND BETTER SUPERVISORS. AND I THINK THAT ALSO GOES FOR  
3 LIEUTENANTS. THAT'S SORT OF AN ANSWER TO THE QUANTITATIVE  
4 QUESTION. AS TO THE QUALITATIVE QUESTION, WE'VE HAD MANY  
5 OCCASIONS OVER THE YEARS TO LOOK AT THE QUALITY OF INTERNAL  
6 INVESTIGATIONS AT THE UNIT LEVEL, AND I DARE SAY THAT THE  
7 INVESTIGATIONS THAT TAKE PLACE WITHIN THE JAIL FACILITIES --  
8 AND IN PARTICULAR WITH RESPECT TO MCJ, ARE VERY SERIOUSLY  
9 INADEQUATE.

10

11 **SPEAKER:** IS THAT WHAT YOU'RE TALKING ABOUT AT THE UNIT LEVEL?

12

13 **MERRICK BOBB:** AT THE UNIT LEVEL THEY'RE INADEQUATE BECAUSE,  
14 ONE, THEY'RE SLOW TO GETTING AROUND TO DOING THE  
15 INVESTIGATIONS IN THE FIRST PLACE. SO WHAT YOU OFTEN HAVE IS  
16 THAT YOU'LL COMMENCE AN INVESTIGATION AFTER THE INMATE HAS  
17 BEEN RELEASED OR AFTER ALL THE WITNESSES WHO ARE INMATES HAVE  
18 BEEN RELEASED. AND SO YOU THROW UP YOUR HANDS AND YOU CAN'T  
19 FIND THEM. YOU CAN'T TALK TO THEM. AND THE INVESTIGATION IS  
20 CLOSED. SO TIME DELAY IN TERMS OF DOING THE INVESTIGATION. THE  
21 THOROUGHNESS OF INVESTIGATIONS IN TERMS OF INTERVIEWING ALL  
22 THE WITNESSES, BOTH WITNESSES WHO SAY THEY SAW SOMETHING  
23 HAPPEN AND THE WITNESSES WHO SAID THEY DID NOT AND WEREN'T  
24 PRESENT OR THE LIKE. SO THAT'S AN IMPORTANT THING THAT DOESN'T  
25 HAPPEN ALL THE TIME. THE OTHER THING THAT OCCURS IS THAT IT'S

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1 VERY, VERY RARE IN A SITUATION WHERE IT'S THE DEPUTY'S WORD  
2 AGAINST THE INMATE'S WORD THAT THE INMATE'S WORD IS GOING TO  
3 BE ACCEPTED. THAT'S THE WAY IT IS. AND IT'S IMPORTANT TO BE  
4 FAIR AND OBJECTIVE WHEN EVALUATING CREDIBILITY. THE TIES  
5 SHOULD NOT NECESSARILY ALWAYS GO TO THE OFFICER. THE OTHER  
6 THING I WANTED TO SAY IN TERMS OF THE CODE OF SILENCE IS YOU  
7 OFTEN SEE IT IN THE CUSTODY CONTEXT. YOU'LL HAVE AN INCIDENT.  
8 IT WILL HAVE WHEN THREE OR FOUR DEPUTIES PRESENT. THERE WILL  
9 HAVE BEEN ONE DEPUTY WHO WAS ACCUSED OF HAVING BEEN ABUSIVE.  
10 AND THEN YOU'LL INTERVIEW THE OTHER DEPUTIES "NO, I DIDN'T SEE  
11 WHAT WAS HAPPENING. I WAS LOOKING OUT THE WINDOW AT THAT  
12 PARTICULAR TIME." OR "MY ATTENTION WAS FOCUSED ON EFFECTUATING  
13 THE ARREST AND I DIDN'T SEE THAT." IT'S A CODE OF SILENCE IN  
14 THAT SENSE. IT'S NOT CONSPIRATORIAL. IT'S NOT SOMETHING WHERE  
15 THEY'VE COOKED UP A STORY. IT'S THAT THEY ARE PROTECTIVE OF  
16 ONE OR THE OTHER.

17

18 **SPEAKER:** COULD YOU TOUCH ON YOUR OBSERVATIONS WITH RESPECT TO  
19 MENTAL HEALTH ISSUES AND PARTICULARLY THE ISSUE OF  
20 DECLASSIFICATION IN THE JAIL SETTING?

21

22 **MERRICK BOBB:** RIGHT. WELL, AS YOU ARE AWARE, THE DEPARTMENT  
23 OF JUSTICE, CIVIL RIGHTS DIVISION, SPECIAL LITIGATION SECTION  
24 A NUMBER OF YEARS AGO HAD AN INVESTIGATION OF THE PROVISION OF  
25 MENTAL CARE IN THE JAILS, AND THAT RESULTED IN A SERIES OF

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1 REFORMS. I HAVE TAKEN A SERIOUS LOOK AT MEDICAL AND MENTAL  
2 HEALTHCARE IN THE JAILS AND HAVE REPORTED ON THAT WITH SOME  
3 FREQUENCY. THERE ARE VERY DIFFICULT PROBLEMS. AS THE SHERIFF  
4 IS WONT TO STATE, THE JAIL IS THE LARGEST MENTAL INSTITUTION  
5 IN THE COUNTRY. AND AS I THINK ONE OF YOUR PRIOR WITNESSES I  
6 HEARD STATE, THE SHERIFF, HE THINKS, UNDERESTIMATES THE  
7 PERCENTAGE OF THE INMATES WHO PRESENT WITH MENTAL ISSUES.

8

9 **SPEAKER:** WOULD YOU AGREE WITH THAT ASSESSMENT? DO YOU AGREE  
10 WITH THAT ASSESSMENT?

11

12 **MERRICK BOBB:** I DO AGREE WITH THAT ASSESSMENT. I DON'T KNOW  
13 WHETHER I WOULD GO TO 25 PERCENT, WHICH IS WHAT I THINK  
14 MR. ELIASBERG SUGGESTED. BUT LET ME PUT IT THIS WAY, MENTAL OR  
15 DUAL DIAGNOSIS ISSUES WHERE PEOPLE PRESENT WITH DRUG  
16 DEPENDENCY, DEPENDENCY AND -- ALCOHOL DEPENDENCY AND HAVE  
17 OTHER ISSUES WOULD ADD UP TO A PRETTY SIZABLE NUMBER.

18

19 **SPEAKER:** DO YOU FEEL THAT THEY DECLASSIFIED BASED UPON  
20 RESOURCES AS OPPOSED TO MENTAL HEALTH CRITERIA AS MR. GENNACO  
21 SUGGESTED THIS MORNING? OR WHAT IS YOUR VIEW ON THAT ISSUE?

22

23 **MERRICK BOBB:** WELL, MY VIEW ON THAT ISSUE IS INFORMED BY A  
24 STUDY THAT I DID IN 2004 OF THE DEATH OF FIVE INMATES IN JAIL.  
25 FIVE INMATES WERE -- DIED AT THE HANDS OF OTHER INMATES. AND

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1 THE BOARD OF SUPERVISORS ASKED ME TO TAKE A LOOK AT THOSE  
2 CASES, NOT TO REINVESTIGATE THEM BECAUSE THE INVESTIGATIONS  
3 WERE PRETTY GOOD, BUT, RATHER, SORT OF ANSWER THE QUESTION:  
4 HOW DID IT HAPPEN? WHAT SLIPPED UP? HOW WAS THIS INMATE ABLE  
5 TO GET INTO THE CELL OF ANOTHER INMATE AND TO MURDER HIM?

6

7 **SPEAKER:** IN ANSWERING THIS, MY UNDERSTANDING THE REPORT THAT  
8 YOU'VE PREPARED, IT REMAINS A PRIVILEGED DOCUMENT, BUT  
9 CERTAINLY YOUR OBSERVATIONS OF WHAT YOU SAW IN THE COURSE OF  
10 YOUR INVESTIGATION ARE NOT PRIVILEGED.

11

12 **MERRICK BOBB:** EXACTLY. AND IT IS A MATTER OF PUBLIC RECORD, I  
13 BELIEVE, THAT IN ONE OF THE CASES THE INMATE WHO DIED WAS  
14 SOMEBODY WHO HAD BEEN HELD IN TWIN TOWERS IN THE MENTAL HEALTH  
15 UNIT, WAS UNCOOPERATIVE, DIDN'T TAKE HIS MEDICATION, AND AS A  
16 RESULT WAS RELEASED INTO GENERAL POPULATION. HE WAS ASSIGNED  
17 TO A CELL WITH SEVERAL OTHER PEOPLE. HE EXHIBITED VERY BIZARRE  
18 BEHAVIOR AND WAS VERY TALKATIVE AND DISRUPTIVE. AND HE WAS  
19 FOUND DEAD. THERE IS AN EXAMPLE THAT I FOUND TROUBLING IN THE  
20 SENSE OF YOU GOT AN UNCOOPERATIVE GUY WHO'S NOT TAKING HIS  
21 PILLS, THAT'S A BAD SITUATION. YOU HAVE TO DO SOMETHING ABOUT  
22 THAT. BUT RELEASE HIM INTO GENERAL POPULATION? COME ON. SO I  
23 WAS QUITE TROUBLED BY THAT. AND THERE WERE A NUMBER OF OTHER  
24 INCIDENTS WHERE SIMILAR THINGS HAVE OCCURRED.

25

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1 **SPEAKER:** DO YOU THINK THAT THOSE ARE INSTANCES IN WHICH THERE  
2 WAS NEGLIGENCE ON THE PART OF THE SHERIFF'S DEPARTMENT? OR AS  
3 MR. ELIASBURG SUGGESTED, THERE WAS SOMETHING MORE WITH RESPECT  
4 TO --

5

6 **MERRICK BOBB:** WELL THERE'S A WHO'S ON FIRST PROBLEM. WHO --  
7 IS IT THE DEPARTMENT OF MENTAL HEALTH? MENTAL HEALTH SERVICES  
8 IN THE JAIL AND AS AN ENTIRELY SEPARATE COUNTY DEPARTMENT? IS  
9 IT THE DOCTORS AND NURSES WHO ARE DIRECTLY HIRED BY THE  
10 SHERIFF'S DEPARTMENT TO WORK IN THE JAILS? IS IT SOMEBODY  
11 ELSE? DOES IT HAPPEN AT MCJ OR THE JAIL UNIT AT COUNTY USC OR  
12 WHATEVER? SO, YES, THERE CAN BE NEGLIGENCE. THERE ALSO CAN BE  
13 A FAILURE TO COOPERATE AND COMMUNICATE. ONE OF THE THINGS THAT  
14 I'VE BEEN TROUBLED ABOUT FOR A LONG TIME IS DMH TALKING TO THE  
15 SHERIFF'S DEPARTMENT AND WHICH COMES FIRST OR MENTAL HEALTH  
16 AND MEDICAL SERVICE. A LOT OF TIMES I SAW EXAMPLES OF WHERE  
17 CUSTODY NEEDS, THE NEED TO MOVE AN INMATE, TOOK PRECEDENCE  
18 OVER THEIR MEDICAL SITUATION SO THAT, FOR EXAMPLE, IT WAS  
19 SCHEDULED TO SEE THE DOCTOR, THEY GET TRANSFERRED TO ANOTHER  
20 FACILITY, DOESN'T FOLLOW OR FOLLOWS UP LATE, MAKES THAT  
21 APPOINTMENT WITH THE DOCTOR AND WITH MORE SERIOUS CONSEQUENCE  
22 OR RESULTS. THAT'S, TO ME, A QUESTION OF COORDINATION AND  
23 COOPERATION THAT THERE SHOULD BE A MORE CLEARLY DEFINED TREATY  
24 BETWEEN DMH AND THE SHERIFF'S DEPARTMENT ABOUT PRIORITIES AND  
25 WHO COMES FIRST.

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1

2 **SPEAKER:** WHAT LEVEL OF COMMUNICATION IS THERE BETWEEN YOUR  
3 OFFICE, MR. GENNACO'S OFFICE AND THE ACLU WITH RESPECT TO  
4 ISSUES YOU'RE SEEING IN THE JAIL, PATTERNS THAT YOU'RE SEEING  
5 IN THE JAIL, THINGS LIKE THAT?

6

7 **MERRICK BOBB:** WELL, THE ACLU, AS YOU KNOW, IS A LITIGANT AND  
8 SUES THE COUNTY AND HAS LAWSUITS PENDING WITH RESPECT TO THE  
9 JAILS. I AM SPECIAL COUNSEL TO THE COUNTY OF LOS ANGELES AND  
10 THEREFORE I'M A LAWYER FOR THE COUNTY. SO THAT MY  
11 COMMUNICATION WITH THE ACLU OR ANY OTHER LITIGANT HAS TO BE  
12 VERY, VERY CIRCUMSCRIBED.

13

14 **SPEAKER:** WHEN THEY SEE INSTANCES OF MISCONDUCT BY DEPUTIES OR  
15 USE OF FORCE, IS THAT SOMETHING THAT THEY WOULD REPORT TO YOU  
16 OR THE SHERIFF OR TO GENNACO?

17

18 **MERRICK BOBB:** THEY'RE SUPPOSED TO REPORT IT TO THE SHERIFF'S  
19 DEPARTMENT. THAT'S MY -- I DO NOT HAVE THE ROLE OF RECIPIENT  
20 OF COMPLAINTS EITHER FROM INMATES OR FROM THIRD PARTIES ON THE  
21 BEHALF OF INMATES. THAT'S NOT MY ROLE TO INVESTIGATE THOSE  
22 COMPLAINTS, NOR IS IT MIKE GENNACO'S ROLE. THE INVESTIGATIVE  
23 ROLE IS LEFT TO THE DEPARTMENT.

24

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1 **SPEAKER:** WHAT ABOUT WITH RESPECT TO THE ISSUE OF EXCESSIVE  
2 FORCE? IS THAT SOMETHING THAT YOU HAVE EXCLUSIVELY  
3 INVESTIGATED?

4

5 **SPEAKER:** EXCESSIVE USE OF FORCE.

6

7 **MERRICK BOBB:** YES, I HAVE.

8

9 **SPEAKER:** ON SYSTEMIC BASES OR INDIVIDUAL BASES?

10

11 **MERRICK BOBB:** I'VE DONE IT ON BOTH BASES. CERTAINLY, ONE OF  
12 THE MOST POIGNANT SITUATIONS THAT I HAD OCCASION TO REPORT  
13 UPON THAT RAISED BOTH MENTAL HEALTH ISSUES AND THOSE OTHER  
14 ISSUES THAT YOU'RE DISCUSSING WAS THE CASE OF A HOMELESS MAN  
15 BY THE NAME OF KEVIN EVANS. AND KEVIN EVANS WAS MENTALLY  
16 DISTURBED. HE WAS PUSHING A SHOPPING CART IN THE SAN FERNANDO  
17 VALLEY MUMBLING TO HIMSELF. THE SHOPPING CART HAD BEEN TAKEN  
18 FROM THE GROUNDS OF THE SUPERMARKET. AND SO HE WAS ARRESTED BY  
19 THE DEPUTIES. HE WAS BROUGHT INTO THE STATION. HE WAS  
20 ULTIMATELY TRANSFERRED DOWNTOWN. AND AT SOME POINT ACTED OUT  
21 AND IT WAS DETERMINED TO PUT HIM IN RESTRAINTS. AS THEY WERE  
22 PUTTING HIM IN RESTRAINTS, THEY TOOK FROM HIS HANDS A SANDWICH  
23 THAT HE HAD, HIS FOOD FOR THE DAY. HE STARTED TO FLAIL. AND AT  
24 THE END OF THE DAY, HE DIED BECAUSE THE DEPUTIES, IN THEIR  
25 ATTEMPT TO RESTRAIN HIM, HAD SUFFOCATED HIM. THAT KIND OF

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1 INCIDENT WHERE SOMEBODY IS PUSHING A SHOPPING CART IN THE  
2 MORNING AND IS DEAD TRYING TO BE RESTRAINED IN THE JAIL REALLY  
3 STRUCK ME AS TRAGIC. YEAH, THERE WAS EXCESSIVE FORCE. YEAH,  
4 THERE WAS AN UN-- A LACK OF FAMILIARITY WITH HOW TO DEAL WITH  
5 MENTALLY DISTURBED PEOPLE. YES, THERE WAS NEGLIGENCE. YES,  
6 THEY WEREN'T WELL-TRAINED FOR THE TASK. YES, THEY HAD THE  
7 UNDERSTANDING THAT THEY WERE SUPPOSED TO PUT HIM IN RESTRAINTS  
8 AND NO OTHER ALTERNATIVE. THEY DIDN'T FEEL THEMSELVES FREE TO  
9 GIVE HIM BACK HIS SANDWICH, LET HIM TAKE A COUPLE OF BITS AND  
10 THEN TRY TO CALM HIM DOWN. IT JUST -- I DON'T KNOW. IT JUST  
11 KIND OF CAPTURED FOR ME SOME OF THE WAYS THAT THINGS CAN GO  
12 VERY, VERY AWRY, WITHOUT EVIL INTENT. THERE IS NO EVIL INTENT  
13 THERE. THEY'RE DOING THEIR JOB. BUT THINGS CAN GO AWRY BECAUSE  
14 THE CULTURE IS NOT THERE, THE EDUCATION'S NOT THERE, THE  
15 VALUES AREN'T THERE.

16

17 **SPEAKER:** AND YOU THINK THESE PROBLEMS THAT YOU OBSERVED IN  
18 THIS PARTICULAR CASE ARE SYSTEMIC PROBLEMS, AS WELL?

19

20 **MERRICK BOBB:** YES, I THOUGHT IT WAS SYSTEMIC BECAUSE THE GUY,  
21 I THINK, IN MY VIEW, SHOULD HAVE BEEN SEEN BY A MENTAL HEALTH  
22 PROFESSIONAL FACE-TO-FACE BEFORE A DECISION WAS MADE TO PUT  
23 HIM IN FOUR-POINT RESTRAINTS. I THINK THAT ALTERNATIVES COULD  
24 HAVE BEEN CONSIDERED TO THE EXTENT THAT THERE WAS ANY

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1 CONSULTATION, IT WAS A TELEPHONE CONSULTATION. WITH A DOCTOR  
2 OFF-SITE. COMBINATION OF VERY DIFFICULT CIRCUMSTANCES.

3

4 **SPEAKER:** I'M GOING TO TURN THIS OVER TO THE COMMISSIONERS.  
5 START FROM THIS SIDE OF THE ROOM. ANYONE FROM THIS SIDE OF THE  
6 ROOM WANT TO ASK SOME QUESTIONS?

7

8 **SPEAKER:** WHAT PERCENTAGE OF THE RECOMMENDATIONS OF THE OFFICE  
9 OF INDEPENDENT REVIEW HAVE BEEN IMPLEMENTED?

10

11 **MERRICK BOBB:** WELL YOU'RE ASKING ME ABOUT THE OFFICE OF  
12 INDEPENDENT REVIEW, WHICH IS OF COURSE MICHAEL GENNACO'S  
13 OFFICE. I'VE NOT MADE THAT CALCULATION. I DON'T KNOW HOW MANY  
14 OF HIS RECOMMENDATIONS HAVE BEEN ACCEPTED AND HOW MANY  
15 REJECTED. HE MAKES A LOT OF RECOMMENDATIONS, REVEREND, THAT  
16 ARE WITHIN THE CONFINES OF THE DEPARTMENT, AND IT'S NOT MY JOB  
17 TO MONITOR GENNACO.

18

19 **SPEAKER:** WHAT ASSURANCE, IF ANY, HAVE WE CITIZENS FOR JAIL  
20 ABUSE, WHAT REASON HAVE WE TO BELIEVE THE RECOMMENDATIONS  
21 WOULD BE IMPLEMENTED?

22

23 **MERRICK BOBB:** WELL, I CAN ONLY SPEAK FOR MYSELF AND FOR MY  
24 OFFICE OF SPECIAL COUNSEL. AND THERE HAVE BEEN SIGNIFICANT

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1 RECOMMENDATIONS MADE OVER THE COURSE OF MANY YEARS THAT HAVE  
2 NOT BEEN IMPLEMENTED.

3

4 **SPEAKER:** YES, SIR. JUST IF YOU WOULD, ON SYSTEMS, WE HAVE THE  
5 OFFICE OF INDEPENDENT REVIEW AND THEN YOUR OFFICE MONITORING  
6 AT THE MICRO AND MACROLEVEL THE ORGANIZATION. WHAT WOULD YOU  
7 RECOMMEND BEYOND THAT TO BE ABLE TO GET US WHERE WE NEED TO  
8 BE? IF YOU HAVE ANY THOUGHTS ON THAT.

9

10 **MERRICK BOBB:** WELL, I DO. I THINK THAT THE TWO OFFICES PLAY A  
11 VERY VALUABLE ROLE. I THINK THAT IT HAS BEEN VERY DIFFICULT  
12 WITH AN INSTITUTION THE SIZE OF LOS ANGELES COUNTY JAIL FOR ME  
13 IN PARTICULAR TO MAKE A SERIES OF RECOMMENDATIONS, THEN GO  
14 BACK AND SEE WHETHER EACH OF THOSE RECOMMENDATIONS HAS BEEN  
15 IMPLEMENTED, TALK TO THE DEPARTMENT ABOUT IT AND ALSO CONTINUE  
16 TO INVESTIGATE CURRENT PROBLEMS. I THINK IT'S A RESOURCE AND  
17 STAFFING ISSUE. I FIND THAT I CAN'T RETURN TO TOPICS A YEAR  
18 LATER OR TWO YEARS LATER. SOMETIMES THREE OR FOUR YEARS MUST  
19 ELAPSE BEFORE I CAN RETURN TO A PARTICULAR TOPIC. AND I THINK  
20 IF THERE WERE THE ABILITY TO HAVE MORE CONSTANT MONITORING  
21 ACROSS-THE-BOARD, THAT WOULD BE USEFUL. THAT WOULD BE VERY  
22 USEFUL. I THINK IT WILL ALSO BE USEFUL IF -- I CAN RECOMMEND  
23 ALL OVER THE PLACE, BUT UNLESS THE BOARD OF SUPERVISORS TAKES  
24 A SPECIFIC INTEREST, AS THEY HAVE WITH RESPECT TO THE JAILS,  
25 THOSE ISSUES SEEM TO JUST NOT GO MUCH OF ANYWHERE. SO I THINK

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1 THIS COMMISSION IS TERRIBLY, TERRIBLY IMPORTANT IN TERMS OF  
2 RAISING THE ISSUES, IN TERMS OF LENDING THE PRESTIGE OF EACH  
3 OF YOU INDIVIDUALLY TO A SERIES OF RECOMMENDATIONS, TO  
4 CRYSTALLIZE IT, TO CAUSE IT TO FOCUS; AND THEN, I WOULD HOPE  
5 THAT THERE WOULD BE THE ONGOING MONITORING AND FOLLOWUP TO  
6 MAKE SURE THAT YOUR RECOMMENDATIONS DON'T GO LIE ON A SHELF  
7 SOMEWHERE. OKAY.

8

9 **SPEAKER:** THANK YOU FOR COMING HERE TODAY. YOU MENTIONED A  
10 MOMENT AGO [INAUDIBLE] A YEAR OR TWO LATER FOLLOWING UP ON  
11 RECOMMENDATIONS. WHAT IS YOUR CURRENT STAFFING AND BUDGET YOU  
12 HAVE [INAUDIBLE]

13

14 **MERRICK BOBB:** I AM BUDGETED 1500 HOURS A YEAR. AND MY BUDGET  
15 AT THIS POINT IS A LITTLE IN EXCESS OF \$300,000. I HAVE TWO  
16 OTHER PEOPLE EMPLOYED BESIDE MYSELF WHO WORK ON THESE REPORTS.  
17 FROM TIME TO TIME, I'VE BEEN ABLE TO CAJOLE SOME OF THE LAW  
18 FIRMS IN TO GIVING ME SOME PRO BONO HELP AND BEEN ABLE TO FILL  
19 IT OUT THAT WAY. AND THEN THERE HAVE BEEN TIMES WHERE I'VE  
20 USED THE RESOURCES TO HIRE PEOPLE TO HELP OUT. BUT THE CORE IS  
21 JUST THREE PEOPLE.

22

23 **SPEAKER:** ONE OF THE ISSUES YOU TALKED ABOUT WITH MR. GENNACO  
24 THIS MORNING WAS SORT OF THE REPORTING OF INCIDENTS AND THE  
25 IDEA THAT -- YOU CAN'T INVESTIGATE IF YOU DON'T KNOW ABOUT IT,

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1 YOU CAN'T PROVIDE OVERSIGHT OF SOMETHING -- [INAUDIBLE] HAVE  
2 YOU HAD A CHANCE TO LOOK AT THE REPORTING SYSTEM [INAUDIBLE]

3

4 **MERRICK BOBB:** YES, I'VE TAKEN A LOOK AT USE OF FORCE REPORTS.  
5 I'VE TAKEN A LOOK AT UNIT LEVEL REPORTS INVESTIGATIONS. I'VE  
6 LOOKED AT IAB INVESTIGATIONS OF FORCE AND SO HAVE FAMILIARITY.

7

8 **SPEAKER:** [INAUDIBLE] DEPUTIES MAY HAVE TO REPORT MISCONDUCT OR  
9 TO REPORT A GRIEVANCE?

10

11 **MERRICK BOBB:** YES, I HAVE.

12

13 **SPEAKER:** AND WHAT IS YOUR OPINION OF THOSE?

14

15 **MERRICK BOBB:** THERE'S A SIGNIFICANT GAP IN THE REPORTING  
16 SYSTEM. AND THAT IS THAT INMATE COMPLAINTS ARE NOT TRACKED BY  
17 DEPUTY SO THAT IF AN INMATE SAYS THAT DEPUTY SMITH THREW THE  
18 FOOD AT ME INSTEAD OF HANDING ME THE FOOD THAT EVENING, THERE  
19 IS NO WAY I CAN LOOK AT DEPUTY SMITH TO SEE THAT THAT  
20 ALLEGATION HAS BEEN MADE AGAINST HIM. THAT'S A GAP IN THE  
21 SYSTEM. I HAVE LONG RECOMMENDED THAT INMATE COMPLAINTS, LIKE  
22 CITIZENS' COMPLAINTS, LIKE INTERNAL COMPLAINTS, ALL BE  
23 RECORDED AND ALL PLACED IN THE PPI. IT IS TRUE THAT USE OF  
24 FORCE REPORTS MAKE THEIR WAY INTO THE PPI. BUT INMATE

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1 COMPLAINTS DO NOT. SO IF THERE IS A USE OF FORCE REPORT, I CAN  
2 FIND OUT BY DEPUTY WHO REPORTED THAT.

3

4 **SPEAKER:** AND THIS IS SOMETHING THAT MR. GENNACO ALSO TALKED  
5 ABOUT THIS MORNING, AND RAISED THIS BEFORE AT OUR COMMISSION  
6 MEETINGS, BUT HE POINTED OUT THAT IF YOU'RE A ROAD DEPUTY,  
7 THAT THE PPI SYSTEM DOES TRACK COMPLAINTS BY INDIVIDUALS, BUT  
8 THAT IF YOU'RE WORKING IN THE JAIL, THAT INMATE COMPLAINTS ARE  
9 NOT TRACKED BY DEPUTY.

10

11 **MERRICK BOBB:** THAT'S CORRECT.

12

13 **SPEAKER:** AND WHAT -- WHY NOT? I'VE ASKED THE QUESTION. IT'S  
14 THE SAME SHERIFF FOR BOTH SYSTEMS. I HAVEN'T SEEN THE SYSTEM,  
15 BUT DOES IT APPEAR TO BE A COMPLICATED THING TO DO? AND IT'S  
16 SOMETHING THAT SEEMS TO COME UP WITH EVERYBODY WE'VE SPOKEN TO  
17 TODAY?

18

19 **MERRICK BOBB:** TO REPORT THE INMATE COMPLAINTS?

20

21 **SPEAKER:** YES. BY DEPUTY.

22

23 **MERRICK BOBB:** IT'S A VERY SIMPLE THING TO DO. AND IT'S DONE,  
24 AS YOU NOTE, WITH RESPECT TO EVERY SINGLE COMPLAINT THAT AN  
25 OFFICER GENERATES OUT ON THE STREET ON PATROL. I THINK IT'S

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1 NOT A QUESTION OF MECHANICS. IT'S NOT A QUESTION OF TECHNOLOGY  
2 OR ANYTHING LIKE THAT. THERE IS A FEAR ON THE DEPUTIES' PART  
3 THAT IF INMATE COMPLAINTS ARE RECORDED BY DEPUTY NAME, THAT  
4 INMATES WILL BAND TOGETHER AND FILE A SERIES OF COMPLAINTS  
5 AGAINST A PARTICULAR DEPUTY, THAT THOSE COMPLAINTS, EVEN  
6 THOUGH THEY ARE BASELESS AND FRIVOLOUS, WILL BE ON THE  
7 DEPUTY'S RECORD AND THAT THAT WILL ULTIMATELY AFFECT THE  
8 DEPUTY'S PROMOTABILITY AND HIS PERFORMANCE REVIEWS AND THE  
9 LIKE. THERE IS A KERNEL OF LEGITIMACY TO SOME OF THOSE  
10 CONCERNS, BUT IT REFLECTS A FUNDAMENTAL MISUNDERSTANDING ABOUT  
11 HOW THE SYSTEM WORKS. THE WAY THE PPI WORKS -- AND THIS WAS  
12 SOMETHING WE INSISTED ON FROM THE VERY BEGINNING -- IS THAT  
13 THE SHEAR NUMBER OF ENTRIES DOESN'T, IN AND OF ITSELF, MEAN  
14 ANYTHING. SO THAT IF YOU HAVE SOMEBODY WHO IS COMPLAINED ABOUT  
15 TIME AND TIME AGAIN, THERE MAY BE SOMETHING THERE, THERE MAY  
16 NOT BE SOMETHING THERE. RESOLVE EACH INDIVIDUAL INVESTIGATION  
17 AND DETERMINE WHETHER IT'S FOUNDED OR UNFOUNDED. AND THEN ONLY  
18 USE THE FOUNDED INVESTIGATIONS FOR CERTAIN PURPOSES.  
19 PROMOTABILITY, BONUS POSITION, SPECIALIZED UNIT. AND I THINK  
20 ONCE THE DEPUTIES UNDERSTAND THAT AND UNDERSTAND THAT IT'S NOT  
21 A NUMBERS GAME, THEN I THINK THOSE FEARS COME TO REST. AND I  
22 THINK THAT THIS SITUATION CAN BE IMPROVED. BUT, AGAIN, THERE'S  
23 ALSO THE ATTITUDE: THESE GUYS ARE CRIMINALS. THEY'RE IN JAIL.  
24 WHO BELIEVES WHAT THEY SAY? IF THERE'S A DOUBT, CALL IT IN  
25 FAVOR OF THE DEPUTY. SO I THINK THAT THOSE PSYCHOLOGICAL AND

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1 CULTURAL FACTORS MORE THAN TECHNOLOGY DETERMINE WHETHER INMATE  
2 COMPLAINTS ARE RECORDED.

3

4 **SPEAKER:** AND WHEN YOU TALK ABOUT DEPUTIES AND ABOUT THE  
5 RELUCTANCE AND THE FEAR OF HAVING SUCH A MECHANISM IN THE PPI  
6 SYSTEM OR SOME OTHER SORT OF EARLY WARNING SYSTEM OR TRACKING  
7 SYSTEM IN PLACE, IS THAT SOMETHING THAT YOU SEE JUST ON THE  
8 LOWER DEPUTY LEVEL? OR IS THAT SOMETHING YOU SEE IN THE SENIOR  
9 MANAGEMENT RANKS IN THE LEADERSHIP OF THE DEPARTMENT?

10

11 **MERRICK BOBB:** I DON'T SEE IT IN THE SENIOR MANAGEMENT RANKS  
12 BECAUSE THERE ARE RULES THAT GOVERN WHAT YOU CAN DO WITH THE  
13 INFORMATION IN THE PPI.

14

15 **SPEAKER:** AND SO WHY DO YOU NOT SEE LEADERSHIP MAKE THE  
16 DECISION TO TAKE THAT SORT OF RECOMMENDATION FROM YOU AND  
17 IMPLEMENT IT?

18

19 **MERRICK BOBB:** YOU KNOW, I CAN'T ULTIMATELY ANSWER THAT  
20 QUESTION. BUT I THINK THAT THERE IS AT THE SUPERVISORIAL LEVEL  
21 WITHIN THE JAILS A RELUCTANCE TO LOOK AT THE CONDUCT.

22

23 **SPEAKER:** ONE OF THE POINTS YOU MADE AT THE BEGINNING OF YOUR  
24 TESTIMONY WAS THAT UNLIKE THE POLICE DEPARTMENT THAT HAS A  
25 POLICE COMMISSION TO SERVE AS A SORT OF EXTRA LEVEL OF

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1 OVERSIGHT AS TO WHAT HAPPENS, THE JAIL DOESN'T HAVE THAT TYPE  
2 OF BODY. FIRST, HAVE YOU RECOMMENDED THAT SORT OF BODY FOR THE  
3 JAIL? AND BASED JUST ON YOUR REALLY RICH EXPERIENCE OF WORKING  
4 WITH COMMISSIONS AND THINKING ABOUT OVERSIGHT AND THINKING  
5 ABOUT THE MECHANISMS, WHAT RECOMMENDATIONS DO YOU HAVE TO US  
6 ABOUT HOW THE RECOMMENDATIONS THAT WE COME UP WITH, ABOUT HOW  
7 WE CAN MAKE THEM STICK SORT OR HAVE SOME REAL MEANING THAT GO  
8 BEYOND JUST BEING SOMETHING IN A REPORT?

9

10 **MERRICK BOBB:** WELL, ONE THING THAT YOU MIGHT NEED TO DO IS TO  
11 MAKE SURE THAT THERE ARE PEOPLE IN PLACE TO OVERSEE AND  
12 MONITOR THE RECOMMENDATIONS THAT YOU MAKE AND TO MAKE SURE  
13 THAT THEY'RE IMPLEMENTED. THAT'S PROBABLY THE SIMPLEST AND  
14 DOESN'T DO MUCH VIOLENCE TO THE CURRENT STRUCTURE AS IT IS.  
15 THERE ARE MORE RADICAL SOLUTIONS SHOULD ONE DECIDE THE  
16 SITUATION IS HOPELESS. AND I'M NOT THERE. I'M NOT THERE YET.  
17 BUT THERE ARE COUNTIES WITHIN CALIFORNIA AND ELSEWHERE THAT  
18 HAVE TAKEN THE POWER TO RUN THE JAILS AWAY FROM THE SHERIFF  
19 AND HAVE A DEPARTMENT OF CORRECTIONS DOING IT. SANTA CLARA  
20 COUNTY IN CALIFORNIA DOES THAT. KING COUNTY IN THE STATE OF  
21 WASHINGTON, WHICH IS WHERE SEATTLE IS, HAS DONE THAT. AND  
22 THAT, I THINK, IS A MUCH MORE RADICAL STEP. AND THEN WHAT THEY  
23 WOULD DO IS PUT THE JAIL UNDER DEPARTMENT OF CORRECTIONS. THE  
24 DEPARTMENT OF CORRECTIONS WOULD BE A DIRECT REPORT TO THE  
25 BOARD OF SUPERVISORS AND SO THE BOARD OF SUPERVISORS COULD

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1 ISSUE DIRECT ORDERS BECAUSE THE DEPARTMENT OF CORRECTIONS IS  
2 NOT AN INDEPENDENTLY ELECTED OFFICIAL AS THE SHERIFF IS AN  
3 OFFICIAL. AS I SAY, THAT'S A VERY RADICAL STEP. AND I'M NOT  
4 QUITE THERE YET, BUT IT'S SOMETHING THAT COULD BE CONSIDERED.

5

6 **SPEAKER:** THANK YOU.

7

8 **HON. LOURDES BAIRD, CHAIR:** I HAVE JUST ONE QUESTION BEFORE I  
9 PASS ON OVER HERE. YOU MENTIONED MONITORS AS A POSSIBLE  
10 SOLUTION THAT IS DOABLE. THIS IS SOMETHING THAT WAS BROUGHT UP  
11 WITH MR. MACKLE, AS WELL. COULD YOU GIVE YOUR THOUGHTS AS TO  
12 WHAT AN ADEQUATE OR BETTER SYSTEM OF MONITORING, INDEPENDENT  
13 MONITORS IN THE JAIL COULD BE?

14

15 **MERRICK BOBB:** WELL, I THINK THAT THE KERNEL THAT IS THERE, I  
16 THINK THAT THE WORK THAT I DO AND THE WORK THAT MIKE GENNACO  
17 DOES, IS EFFECTIVE MONITORING. BUT THERE IS THE INABILITY TO  
18 BE THERE AS A CONSISTENT, ON GOING PRESENCE. THERE'S ALSO THE  
19 FACT THAT AS REGARDS THE JAIL, THE ACLU AS A RESULT OF THE  
20 RUTHERFORD CASE THAT STARTED BEFORE JUDGE GRAY BACK IN THE 70S  
21 HAS THE ACLU IN THE JAIL ON A DAILY BASIS WITH A  
22 RESPONSIBILITY OF MONITORING AND HANDLING INMATE COMPLAINTS.  
23 SO THEY'VE BEEN THERE THE WHOLE TIME. SO I WOULD -- I THINK  
24 THAT THAT MECHANISM, WHETHER IT'S THE ACLU OR NOT, BUT SOME  
25 KIND OF INDEPENDENT AUTHORITY WITHIN THE JAIL THAT IS THERE

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1 AND TASKED WITH THE OBLIGATION OF HANDLING COMPLAINTS,  
2 HANDLING INQUIRIES, MAKING SURE THAT THINGS ARE DONE RIGHT,  
3 THAT THE MEDICATION'S BEING DISPENSED AT THE RIGHT TIME SO  
4 THAT AN INMATE COMPLAINS ABOUT MEDICATION, THEY CAN GO TO THIS  
5 MONITOR, THIS PERSON, AND THAT PERSON IS EMPOWERED TO FOLLOW-  
6 UP AND DO WHAT NEEDS TO BE DONE ON A SPEEDY BASIS. THANK YOU.

7

8 **SPEAKER:** LET ME SAY, MR. BOBB, THANK YOU FOR BEING HERE AND  
9 FOR YOUR WORK OVER THE YEARS. BUT I TAKE IT THAT WHAT YOU'RE  
10 SAYING IS THAT THE BOARD OF SUPERVISORS OF LOS ANGELES COUNTY  
11 -- I TAKE IT FROM WHAT YOU'RE SAYING THAT THE BOARD OF  
12 SUPERVISORS OF L.A. COUNTY DOES NOT HAVE A POLICY, AN  
13 OVERSIGHT ROLE COMPARABLE, LET'S SAY, TO THE POLICE  
14 COMMISSION, THE L.A. POLICE COMMISSION OVER THE LAPD; IS THAT  
15 RIGHT?

16

17 **MERRICK BOBB:** THAT'S RIGHT.

18

19 **SPEAKER:** SHOULD IT HAVE SUCH A ROLE?

20

21 **MERRICK BOBB:** YES, I THINK IT SHOULD. BECAUSE IT IS THE  
22 DEPOSITORY OF EXECUTIVE AND LEGISLATIVE POWER WITHIN THE  
23 COUNTY OF LOS ANGELES. AND THEREFORE IS RESPONSIBLE IN ONE WAY  
24 OR ANOTHER FOR ALL THE OPERATIONS WITHIN THE COUNTY OF LOS  
25 ANGELES.

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1

2 **SPEAKER:** SO I'M TRYING TO -- EXCUSE ME. GO AHEAD.

3

4 **MERRICK BOBB:** BUT TO GET THERE, YOU'RE GOING TO HAVE TO GET  
5 THE CONSTITUTION OF THE STATE OF CALIFORNIA AMENDED BECAUSE WE  
6 HAVE THE SITUATION WHERE THE SHERIFF IS AN INDEPENDENTLY  
7 ELECTED OFFICIAL. AND LIKE THE DISTRICT ATTORNEY, THE BOARD OF  
8 SUPERVISORS CAN'T TELL MR. COOLEY TO PROSECUTE THIS GUY OR NOT  
9 PROSECUTE THIS GUY. THE DISTRICT ATTORNEY'S INDEPENDENTLY  
10 ELECTED. AND SO BY ANALOGY, THE BOARD OF SUPERVISORS CAN'T  
11 TELL THE SHERIFF TO BUILD A SUBSTATION IN THIS DISTRICT OR  
12 NOT. SO YOU'D HAVE TO HAVE SOME SYSTEM WHERE THE SHERIFF OR  
13 THE CHIEF EXECUTIVE OF THE SHERIFF'S DEPARTMENT IS A DIRECT  
14 REPORT TO THE BOARD IN ORDER TO BE ABLE TO -- FOR THE BOARD TO  
15 GIVE DIRECT GUIDANCE.

16

17 **SPEAKER:** THAT'S HELPFUL. BECAUSE THAT'S REALLY WHAT I WAS  
18 GETTING AT, WHETHER OR NOT THIS WAS A SITUATION WHERE THE  
19 BOARD OF SUPERVISORS COULD SIMPLY EXERT THAT AUTHORITY, OR  
20 WHETHER THERE WAS A CONSTITUTIONAL, LEGAL IMPEDIMENT. AND  
21 YOU'RE SAYING IT IS THE LATTER. OF COURSE, WARREN CHRISTOPHER  
22 DID GET THE CHARTER FOR THE CITY OF LOS ANGELES CHANGED.  
23 WHETHER WE COULD BE SUCCESSFUL, ASSUMING IT'S EVEN A GOOD IDEA  
24 TO GET THE CONSTITUTION OF THE STATE OF CALIFORNIA CHANGED IS  
25 SOMETHING WE'LL DEBATE LATER. BUT I'M LOOKING AT -- I'M TRYING

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1 TO LOOK AT HOW THE OVERSIGHT FUNCTION -- THIS IS POLICY AND  
2 OVERSIGHT. AND IN PARTICULAR, OF COURSE, WITH RESPECT TO THE  
3 USE OF EXCESSIVE FORCE IN THE CONTEXT OF THE L.A. COUNTY JAIL  
4 SYSTEM, WHAT IS THE OVERSIGHT? I'M LOOKING AT THIS WE'VE GOT  
5 AN OFFICE OF INDEPENDENT REVIEW THAT'S NOT QUITE AN INSPECTOR  
6 GENERAL, I DON'T THINK. WE'VE GOT YOU AS SPECIAL COUNSEL THAT  
7 HAVE BEEN FUNCTIONING FOR THE LAST 19 YEARS IN THAT ROLE.  
8 WE'VE GOT A U.S. DISTRICT JUDGE THAT -- BY THE WAY IT STARTED  
9 OFF WITH JUDGE GRAY IT'S NOW JUDGE PREGERSON THAT'S HAD  
10 OVERSIGHT FOR 37 YEARS UNDER THE RUTHERFORD CASE IN WHAT IS  
11 STILL AN ONGOING AND ACTIVE CASE IN FEDERAL DISTRICT COURT  
12 HERE IN L.A. WE FIRST HAVE THE BOARD OF SUPERVISORS WITH SOME  
13 SORT OF ROLE, BUDGETARY AND OVERSIGHT WITH RESPECT TO THE  
14 SETTLEMENTS ON BEHALF OF THE COUNTY OF SITUATIONS IN WHICH  
15 THERE'S BEEN A SERIOUS INJURY THAT'S BEEN THE RESULT OF  
16 POTENTIALLY CONSTITUTIONAL VIOLATIONS. WE'VE GOT ACLU MONITORS  
17 IN THE JAIL. I'M JUST -- THAT'S WHAT I'M SEEING RIGHT NOW. AND  
18 I'M JUST WONDERING: IS THERE ANYTHING ABOUT WHAT I'VE JUST  
19 DESCRIBED HERE THAT IS A -- THAT'S PERHAPS A BIT  
20 DYSFUNCTIONAL? PARTICULARLY WITH RESPECT TO RESPONSIBILITY AND  
21 ACCOUNTABILITY IN TERMS OF JUST OVERSIGHT OF THIS ISSUE?

22

23 **MERRICK BOBB:** RIGHT. I UNDERSTAND WHAT YOU'RE SAYING. BUT I  
24 THINK THAT MULTIPLICITY OF PLAYERS IN PART IS A REFLECTION OF  
25 THE FRUSTRATION AND DIFFICULTY OF HAVING ANYBODY WHO CAN TELL

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1 THE SHERIFF TO DO ANYTHING. THE BOARD CAN'T. I CAN'T. GENNACO  
2 CAN'T. ACLU CAN'T. AND SO YOU HAVE A MULTIPLICITY OF PLAYERS.  
3 I ALSO THINK THAT THE NUB OF IT IS THAT THERE ARE NOT  
4 MECHANISMS AT THE BOARD OF SUPERVISORS LEVEL OR ELSEWHERE THAT  
5 CAUSE THE SHERIFF TO COME TO THE TABLE TO HAVE TO DEAL WITH  
6 AND ACCOUNT FOR THE RECOMMENDATIONS THAT HAVE BEEN MADE OR WHY  
7 THEY HAVEN'T BEEN DONE OR WHY HE THINKS THAT THEY'RE FOOLISH.  
8 THE BOARD AND THE BOARD OF SUPERVISORS OF LOS ANGELES, THIS IS  
9 A HUGE COUNTY. AND THE SHERIFF'S DEPARTMENT IS HUGE. BUT IT IS  
10 NOT THE ONLY THING THAT THE BOARD OF SUPERVISORS WORRY ABOUT  
11 OR IS ON THEIR PLATE. SO THEY HEAR ABOUT IT WHEN THERE'S AN  
12 ISSUE, WHEN IT HITS THE HEADLINES. AND THEN THEY ACT AND THEY  
13 TRY TO DO SOMETHING, APPOINT A COMMISSION OR APPOINT SPECIAL  
14 COUNSEL.

15

16 **SPEAKER:** HERE WE ARE. [LAUGHTER.] YET ANOTHER LAYER.

17 [LAUGHTER.]

18

19 **MERRICK BOBB:** RIGHT. BUT AS I SAID, AS I SAID EARLIER, AND I  
20 MEAN IT, I THINK THIS IS A VERY IMPORTANT COMMISSION BECAUSE  
21 IT IS TASKED WITH DOING THIS. IT IS TASKED WITH COMING UP WITH  
22 RECOMMENDATIONS. AND THE PRESTIGE OF THE COMMISSION ITSELF AND  
23 THE EXISTENCE OF THE COMMISSION ITSELF MEANS THAT IN THE REAL  
24 WORLD AND POLITICALLY THERE WILL BE A GREATER RESPONSE. SO I  
25 THINK THE EXISTENCE OF THE COMMISSION IS A GOOD THING. AND I,

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1 YOU KNOW, I THINK ULTIMATELY WITH SOME LEVEL THERE HAS TO BE  
2 THAT MECHANISM, AS I SAY, OF HOLDING THE SHERIFF ACCOUNTABLE  
3 FOR WHETHER OR NOT HE FOLLOWS THROUGH ON RECOMMENDATIONS.

4

5 **SPEAKER:** ALL RIGHT. LET ME ASK. YOU'VE BEEN DOING EITHER  
6 ANNUAL OR SEMIANNUAL REPORTS ON THE L.A. SHERIFF'S DEPARTMENT.

7

8 **MERRICK BOBB:** CORRECT.

9

10 **SPEAKER:** WHICH IS A HOST OF ISSUES, FOR THE LAST 19 YEARS. DO  
11 YOU ADDRESS IN YOUR ANNUAL OR SEMIANNUAL REPORTS, HAVE YOU  
12 ADDRESSED THE ISSUE OF I'M GOING TO CALL IT SYSTEMIC USE OF  
13 EXCESSIVE FORCE WITHIN THE L.A. COUNTY JAIL SYSTEM? AND HAVE  
14 YOU, IN THAT CONTEXT, ALSO PROPOSED RECOMMENDATIONS OR  
15 SOLUTIONS THAT MAY WELL MITIGATE OR CONTAIN OR REDUCE SYSTEMIC  
16 USE OF EXCESSIVE FORCE?

17

18 **MERRICK BOBB:** I DARE SAY THAT THE KOLTS REPORT AND THE 30  
19 SEMIANNUAL REPORTS AND THE SPECIAL REPORTS THAT I'VE ISSUED  
20 ALL DEAL WITH THAT QUESTION, ALL DEAL WITH HOW TO DEAL WITH  
21 THE RISK OF POLICE MISCONDUCT, WHAT POLICE MISCONDUCT IN  
22 PARTICULAR, ABUSE OF AUTHORITY, EXCESSIVE FORCE. THAT HAS BEEN  
23 THE SUBJECT OF MY STUDY, MY REPORTS AND MY RECOMMENDATIONS.  
24 HOW DO YOU GO ABOUT, IN AN INSTITUTION AS LARGE AND COMPLEX AS

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1 THE SHERIFF'S DEPARTMENT IN INSTILLING A CULTURE OF  
2 ACCOUNTABILITY FROM TOP TO BOTTOM?

3

4 **SPEAKER:** I REALIZE YOU'VE DEALT WITH THIS ISSUE BROADLY. THE  
5 REASON I'M ASKING IS NOT IDLE. WHEN WE FIRST STARTED AS  
6 COMMISSIONERS, WE EACH GOT A BOOKLET. AND IT ACTUALLY INCLUDED  
7 I THINK FOUR, FIVE OR SIX OF YOUR SEMI ANNUAL REPORTS. AND  
8 THEY WERE MORE OR LESS THE MOST RECENT ONES. AND I READ IT  
9 WITH GREAT INTEREST BECAUSE THERE WAS ALMOST NOTHING IN THOSE  
10 REPORTS THAT DEALT WITH THE USE OF EXCESSIVE FORCE IN THE L.A.  
11 COUNTY JAIL SYSTEM. AND YOU NO DOUBT HAVE ADDRESSED IT. I  
12 GUESS I'LL ADDRESS THIS TO OUR EXECUTIVE DIRECTOR AND GENERAL  
13 COUNSEL, BUT I WOULDN'T MIND ACTUALLY JUST MAYBE BEING ABLE TO  
14 CHOP OUT FROM MR. BOBB'S REPORTS OVER THE YEARS THOSE AREAS  
15 WHERE HE ACTUALLY DOES TALK ABOUT THE USE OF EXCESSIVE FORCE  
16 AND MAKES RECOMMENDATIONS. IF WE COULD HAVE THAT MS. KRINSKY.

17

18 **MIRIAM A. KRINSKY:** WE'VE ACTUALLY BEEN DOING EXACTLY THAT. AND  
19 AS MR. BOBB SAID, IT DOES GO BACK TO THE TIME OF THE KOLT'S  
20 REPORT ITSELF. A NUMBER OF THOSE ITEMS WILL BE UP ON THE  
21 INTRANET AND WE'LL LOOK TO GET YOU THAT SORT OF GUIDE.

22

23 **SPEAKER:** EVEN THOUGH I HAVEN'T SEEN THEM, BUT LET'S -- LET ME  
24 TAKE YOU BACK OVER 19 YEARS, MR. BOBB, AND JUST SAY -- I WANT  
25 TO ASK YOU IN TERMS OF THIS ISSUE OF USE OF EXCESSIVE FORCE OR

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1 ALLEGED USE OF EXCESSIVE FORCE IN THE L.A. COUNTY JAIL AND  
2 WHETHER THERE'S A PATTERN OF IT AND THE LIKE. BUT AS YOU LOOK  
3 BACK OVER 19 YEARS, I MEAN HAS -- DO YOU BELIEVE THE PROBLEM  
4 HAS GOTTEN BETTER? IT'S GOTTEN WORSE? IT'S THE SAME AS IT WAS  
5 19 YEARS AGO? HOW WOULD YOU EVALUATE WHERE WE ARE TODAY AS  
6 OPPOSED TO WHERE WE HAVE BEEN IN THE PAST? YOU'RE ONE OF THE  
7 FEW PEOPLE I THINK THAT CAN ADDRESS THAT QUESTION BECAUSE  
8 SHERMAN BLOCK IS NOT AROUND ANYMORE.

9

10 **MERRICK BOBB:** IT HASN'T IMPROVED MUCH.

11

12 **SPEAKER:** IT HAS NOT IMPROVED MUCH?

13

14 **MERRICK BOBB:** IT HAS NOT IMPROVED MUCH ON THE JAIL SIDE. WHAT  
15 WORRIES ME TODAY IS THAT WE'RE SEEING ALLEGATIONS OF DEPUTY  
16 BEHAVIOR THAT WE DID NOT SEE IN THE PAST, AND THAT IS THE  
17 CORRUPTION-RELATED ALLEGATIONS. NOW, THIS IS NOT -- DOESN'T GO  
18 TO EXCESSIVE FORCE, PER SE. BUT WE HAVE THE INSTANCES OF THE  
19 DEPUTY WHO'S ALLEGED TO HAVE SNUCK IN A BURRITO FILLED WITH  
20 HEROIN. WE HAVE THE EXAMPLE OF THE DEPUTY THAT SNUCK A CELL  
21 PHONE INTO THE JAIL. THAT KIND OF CORRUPT ACTIVITY IS NOT  
22 SOMETHING THAT WE HAVE REALLY SEEN IN THE LAST 19 YEARS AND  
23 SUGGESTS TO ME THAT THERE IS LAX SUPERVISION AND LAX INTERNAL  
24 CONTROLS TO PREVENT THAT KIND OF THING. THAT, COMBINED WITH  
25 WHAT HAS BEEN ALLEGED WITH RESPECT TO VIOLENCE IN THE JAILS

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1 AND THE VIOLENCE WITHIN THE JAILS THAT I'VE HAD OCCASION TO  
2 DISCUSS IN MY REPORTS, SUGGESTS TO ME THAT THE SITUATION IS AT  
3 A CRITICAL STAGE.

4

5 **SPEAKER:** LET ME ASK YOU, BY THE WAY, THIS MIGHT BE A YES OR  
6 NO, BUT WHATEVER EXPLANATION DO YOU SEE -- ARE YOU SAYING  
7 THERE'S A DIRECT CORRELATION BETWEEN, LET'S SAY, CORRUPTION  
8 AND THE LEVEL OF CORRUPTION WITHIN THE -- LET'S CALL IT A LAW  
9 ENFORCEMENT INSTITUTION HERE, THE LASD, AND THE USE OF  
10 EXCESSIVE FORCE, IS THERE A CORRELATION? AND HAVE YOU SEEN  
11 THAT? HOW WOULD YOU DOCUMENT THAT TO ME?

12

13 **MERRICK BOBB:** I HAVE, AND THERE HAVE BEEN OTHERS THAT STUDIED  
14 THAT. IT ACTUALLY SORT OF WORKS THE OTHER WAY, THAT TOLERANCE  
15 FOR EXCESSIVE FORCE LEADS TO DEPUTIES OR POLICE OFFICERS  
16 ENGAGING IN CORRUPT BEHAVIOR. THE BEST EXAMPLE I CAN CITE TO  
17 YOU AND MAKES FOR FASCINATING READING IS A REPORT THAT JUDGE  
18 MOLLEN DID OF THE NYPD ABOUT THE TIME OF THE CHRISTOPHER  
19 COMMISSION. AND HE WAS LOOKING AT CORRUPTION IN THE NYPD AND  
20 DREW THAT PARALLEL, THAT ABUSE OF AUTHORITY IN TERMS OF  
21 EXCESSIVE FORCE IS A DETERMINANT, IN PART, OF WHO BECOMES A  
22 CORRUPT OFFICER.

23

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1   **SPEAKER:** I MIGHT BE INTERESTED IN READING THAT. IN YOUR VIEW,  
2   IS THERE A PATTERN OF USE OF EXCESSIVE FORCE CURRENTLY WITHIN  
3   THE L.A. COUNTY JAIL SYSTEM?

4  
5   **MERRICK BOBB:** WELL, I HAVE BEEN TRACKING FORCED USE IN THE  
6   JAIL. AND I HAVE BEEN TRACKING IT IN PARTICULAR OVER THE LAST  
7   SEVERAL MONTHS. AND THE TREND WITHIN THE JAIL IN THE LAST  
8   SEVERAL MONTHS HAS BEEN A SUBSTANTIAL REDUCTION IN USE OF  
9   FORCE. AND THEREFORE I WOULD GUESS A REDUCTION ALSO IN ABUSE  
10  OF THE USE OF FORCE. AND I THINK THAT'S VERY INTERESTING. I  
11  MEAN, ONE, IT TELLS ME THAT WHEN YOU WANT TO CUT THIS PROBLEM  
12  OUT, WHEN YOU WANT TO REDUCE VIOLENCE IN THE JAILS, YOU CAN.  
13  BECAUSE THEY'VE DONE IT. IT'S MUCH, MUCH LOWER. AND THAT TELLS  
14  ME THAT YOU CAN DO IT. THEN THE QUESTION BECOMES TO ME WHY  
15  HAVEN'T YOU DONE THAT? WHY HAVE YOU PERMITTED THIS TO TAKE  
16  PLACE WHEN IT IS SOMETHING THAT YOU CAN SO EASILY CONTROL?

17  
18  **SPEAKER:** WOULD IT BE FAIR TO SAY THAT IN YOUR VIEW, THE FACT  
19  THAT YOU'VE HAD A PRETTY SIGNIFICANT DECLINE IN THE USE OF  
20  FORCE INCIDENTS AND PRESUMABLY USE OF EXCESSIVE FORCE WITHIN  
21  THE L.A. COUNTY JAIL OVER THE LAST NUMBER OF MONTHS IS  
22  ATTRIBUTABLE TO REFORMS THAT HAVE BEEN INSTITUTED BY SHERIFF  
23  BACA?

24  
25  **MERRICK BOBB:** IS IT WHAT?

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1

2 **SPEAKER:** IS IT ATTRIBUTABLE TO REFORMS THAT HAVE BEEN  
3 INSTITUTED BY SHERIFF BACA? IS IT DECLINE IN PRISON  
4 POPULATION? IS IT SOME OTHER FACTOR, AT LEAST IN YOUR OPINION  
5 WHAT DO YOU THINK ACCOUNTS FOR THIS DECLINE?

6

7 **MERRICK BOBB:** I WOULD GIVE THE CREDIT TO THE SHERIFF. I THINK  
8 THE WORD WENT OUT THAT: COOL IT! WE'RE NOT GOING TO HAVE  
9 BUSINESS AS USUAL FOR NOW AND HOPEFULLY FOREVER. AND I WANT TO  
10 SEE THOSE NUMBERS DOWN. AND I THINK THAT PEOPLE RESPONDED TO  
11 THAT MESSAGE AND KNOW ABOUT THE GLARE OF PUBLICITY THAT'S  
12 FOCUSED ON THE JAIL AT THE MOMENT AND ARE ACTING ACCORDINGLY.

13

14 **SPEAKER:** SO THE QUESTION MIGHT BE HOW TO SUSTAIN THAT.

15

16 **MERRICK BOBB:** ALWAYS SUSTAINING IT WHEN --

17

18 **SPEAKER:** THE SPOTLIGHT IS OFF.

19

20 **MERRICK BOBB:** YOU GOT IT.

21

22 **SPEAKER:** NOW, I JUST HAVE ONE MORE QUESTION, MADAME CHAIR, AND  
23 IT'S THIS: YOU REFERRED TO A POSSIBLE REFORM OR RECOMMENDATION  
24 THAT WE MIGHT CONSIDER, AND THAT IS SEPARATE CAREER PATHS FOR  
25 DEPUTY SHERIFFS THAT ARE ON PATROL AS OPPOSED TO DEPUTY

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1 SHERIFFS ASSIGNED TO, LET'S SAY, THE CUSTODIAL SITUATION OF  
2 THE JAIL. DO YOU HAVE A VIEW WHETHER YOU COULD ADEQUATELY  
3 RECRUIT, HIRE AND STAFF SUFFICIENT DEPUTY SHERIFFS, SWORN  
4 DEPUTY SHERIFFS, WITHOUT THE INCENTIVE? AND I'M TALKING ABOUT  
5 HIGH QUALITY PEOPLE WITHOUT THE INCENTIVE OF BEING AT LEAST AT  
6 SOME POINT HAVING THE OPPORTUNITY TO DO PATROL DUTY?

7

8 **MERRICK BOBB:** NO.

9

10 **SPEAKER:** NO?

11

12 **MERRICK BOBB:** NO. I DON'T THINK YOU COULD FULFILL YOUR NEEDS.  
13 I THINK THAT PEOPLE GOING INTO THE SHERIFF'S DEPARTMENT BY AND  
14 LARGE WANT TO BE OUT ON PATROL. I THINK THE RULE THAT 65  
15 PERCENT OF THE STAFF IN THE JAIL HAS TO BE SWORN DEPUTIES AND  
16 35 PERCENT CUSTODY ASSISTANTS OR JAIL GUARDS IS ARTIFICIAL AND  
17 NOT REFLECTIVE OF STAFFING REALITIES, AND THAT YOU CAN RUN  
18 THIS JAIL, AS RIKER'S ISLAND IS RUN, AS COOK COUNTY IS RUN,  
19 WITHOUT HAVING LOTS OF SWORN PERSONNEL DOING THE JOB OF  
20 JAILERS. THEY HAVE MUCH BETTER STAFF-TO-INMATE RATIOS THAN WE  
21 DO. AND I THINK THAT THE JAIL IS UNDERSTAFFED. BUT I DON'T  
22 THINK THE ANSWER TO THAT IS TO RAPIDLY INCREASE THE NUMBER OF  
23 DEPUTIES WHO WORK IN THE JAIL. I THINK IT'S TO INCREASE THE  
24 NUMBER OF CUSTODY ASSISTANTS OR JAIL GUARDS WHO WORK IN THE  
25 JAIL.

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1

2 **SPEAKER:** AND THERE ARE CUSTODY ASSISTANTS NOW. THERE IS A JOB  
3 DESCRIPTION WITHIN THE L.A. COUNTY SHERIFF'S DEPARTMENT FOR  
4 CUSTODY ASSISTANTS.

5

6 **MERRICK BOBB:** THAT'S CORRECT. AND 35 PERCENT OF THE STAFF IS  
7 THAT.

8

9 **SPEAKER:** THANK YOU. BEFORE THIS GOES ON, COMMISSION BUSANSKY  
10 HAS ASKED A FOLLOWUP TO YOU WHICH I WILL GRANT BEFORE YOU GO  
11 ON.

12

13 **HON. ALEXANDER BUSANSKY:** YOU MENTIONED THAT IT WOULD TAKE A  
14 CONSTITUTIONAL CHANGE FOR THE SHERIFF TO COME UNDER THE  
15 AUTHORITY OF THE BOARD OF SUPERVISORS. DOES IT ALSO REQUIRE A  
16 CONSTITUTIONAL CHANGE TO TAKE THE JAIL OUT FROM UNDER THE  
17 SHERIFF AND TO GIVE IT TO THE DEPARTMENT OF CORRECTIONS?

18

19 **MERRICK BOBB:** I CAN'T ANSWER THAT QUESTION DEFINITELY, BUT  
20 I SUSPECT THE ANSWER IS NO BECAUSE SANTA CLARA COUNTY DID THAT  
21 UNDER THE EXISTING STATE CONSTITUTION.

22

23 **SPEAKER:** AND WHEN YOU SAY DEPARTMENT OF CORRECTIONS, YOU MEAN  
24 THE STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS, DO YOU NOT?

25

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1     **MERRICK BOBB:** NO I MEAN A COUNTY LEVEL.

2

3     **SPEAKER:** THANK YOU FOR CLARIFYING THAT FOR ME.

4

5     **MERRICK BOBB:** SANTA CLARA COUNTY.

6

7     **SPEAKER:** I THINK THE AUTHORITY FOR THE SHERIFF TO RUN THE  
8     JAILS IS FOUND IN THE PENAL CODE. SO IT'S STATUTORY AND NOT  
9     CONSTITUTIONAL. THE ELECTIVE ASPECT OF HIS POSITION IS FOUND  
10    IN THE CONSTITUTION. SO THAT MIGHT BE MORE DIFFICULT.  
11    COMMISSIONER BUSANSKY AND COMMISSIONER -- PRE-EMPTED A COUPLE  
12    OF THE AREAS I WANTED TO EXPLORE BUT I WANTED TO MAKE THAT  
13    POINT.

14

15    **SPEAKER:** I THINK THERE IS ALSO THE MATTER OF THE COUNTY  
16    CHARTER TO CONSIDER, AS WELL. ONE OF THE THINGS THAT SORT OF I  
17    TOOK A STEP BACK IS WHEN YOU STARTED DRAWING CORRELATIONS  
18    BETWEEN ABUSE AND CORRUPTION. I SERVED AS THE OVERSIGHT OF THE  
19    MDC WHEN I WAS SITTING ON THE FEDERAL COURT, AND I SERVED ON  
20    THE NINTH CIRCUIT SPACE IN SECURITY. I THINK THEY HAVE A  
21    HIGHER INCIDENCE OF ISSUES DEALING WITH CORRUPTION OF THEIR  
22    DEPUTIES THAN DOES LOS ANGELES COUNTY. SO I WANT TO MAKE THAT  
23    FACT KNOWN. HERE'S SOME OF THE QUESTIONS I HAVE. HOW OFTEN DO  
24    YOU INTERACT WITH THE SHERIFF AND HIS COMMAND STAFF?

25

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1     **MERRICK BOBB:** WELL, PRACTICALLY ON A DAILY BASIS. NOT WITH  
2 THE SHERIFF ON A DAILY BASIS.

3

4     **SPEAKER:** NO, I MEAN THE TOP GUNS IN THE ORGANIZATION. THE TOP  
5 BRASS.

6

7     **MERRICK BOBB:** I HAVE VERY FREQUENT CONTACT WITH THE VARIOUS  
8 DIVISION CHIEFS. I HAVE CONTACT ON A REGULAR BASIS WITH THE  
9 ASSISTANT SHERIFFS. RHAMBO AND MARVIN CAVANAUGH.

10

11     **SPEAKER:** THESE ARE ALL POLICYMAKERS WITHIN THE SHERIFF'S  
12 DEPARTMENT? THEY ARE ALL POLICY DECISIONMAKERS WITHIN THE  
13 SHERIFF'S DEPARTMENT?

14

15     **MERRICK BOBB:** YEAH, THE RANK IS THAT YOU HAVE THE SHERIFF,  
16 UNDER HIM IS THE UNDERSHERIFF THEN TWO ASSISTANT SHERIFFS AND  
17 THEN A BUNCH OF DIVISION CHIEFS. AND BELOW THEM, COMMANDERS,  
18 CAPTAINS, LIEUTENANTS, SERGEANTS.

19

20     **SPEAKER:** HOW WOULD YOU DESCRIBE THE LEVEL OF COOPERATION THAT  
21 YOU RECEIVE FROM THE SHERIFF'S DEPARTMENT?

22

23     **MERRICK BOBB:** I THINK AS I SAID EARLIER ON, I'VE HAD -- I'VE  
24 ENJOYED VERY GOOD COOPERATION BOTH UNDER SHERMAN BLOCK AND  
25 UNDER LEE BACA. I HAVE HAD THE ACCESS THAT I HAVE NEEDED TO DO

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1 THE WORK THAT I NEED TO DO. WHERE I HAVE NOT HAD THAT SAME  
2 LEVEL OF COOPERATION IS IN TERMS OF THE IMPLEMENTATION OF  
3 RECOMMENDATIONS AND THE LIKE.

4

5 **SPEAKER:** HOW WOULD YOU GRADE THE INFRASTRUCTURE OF MEN'S  
6 CENTRAL JAIL ON AN A, B, C, D OR F SCALE?

7

8 **MERRICK BOBB:** I WOULD HAVE SAID A COUPLE MONTHS AGO IT WAS F.  
9 I THINK IT MAY BE MOVING TOWARDS D AT THIS POINT.

10

11 **SPEAKER:** THIS IS INFRASTRUCTURE I'M TALKING ABOUT.

12

13 **MERRICK BOBB:** OH INFRASTRUCTURE?

14

15 **SPEAKER:** THE PHYSICAL PLANT.

16

17 **MERRICK BOBB:** THE PHYSICAL PLANT OF MEN'S CENTRAL JAIL?

18

19 **SPEAKER:** YES.

20

21 **MERRICK BOBB:** IS AN F AND HAS BEEN AN F FOR AS LONG AS I CAN  
22 REMEMBER AND IT'S GOING TO REMAIN AN F. IT IS STRUCTURALLY A  
23 VERY, VERY DIFFICULT JAIL TO MANAGE. AND THAT'S BECAUSE IT HAS  
24 THE HARD LUCK CELLS ALONG ROWS. AND YOU CANNOT, FROM ONE  
25 VANTAGE POINT SEE ALL THE CELLS. THE ONLY WAY YOU CAN SEE

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1 WHAT'S GOING ON IS TO GET OUT OF YOUR CHAIR AS A SERGEANT OR A  
2 DEPUTY AND WALK THAT ROW AND LOOK INTO CELLS ON A REGULAR  
3 BASIS. THAT'S THE ONLY WAY YOU CAN DO IT.

4

5 **SPEAKER:** WAIT A MINUTE, CAN I INTERRUPT? COULDN'T YOU DO THIS  
6 BY CCTV? COME ON. YOU COULD HAVE VISIBILITY FROM MONITORS IN  
7 THE SERGEANT'S BOOTH OF EVERY CELL THERE. YOU COULD HAVE IT  
8 SWEEP. YOU COULD HAVE IT TARGET INTO A CELL. COULD YOU NOT? OR  
9 IS IT TECHNICALLY IMPOSSIBLE?

10

11 **MERRICK BOBB:** NO, IT IS NOT TECHNICALLY IMPOSSIBLE. AND  
12 INDEED THAT'S WHY THE CAMERAS ARE GOING UP. WE RECOMMENDED  
13 CAMERAS SO MANY TIMES OVER THE LAST 20 YEARS I CAN'T EVEN  
14 COUNT THEM.

15

16 **SPEAKER:** IF YOU WERE TO PUT IN THE CAMERAS, SUFFICIENT  
17 CAMERAS, DO YOU THINK THAT'S GOING TO SOLVE THE PROBLEM OR BE  
18 A BAND-AID APPROACH?

19

20 **MERRICK BOBB:** WELL, YOU CAN HAVE THE CAMERAS. THE QUESTION  
21 IS: WHO'S LOOKING AT THE CAMERAS? HOW OFTEN ARE THEY LOOKING  
22 AT THE CAMERAS? ARE THEY LOOKING AT THE CAMERAS OR ARE THEY  
23 PLAYING COMPUTER GAMES? ARE THEY CLOSELY FOLLOWING WHAT'S  
24 GOING ON? OR IS IT TV PLAYING IN THE BACKGROUND?

25

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1 **SPEAKER:** BUT AREN'T THE CAMERAS RECORDING ON A PERMANENT DISK  
2 FOR A PERIOD OF TIME THE ACTIVITIES OF WHAT TRANSPIRES?

3

4 **MERRICK BOBB:** SOME OF THE CAMERAS ARE CURRENTLY RECORDING AND  
5 HAVE THE CAPACITY TO HAVE THE RECORDINGS STORED FOR 25 MONTHS.  
6 BUT NOT ALL THE CAMERAS HAVE THAT. AND IT WILL BE A WHILE  
7 UNTIL THE CAMERAS ARE FULLY OPERATIONAL IN THE SENSE THAT  
8 THEY'RE ON THE WALL, THE SWITCH HAS BEEN TURNED ON, AND YOU  
9 CAN PRESERVE THE TAPE FOR AS LONG AS YOU NEED TO.

10

11 **SPEAKER:** MR. BOBB, DO YOU HAVE ANY OPINION AS TO HOW THE  
12 PRESENT PHYSICAL PLANT OF MEN'S CENTRAL JAIL MAY AFFECT THE  
13 ALLEGED MISS -- MISCONDUCT WE'RE HER TO INVESTIGATE?

14

15 **MERRICK BOBB:** I DO. I THINK THAT IT'S A FACTOR. YOU KNOW, THE  
16 PLACE IS OLD AND RICKETY. IN SOME OF THE ANALYSIS OF THE FIVE  
17 INMATE DEATHS, THERE WERE NO LOCKS ON DOORS THAT NEEDED TO  
18 HAVE LOCKS ON THEM. WINDOWS COULD BE FORCED OPEN. THERE WAS A  
19 LOT ABOUT THE JAIL THAT WAS INSECURE AND UNSAFE. AND MANY  
20 HIDDEN CORNERS WHERE THINGS COULD TAKE PLACE OUT OF THE VIEW  
21 OF ANYBODY ELSE. ROOMS THAT HAD NO WINDOWS OR HAD THE WINDOWS  
22 COVERED UP. IT'S A VERY DIFFICULT FACILITY.

23

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1 **SPEAKER:** NOW, IT APPEARS THAT YOU AND MR. GENNACO ARE  
2 PERFORMING YOUR FUNCTION. WHAT CAN THIS COMMISSION DO THAT  
3 YOU'RE NOT ALREADY DOING?

4

5 **MERRICK BOBB:** THAT WE'RE NOT ALREADY DOING?

6

7 **SPEAKER:** YES.

8

9 **MERRICK BOBB:** YOU CAN COLLECT AND CRYSTALLIZE  
10 RECOMMENDATIONS. YOU CAN PUBLICIZE THOSE. YOU CAN REACH OUT  
11 FOR EXPERTISE. YOU CAN SET AN AGENDA FOR THE SHERIFF'S  
12 DEPARTMENT IN TERMS OF THE CULTURE OF THE DEPARTMENT, IN TERMS  
13 OF ACCOUNTABILITY WITHIN THE DEPARTMENT. YOU CAN SPEAK USING,  
14 AS I SAID, YOUR INDIVIDUAL PRESTIGE AND THE COLLECTIVE  
15 PRESTIGE TO BE LIKE THE CHRISTOPHER COMMISSION OR KOLTS, AND  
16 THAT IS AN AUTHORITATIVE VOICE THAT IS REASONABLE AND REASONED  
17 AND MAKES A SERIES OF RECOMMENDATIONS THAT WILL HAVE POWER.  
18 AND THEN TO LEAVE IN YOUR WAKE SYSTEMS IN PLACE TO FOLLOW  
19 THROUGH.

20

21 **SPEAKER:** YOU INDICATED THAT YOU HAD A PROBLEM WITH THE INITIAL  
22 ASSIGNMENT TO THE JAIL OF DEPUTIES. IS IT THE INITIAL  
23 ASSIGNMENT? OR IS IT THE LENGTH OF THE ASSIGNMENT? OR BOTH?

24

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1     **MERRICK BOBB:** I THINK OF THE TWO, THE LENGTH OF THE  
2 ASSIGNMENT IS THE MOST SERIOUS PROBLEM, THAT PEOPLE GO INTO  
3 THE JAIL AND CAN STAGNATE, AS I SAID, FOUR OR FIVE YEARS,  
4 DEVELOP BAD HABITS, BAD ATTITUDES AND THE LIKE. SO I THINK --  
5 AND AS I SAID, I THINK A CASE COULD BE MADE THAT A JAIL  
6 ROTATION OF A YEAR WOULD GIVE THE DEPUTY THE EXPOSURE TO THE  
7 CRIMINAL ELEMENT AND THE ABILITY TO DEAL WITH THEM AND ET  
8 CETERA THAT WOULD BE MORE THAN ADEQUATE. AND THEN THEY COULD  
9 GO OUT AND GO INTO PATROL. I REMAIN AGNOSTIC, TO SOME EXTENT,  
10 WITH RESPECT TO WHETHER THERE SHOULD BE ENTIRELY A TWO-TRACK  
11 CAREER OR WHETHER THERE SHOULD BE RESTRUCTURING SO THAT THE  
12 JAIL ROTATION OF DEPUTIES IS CONFINED TO A SHORTER PERIOD OF  
13 TIME.

14

15     **SPEAKER:** WHEN YOU USE THE TERM "ASSIGNED TO THE JAIL", DOES  
16 THAT INCLUDE COURT SERVICES AND TRANSPORTATION?

17

18     **MERRICK BOBB:** NO, I'M NOT TALKING ABOUT COURT SERVICES OR  
19 TRANSPORTATION. THOSE ARE IN ADDITION TO THE PATROL FUNCTIONS,  
20 OTHER PLACES THE DEPUTIES CAN GO.

21

22     **SPEAKER:** HAVE ANY OBSERVATIONS ABOUT THE EDUCATION LEVEL OF  
23 THE DEPUTIES COMPARED, LET'S SAY, TO LAPD?

24

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1     **MERRICK BOBB:** I DON'T. WE DID LOOK AT LEVELS OF EDUCATIONAL  
2     ATTAINMENT I THINK BACK AT THE TIME THAT WE DID THE KOLTS  
3     REPORT. I HAVE NOT DONE THAT SINCE. IT IS MY IMPRESSION THAT  
4     THE EDUCATION LEVEL OF L.A. COUNTY DEPUTIES, LIKE THE  
5     EDUCATIONAL LEVEL OF LAPD OFFICERS, HAS INCREASED OVER TIME.  
6     AND SO THAT YOU HAVE A BETTER EDUCATED FORCE.

7

8     **SPEAKER:** MANY YEARS AGO WHEN THE COUNTY MARSHAL MERGED INTO  
9     THE SHERIFF'S DEPARTMENT, DO YOU HAVE ANY EMPIRICAL EVIDENCE  
10    FROM A HISTORIC STANDPOINT THAT CAUSED ANY CULTURAL PROBLEMS  
11    WITHIN THE L.A. SHERIFF'S DEPARTMENT TODAY?

12

13    **MERRICK BOBB :** WELL --

14

15    **SPEAKER:** BY CULTURE, I MEAN EVIDENCE OF ANY KIND OF  
16    MISCONDUCT.

17

18    **MERRICK BOBB:** THE EVIDENCE THAT I WOULD HAVE IS REALLY FROM  
19    CONVERSATIONS WITH SUPERIOR COURT JUDGES AND THEIR VIEWS OF  
20    THE RELATIVE EFFECTIVENESS OF THE MARSHALS VERSUS THE  
21    SHERIFF'S DEPARTMENT AND THEIR VIEWS OF WHETHER THAT WAS A  
22    GOOD THING OR A BAD THING.

23

24    **SPEAKER:** HOW PERVASIVE DO YOU PERCEIVE THE ALLEGED MISCONDUCT  
25    FOR WHICH THIS COMMISSION WAS CONSTITUTED TO INVESTIGATE IS?

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1

2     **MERRICK BOBB:** I'M SORRY. I'M HAVING A LITTLE TROUBLE.

3

4     **SPEAKER:** HOW PERVASIVE DO YOU PERCEIVE THE ALLEGED MISCONDUCT  
5 IS FOR WHICH THIS COMMISSION IS CONSTITUTED TO INVESTIGATE?

6

7     **MERRICK BOBB:** I THINK IT DEPENDS ON THE FACILITY THAT YOU'RE  
8 TALKING ABOUT. I THINK THAT IF YOU'RE TALKING ABOUT MCJ, THEN  
9 IT IS A PERVASIVE AND VERY DIFFICULT PROBLEM. IF YOU'RE  
10 TALKING ABOUT TWIN TOWERS, IT'S LESS OF A PROBLEM. WHEN YOU  
11 GET OUT TO SOME OF THE FACILITIES IN THE ANTELOPE VALLEY, THE  
12 PITCHES FACILITIES, MAYBE A DIFFERENT SITUATION THERE. I THINK  
13 THE CORE OF THE PROBLEM IS MCJ. IT EXISTS ELSEWHERE. THERE ARE  
14 PROBLEMS ELSEWHERE. BUT I THINK THAT HAS BEEN THE PROBLEM  
15 CHILD FOR THE SHERIFF'S DEPARTMENT.

16

17     **SPEAKER:** DO YOU HAVE ANY OPINION ON WHETHER THERE IS ANY  
18 GAMING OF THE CURRENT REPORTING SYSTEM BY INMATES CONFINED TO  
19 MEN'S CENTRAL JAIL?

20

21     **MERRICK BOBB:** A REPORTING SYSTEM?

22

23     **SPEAKER:** YES.

24

25     **MERRICK BOBB:** THAT THERE SHOULD BE?

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1

2 **SPEAKER:** NO, THAT THEY'RE GAMING THE SYSTEM.

3

4 **MERRICK BOBB:** GAMING THE SYSTEM.

5

6 **SPEAKER:** WELL, YES.

7

8 **MERRICK BOBB:** THERE HAVE BEEN REPORTS -- I THINK MIKE GENNACO

9 ISSUED ONE ABOUT HOW DEPUTIES WERE GAMING THE SYSTEM.

10

11 **SPEAKER:** NO, NOT DEPUTIES. INMATES GAMING THE SYSTEM.

12

13 **MERRICK BOBB:** OH INMATES GAMING THE SYSTEM.

14

15 **SPEAKER:** GAMING THE SYSTEM.

16

17 **MERRICK BOBB:** CERTAINLY THERE HAVE BEEN ALLEGATIONS AND

18 CLAIMS BY MANY THAT INMATES DO GAME THE SYSTEM TO TRY TO GET

19 OUT OF THEIR CELLS, TO GET TO THE DOCTOR, TO GET TO A NURSE,

20 TO DO WHATEVER. YES, THERE IS SOME GAMING OF THE SYSTEM.

21

22 **SPEAKER:** NOW, I WANT TO GO TO THE 7,000 AND 8,000 MODULES AT

23 MEN'S CENTRAL JAIL. DO YOU HAVE ANY OPINION AS TO WHETHER OR

24 NOT ANY ADA COMPLIANCE ISSUES HAVE ANY IMPACT ON ALLEGED

25 MISCONDUCT?

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1

2       **MERRICK BOBB:** YEAH, I DO. AND THERE HAVE BEEN, ALTHOUGH I  
3 HAVE NOT INDEPENDENTLY INVESTIGATED THESE, JUDGE TEVRIZIAN,  
4 THERE HAVE BEEN ALLEGATIONS THAT DEPUTIES HAVE NOT PERMITTED  
5 TO SHOWER OR TAKEN AWAY THEIR WHEELCHAIRS OR MADE IT VERY  
6 DIFFICULT FOR THEM TO FUNCTION GIVEN THEIR DISABILITIES IN THE  
7 JAIL ENVIRONMENT. AND WHETHER THAT -- THAT'S ABUSE OF  
8 AUTHORITY IF THOSE ALLEGATIONS WERE TRUE. ARE THEY EXCESSIVE  
9 FORCE? WELL MAYBE NOT TECHNICALLY, BUT THEY'RE ABUSE OF  
10 AUTHORITY. AND THEY'RE REFLECTIVE OF ATTITUDES THAT WOULD  
11 PERMIT EXCESSIVE FORCE TO TAKE PLACE. BECAUSE YOU COULD BE SO  
12 CALLOUS AS TO TAKE A WHEELCHAIR AWAY FROM SOMEBODY WHO IS  
13 TRYING TO CRAWL TO THE BATHROOM OR THE SHOWER, THEN I THINK  
14 YOU HAVE THE CAPACITY TO --

15

16       **HON. DICKRAN M. TEVRIZIAN:** ARE THERE ANY COMPLAINTS OF THAT  
17 NATURE THAT HAVE BEEN BROUGHT TO YOUR ATTENTION?

18

19       **MERRICK BOBB:** NOT DIRECT ATTENTION. THEY HAVE BEEN BROUGHT TO  
20 THE ACLU'S ATTENTION, I KNOW, AND MAYBE TO OTHERS BUT HAVE NOT  
21 BEEN BROUGHT DIRECTLY TO MY ATTENTION.

22

23       **HON. DICKRAN M. TEVRIZIAN:** MR. BOBB, IT'S A PLEASURE TO SEE  
24 YOU AGAIN, THANK YOU.

25

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1     **MERRICK BOBB:** VERY NICE TO SEE YOU AGAIN.

2

3     **SPEAKER:** THANK YOU AND WELCOME. MY COLLEAGUES HAVE REALLY PRE-  
4     EMPTED THE TWO AREAS OF INQUIRY I HAD. THE FIRST RELATED TO  
5     THE NONELECTIVE ASPECTS OF THE SHERIFF'S POSITION PURSUANT TO  
6     THE CONSTITUTION. AND ALTHOUGH IT MAY BE TAKING A SLEDGE  
7     HAMMER APPROACH TO A PROBLEM THAT IS BETTER ATTACKED IN A  
8     DIFFERENT WAY, LET'S MOVE ON TO REMOVING CUSTODY AND CONTROL  
9     OF THE JAIL FROM THE SHERIFF. AND I THINK THAT AUTHORITY IS  
10    PURSUANT TO THE PENAL CODE. BUT I'D LIKE YOUR VIEWS AS TO WHAT  
11    WOULD BE AN IDEAL MODEL IN A PERFECT WORLD FOR JAIL  
12    ADMINISTRATION? THREE OF US DID SERVE ON THE MUNICIPAL COURT  
13    WHEN WE HAD THE FINE SERVICES OF THE COUNTY MARSHAL'S OFFICE.  
14    AND THERE WAS SOME DISCONTENT, AS I RECALL, WHEN THOSE  
15    FUNCTIONS WERE SHIFTED TO THE SHERIFF. AND I'M THINKING, JUST  
16    SPECULATING, THAT IF ONE OF THE RECOMMENDATIONS WE SHOULD AT  
17    LEAST CONSIDER IS WHETHER OR NOT WE SHOULD PROPOSE A  
18    LEGISLATIVE AMENDMENT TO THE PENAL CODE TO REMOVE CUSTODY AND  
19    CONTROL ADMINISTRATION OF THE CUSTODY OR JAIL FUNCTIONS OF THE  
20    SHERIFF. AND DO YOU HAVE ANY PARTICULAR VIEWS ON THAT OR VIEWS  
21    ON WHAT A BETTER MODEL MIGHT BE?

22

23    **MERRICK BOBB:** WELL, JUSTICE, AS I TESTIFIED EARLIER, THAT IS  
24    A VERY RADICAL STEP. MAYBE A STEP THAT NEEDS TO BE TAKEN. I'M  
25    NOT ADVOCATING IT. BUT IT IS A RADICAL SOLUTION TO THE

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1 PROBLEM. AND APPARENTLY IN CALIFORNIA IT CAN BE DONE BECAUSE  
2 SANTA CLARA DID IT. THERE ARE OTHER THINGS THAT COULD OCCUR.  
3 ONE OF THE THINGS THAT I HAVE THOUGHT ABOUT IS THAT THE OFFICE  
4 OF THE UNDERSHERIFF SHOULD BE DIVIDED AND THAT THERE SHOULD BE  
5 AN UNDERSHERIFF OVER PATROL FUNCTIONS AND AN UNDERSHERIFF OVER  
6 CUSTODY FUNCTIONS. AND THAT YOU BRING IN TO THAT  
7 UNDERSHERIFF'S POSITION NOT NECESSARILY SOMEBODY THAT IS  
8 PROMOTING THROUGH THE RANKS BUT YOU BRING THEM IN FROM THE  
9 OUTSIDE. AND YOU BRING IN SOMEBODY -- IT MAY EVEN BE A  
10 CIVILIAN -- YOU BRING IN SOMEBODY WHO KNOWS HOW TO RUN A PENAL  
11 INSTITUTION. YOU BRING SOMEBODY IN LIKE MARTY HORN, WHO WAS  
12 THE COMMISSIONER IN NEW YORK, HE RAN RIKERS ISLAND, OR YOU  
13 BRING IN SOMEBODY WHO REALLY KNOWS HOW TO RUN A JAIL, A  
14 CONSTITUTIONAL JAIL, AND A SAFE AND SECURE JAIL. AND YOU PUT  
15 THAT PERSON IN CHARGE. I THINK THAT THAT WOULD BE -- THAT  
16 MIGHT BE A STEP SHORT OF TAKING IT AWAY FROM THE SHERIFF  
17 ENTIRELY. BUT I DO THINK THAT IT WOULD BE -- I THINK THE  
18 RESPONSIBILITIES ARE SO GREAT AND THE TASKS SO DIFFICULT THAT  
19 YOU REALLY NEED TWO UNDERSHERIFFS, WITH ONE TO LOOK AT PATROL  
20 AND SUPERVISE PATROL AND ANOTHER FOR CUSTODY. AND I THINK THAT  
21 IF YOU GOT SOMEBODY IN ON THE CUSTODY SIDE, EVEN A CIVILIAN  
22 WITH VERY, VERY HIGHLY CREDENTIALS AND EXPERIENCE, YOU COULD  
23 TURN THAT JAIL AROUND.

24

25 **SPEAKER:** THAT'S ALL I HAVE, MADAME CHAIR.

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1

2 **HON. LOURDES BAIRD, CHAIR:** I THINK THAT MS. KRINSKY HAS SOME  
3 QUESTIONS SHE'D LIKE TO ASK.

4

5 **MIRIAM A. KRINSKY:** I HAD JUST A VERY FEW. BUT IF I COULD  
6 FOLLOW-UP ON THE ISSUE THAT A COUPLE OF YOU, JUSTICE MORENO  
7 AND COMMISSIONER BUSANSKY AND I THINK A FEW OTHERS HAVE  
8 RAISED, AS WELL. WE DO HAVE ONE OF THE MEMBERS OF MY TEAM  
9 WHO'S BEEN DOING SOME RESEARCH WITH ME ON THAT ISSUE. AND  
10 THERE ARE A FEW MORE CASES THAT I WANT TO READ TO MAKE SURE  
11 THAT WE HAVE COMPLETE CLARITY. THE CALIFORNIA CONSTITUTION  
12 REQUIRES THAT EVERY COUNTY ELECT A SHERIFF. AND IN FACT THERE  
13 WAS CHALLENGE BY OUR SHERIFF TO AN EARLIER VIEW THAT THAT  
14 COULD BE TERM-LIMITED. AND IN FACT IT WAS MADE CLEAR THAT THE  
15 SHERIFF IS NOT TERM-LIMITED. SO HE CAN CONTINUALLY RUN. THERE  
16 IS A GOVERNMENT CODE SECTION 26605 THAT EMPOWERS THE SHERIFF  
17 TO EXTRA [INAUDIBLE] COUNTY JAILS. A PREDECESSOR TO THAT,  
18 GOVERNMENT CODE SECTION 23013 ALLOWED BOARD OF SUPERVISORS TO  
19 ESTABLISH DEPARTMENTS OF CORRECTIONS, TO HAVE JURISDICTION  
20 OVER ANY OR ALL OF THE OPERATION OF THE COUNTY'S JAIL. SO IT  
21 WAS PURSUANT TO THAT PREDECESSOR STATUTE THAT SANTA CLARA  
22 OPTED TO HAVE A DEPARTMENT OF CORRECTIONS. AND I BELIEVE THAT  
23 THERE WAS EVEN SOME CONSIDERATION OR PERHAPS FOR A TIME SAN  
24 DIEGO MIGHT HAVE OPERATED PURSUANT TO THAT MODEL, AS WELL.  
25 WHEN THE LATER STATUTE WAS ENACTED, IT GRANDFATHERED IN

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1 PROCEEDING COUNTIES THAT HAD OPTED TO MOVE THEIR DEPARTMENT OF  
2 -- OR MOVE THE OPERATION OF THE JAIL TO A DEPARTMENT OF  
3 CORRECTIONS. SO THAT'S HOW SANTA CLARA HAS REMAINED UNDER THE  
4 DEPARTMENT OF CORRECTIONS. THERE HAS BEEN A MOVE TO CHANGE  
5 THAT FOR FISCAL REASONS. AND I THINK THAT THERE IS NOW SOME  
6 CHALLENGE TO THE CHANGE BACK IN SANTA CLARA. SO ONCE WE HAVE  
7 RESEARCH COMPLETE, OBVIOUSLY WE CAN PASS THAT ON TO ALL OF  
8 YOU. BUT CLEARLY ANY DECISION TO CREATE A DEPARTMENT OF  
9 CORRECTIONS WOULD REQUIRE NOT A CONSTITUTIONAL CHANGE BUT A  
10 STATUTORY CHANGE. AND IN FACT THERE WAS A CHALLENGE TO SANTA  
11 CLARA'S DECISION TO DO THAT AS RUNNING AFOUL OF THE  
12 CONSTITUTIONAL PROVISION AND A NINTH CIRCUIT DECISION THAT  
13 SAID THAT THE AUTHORITY TO TRANSFER TO A DEPARTMENT OF  
14 CORRECTIONS EVEN OVER A SHERIFF'S OBJECTION DID NOT RUN AFOUL  
15 OF THE CONSTITUTIONAL PROVISION. SO JUST IN TERMS OF SORT OF  
16 THE LEGAL BACKDROP. MR. BOBB, I THINK YOU'VE BEEN VERY PATIENT  
17 WITH US AND YOU'VE BEEN HERE FOR SOMETIME. I HAVE JUST A FEW  
18 TINY AREAS WHERE I THINK BASED ON YOUR PRIOR REPORTS I'M NOT  
19 SURE, JUST A FEW SMALL FILL-INS, IF I COULD VERY QUICKLY.

20

21 **MERRICK BOBB:** SURE.

22

23 **MIRIAM A. KRINSKY:** YOU'VE WRITTEN ABOUT IMPACT LESSONS IN THE  
24 JAIL. IF YOU COULD GIVE US BRIEFLY SOME CONCERNS YOU HAVE

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1 ABOUT THAT AND ANY RECCOMENDATIONS THAT YOU'VE MADE ON THAT  
2 TOPIC.

3

4 **MERRICK BOBB:** WITHIN THE JAIL, IF DEPUTIES HISTORICALLY HAVE  
5 CARRIED LARGE METAL, VERY HEAVY FLASHLIGHTS THAT HAVE SHARP  
6 EDGES AND ARE CAPABLE OF VERY, VERY SERIOUS INJURY. THEY'RE  
7 NOT MADE TO BE IMPACT WEAPONS. THEY'RE FLASH LIGHTS MADE TO  
8 PROVIDE LIGHT, NOT AS AN IMPACT WEAPON. BUT IT IS HANDY. THE  
9 DEPUTIES HAVE IT. THEY CAN USE IT. IT'S NOT USED WITH THAT  
10 GREAT FREQUENCY. BUT WHEN IT IS USED HISTORICALLY IT HAS  
11 CAUSED VERY SERIOUS INJURY. BECAUSE OF THAT, THE INJURY  
12 POTENTIAL, BECAUSE OF THE LIABILITY POTENTIAL, AND BECAUSE OF  
13 OTHER FACTORS, WE HAVE LONG RECOMMENDED THAT THE FLASHLIGHT BE  
14 A FLASHLIGHT AND BE LIKE A 6-INCH STREAM LIGHT. THE LAPD, AS  
15 CHIEF MCDONNELL WILL BE ABLE TO TELL YOU, A FEW YEARS AGO  
16 ABANDONED THAT HEAVY METAL FLASHLIGHT. AND LAPD OFFICERS CARRY  
17 I THINK IT'S A 6-INCH STREAM LIGHT IF I'M NOT MISTAKEN.

18

19 **SPEAKER:** IT'S MADE BY A COMPANY CALLED PELICAN.

20

21 **MERRICK BOBB:** YEAH. SO I'VE ASKED MYSELF: WHY DO THEY NEED  
22 THAT HEAVY METAL FLASHLIGHT IN THE JAIL? THEN THE QUESTION IS:  
23 WELL DO YOU NEED SOME KIND OF IMPACT WEAPON IF YOU DON'T HAVE  
24 THE FLASHLIGHT? SO THE SHERIFF'S DEPARTMENT ITSELF AND I  
25 INDEPENDENTLY SURVEYED RIKERS ISLAND IN NEW YORK, COOK COUNTY

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1 IN CHICAGO, WHICH ARE THE SECOND AND THIRD LARGEST JAILS IN  
2 THE UNITED STATES, AND LEARNED THAT INDEED THEIR GUARDS DO NOT  
3 CARRY IMPACT WEAPONS. AND THAT THEY CAN FUNCTION SAFELY AND  
4 EFFECTIVELY WITHOUT COMPROMISING OFFICERS' SAFETY, WHICH IS AN  
5 IMPORTANT THING, WITHOUT USING IMPACT WEAPONS OR HAVING  
6 WEAPONS AVAILABLE BUT FOR SPECIAL FUNCTIONS. SO LIKE IN  
7 CONNECTION WITH A CELL EXTRACTION OR SOMETHING LIKE THAT, YOU  
8 MIGHT NEED TO HAVE A BATON OR A BATON HANDY. AND THAT RAISES  
9 TO ME A QUESTION IF THOSE INSTITUTIONS CAN OPERATE WITHOUT  
10 IMPACT WEAPONS IN THE JAIL, WHY CAN'T WE? PART OF THE RESPONSE  
11 TO THAT IS, WELL, THOSE JAILS HAVE STAFFING RATIOS THAT ARE  
12 VERY DIFFERENT THAN OURS, THAT WHEREAS WE HAVE ONE DEPUTY TO  
13 TEN INMATES, AT LEAST THAT WAS SORT OF THE SPAN OF CONTROL A  
14 FEW YEARS AGO, THE OPTIMAL, WE ARE TOLD BY OUR EXPERTS, IS  
15 1:4 MAYBE 1:5, POSSIBLY YOU COULD EVEN DO 1:6 BUT NO MORE THAN  
16 THAT. AND AT RIKER\RS IN COOK COUNTY -- OH, IN THE NATIONAL  
17 AVERAGE, BY THE WAY, IS ONE CORRECTIONAL OFFICER TO 4.3  
18 INMATES.

19

20 **SPEAKER:** IS THAT PER SHIFT OR PER 24 HOURS?

21

22 **MERRICK BOBB:** PER 24 HOURS. THAT'S THE RATIO. I MEAN IF YOU  
23 TAKE THE NUMBER OF DEPUTIES IS THE DENOMINATOR -- NUMERATOR,  
24 DENOMINATOR, AND THEN DIVIDE BY THE NUMBER OF INMATES, YOU GET  
25 1 CORRECTIONAL OFFICER TO 4.3 STAFF. AND AS I SAY, MCJ, AT

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1 LEAST AS OF 2004, WAS ON A 1 DEPUTY OR CORRECTIONAL OFFICER TO  
2 10 INMATES. SO THE QUESTION THEN BECOMES, I THINK, THAT IF ONE  
3 OF THE REASONS THAT THEY'RE ABLE TO NOT HAVE THE IMPACT  
4 WEAPONS IN THE JAIL IS BECAUSE THEY HAVE BETTER STAFFING  
5 RATIOS, THEN WE NEED TO LOOK AT WHETHER THE JAIL IS  
6 UNDERSTAFFED, I SUGGEST IT IS BECAUSE I'VE ALSO SUGGESTED, I  
7 THINK, THAT THE UNDERSTAFFING SHOULD BE SOLVED WITH MORE  
8 CUSTODY ASSISTANTS AND FEWER DEPUTIES.

9

10 **MIRIAM A. KRINSKY:** LET ME JUST ASK YOU ONE LAST BECAUSE I KNOW  
11 WE'VE GONE VERY LONG. WE'RE OBVIOUSLY TRYING TO DETERMINE  
12 WHERE WE SHOULD LOOK. AND I KNOW THAT COMMISSIONER BUSANSKY  
13 HAS NOW ASKED A COUPLE OF TIMES IT'S HARD TO BE ABLE TO TRACK  
14 OR STUDY WHAT'S NOT REPORTED? DO YOU BELIEVE THAT THERE ARE  
15 ANY REASONS FOR CONCERNS IN REGARDING LACK OF REPORTING BY  
16 MEDICAL PERSONNEL OF THINGS THAT THEY SEE THAT THEY BELIEVE  
17 COULD BE A CAUSE FOR NEEDING TO INVESTIGATE EXCESSIVE USE OF  
18 FORCE?

19

20 **MERRICK BOBB:** WHEN WE DID FOCUS SPECIFICALLY IN OUR SEMI  
21 ANNUAL REPORTS ON THAT QUESTION, WE DID FIND THAT THERE WAS AN  
22 UNDERREPORTING BY THE MEDICAL PERSONNEL OF INJURIES THAT THEY  
23 SUSPECTED WERE THE RESULT OF EXCESSIVE FORCE OR ABUSE. WHY  
24 DON'T THEY REPORT THEM? WELL, ONE, THEY'RE MEDICAL PERSONNEL.  
25 THEY'RE DEALING WITH THE INDIVIDUAL. THEY WANT TO HANDLE THE

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1 MEDICAL PROBLEM AND GET THE MEDICAL PROBLEM TAKEN CARE OF.  
2 TWO, I DON'T THINK THAT THERE IS A CULTURE THAT HAS DEVELOPED  
3 THAT SAYS THAT IF A MEDICAL PERSON, A NURSE OR A DOCTOR, SEES  
4 AN INJURY THAT IS CONSISTENT WITH ABUSIVE CONDUCT, THEY REPORT  
5 IT. AND SO MAYBE SUCH A RULE SHOULD BE IMPLEMENTED. AND IF  
6 IMPLEMENTED, ENFORCED.

7

8 **HON. LOURDES BAIRD, CHAIR:** ANY OTHER QUESTIONS?

9

10 **MIRIAM A. KRINSKY:** WE SHOULD RELEASE HIM. YOU'RE RELEASED.

11 THANK YOU VERY MUCH.

12

13 **MERRICK BOBB:** THANK YOU ALL VERY MUCH. THANK YOU FOR THE TIME  
14 YOU'VE TAKEN 19 OR 17 YEARS ON THIS?

15

16 **MIRIAM A. KRINSKY:** JUDGE BAIRD BEFORE ANY OF OUR COMMISSIONERS  
17 NEED TO LEAVE, JUST IF WE COULD CHECK WHETHER STARTING AT 9  
18 A.M. ON APRIL 16TH WOULD BE ACCEPTABLE FOR MEMBERS OF THE  
19 COMMISSION? PERHAPS IF WE HAVE AN EARLIER START TIME --

20

21 **HON. LOURDES BAIRD, CHAIR:** WE HAD SOMEONE HERE WHO COULD NOT  
22 MAKE IT AT 9 A.M. ON APRIL 16TH MONDAY MORNING.

23

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1 **MIRIAM A. KRINSKY:** EVERYONE HERE IS OK WITH THE 9 A.M. START  
2 TIME? THAT'S RIGHT. AND WE'LL HAVE LUNCH BROUGHT IN AGAIN, I  
3 HOPE?

4

5 **MIRIAM A. KRINSKY:** AND I THINK WE SHOULD THANK JUDGE BAIRD FOR  
6 THAT.

7

8 **SPEAKER:** IS THE END TIME 3:00 AGAIN OR A DIFFERENT TIME?

9

10 **MIRIAM A. KRINSKY:** I THINK WE'D LIKE YOU TO HOLD A FULL DAY.  
11 AND WE WILL LET YOU KNOW WHEN WE ANTICIPATE THE END TIME. BUT  
12 IF YOU COULD CLEAR YOUR CALENDAR FOR THE DAY. WE REALIZE  
13 YOU'RE FLYING IN, SO WE'LL GIVE YOU HEADS UP.

14

15 **HON. LOURDES BAIRD, CHAIR:** OH, YES. I'M SORRY. I AM REMINDED  
16 THAT I WOULD LIKE TO CALL FOR A MOTION IF ANYONE HAS IT FOR  
17 THE CHANGE OF TIME. THE BEGINNING TIME TO 9 A.M. AS OPPOSED TO  
18 10 A.M.?

19

20 **SPEAKER:** SO MOVED.

21

22 **SPEAKER:** SECOND.

23

24 **HON. LOURDES BAIRD, CHAIR:** ALL IN FAVOR? [CHORUS OF AYES]  
25 PASSED. ANYTHING ELSE. ALL RIGHT. WE'RE ADJOURNED.