

LA COUNTY CITIZENS' COMMISSION ON JAIL VIOLENCE



MEETING TRANSCRIPT

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1 **HON. LOURDES BAIRD, CHAIR:** GOOD MORNING. GOOD MORNING, LADIES
2 AND GENTLEMEN. I'LL WAIT UNTIL EVERYONE IS SEATED -- I'LL WAIT
3 UNTIL EVERYONE IS SEATED HERE. I WOULD LIKE TO ANNOUNCE THAT
4 COMMISSIONER BUSANSKY WAS UNABLE TO BE HERE BUT HE WILL BE
5 JOINING US TELEPHONICALLY. COMMISSIONER BUSANSKY, ARE YOU ON
6 THE LINE?

7

8 **MR. ALEXANDER BUSANSKY:** YES, I AM.

9

10 **HON. LOURDES BAIRD, CHAIR:** THE RECEPTION IS NOT SO GOOD. I
11 BELIEVE YOU'RE AWARE OF THE FACT THAT THE WAY WE'RE GOING TO
12 DO THIS IS YOU WILL BE EMAILING MS. KRINSKY WITH QUESTIONS
13 WHEN THE TESTIMONY BEGINS, AND SHE WILL THEN READ YOUR
14 QUESTIONS AS IF YOU WERE HERE. SO IS THERE ANYTHING ELSE? ONE
15 THING I WANTED TO MENTION, ALSO, IS THAT YOU'RE NOT HERE
16 PHYSICALLY, YOU WILL NOT BE ABLE TO VOTE, COMMISSIONER
17 BUSANSKY, SO I'M SORRY TO SAY WE'LL JUST MISS YOUR VOTE; BUT,
18 IN ANY EVENT, LET'S GET STARTED. THE OTHER THING, A COUPLE OF
19 REMINDERS. I'D LIKE TO IN ORDER -- WE HAVE MANAGED TO KEEP OUR
20 TRANSCRIPTS PRETTY LEGIBLE NOW THAT THE COMMISSIONERS HAVE ALL
21 BEEN IDENTIFYING THEMSELVES BEFORE THEY SPEAK. AND IF ONE
22 SHOULD FORGET, I WILL GO AHEAD AND IDENTIFY YOU SO THAT THE
23 TRANSCRIPT IS CLEAR. WE ARE ALSO AWARE THAT THE MEDIA IS
24 PRESENT HERE TODAY. AND I'D LIKE TO JUST REMIND THE MEDIA, AS
25 WELL AS MY FELLOW COMMISSIONERS, THAT THE COMMISSION HAS

1 DESIGNATED OUR EXECUTIVE DIRECTOR, MIRIAM KRINSKY, AS OUR
2 MEDIA POINT OF CONTACT REGARDING TODAY'S HEARINGS AND OUR
3 ONGOING WORK. NOW, I SUPPOSE IT'S NOT NECESSARY NOW, I DO
4 NOTICE IT'S A VERY LARGE CROWD, AND I JUST WANT TO MAKE SURE I
5 REMIND YOU TO BE PROFESSIONAL, WHICH I EXPECT YOU TO BE; AND
6 IF WE DO HAVE TOO MUCH NOISE, THEN I CERTAINLY WILL INTERRUPT,
7 I'M SORRY TO SAY. FIRST OF ALL, THE FIRST I ITEM THAT I'D LIKE
8 TO BRING UP IS THE APPROVAL OF THE JULY 26, 2012, MINUTES. IS
9 THERE A MOTION?

10

11 **SPEAKER:** MOVE TO APPROVE THE MINUTES.

12

13 **SPEAKER:** SECOND.

14

15 **HON. LOURDES BAIRD, CHAIR:** OPPOSED? ANYONE? ALL IN FAVOR?

16 [CHORUS OF AYES] OPPOSED? MOTION'S CARRIED. MS. KRINSKY IS
17 GOING TO GIVE US A SHORT UPDATE ON FUTURE MEETINGS.

18

19 **MIRIAM A. KRINSKY:** THANK YOU. GOOD MORNING, COMMISSIONERS.
20 OBVIOUSLY, AS YOU KNOW, THIS IS OUR SECOND MEETING IN JULY.
21 THIS ONE WAS SPECIALLY SET TO ALLOW FOR THE TESTIMONY THAT
22 WE'RE GOING TO BE HEARING TODAY AND TO ACCOMMODATE THE
23 SCHEDULE OF OUR TWO WITNESSES, THE UNDERSHERIFF AND THE
24 SHERIFF. BECAUSE WE WANT TO HAVE AMPLE TIME TO GET TO THE
25 TESTIMONY, WE'RE NOT GOING TO BE DOING FULL UPDATES TODAY. I

1 SIMPLY WANT TO GO THROUGH A FEW HOUSEKEEPING MATTERS, AND THEN
2 WE WILL BE MEETING DURING OUR REGULARLY SCHEDULED MEETING DATE
3 A WEEK FROM TODAY, ON AUGUST 3RD. AS I JUST INDICATED AUGUST
4 3RD, A WEEK FROM TODAY, WE WILL HAVE THE OPPORTUNITY TO HEAR
5 FROM SOME INDIVIDUALS ABOUT PERSPECTIVES THAT THEY CAN OFFER
6 ABOUT SOME OF THE CHALLENGES FACING LOS ANGELES, AND WE ALSO
7 EXPECT THAT WE WILL PROBABLY HEAR FROM REPRESENTATIVES OF THE
8 UNION THAT REPRESENTS THE DEPUTIES, ALADS. AND AS YOU ALL
9 KNOW, AS I BELIEVE WE'VE PREVIOUSLY INDICATED AT OUR MEETING,
10 AT OUR PAST MEETING IN JULY, THE START TIME FOR THAT MEETING
11 WILL BE 9 A.M. THAT'S A 9 A.M. START TIME A WEEK FROM TODAY.
12 NOW, ON SEPTEMBER 7TH, WHICH IS OUR NEXT REGULARLY SCHEDULED
13 MEETING DATE IN SEPTEMBER, THE FIRST FRIDAY, WE'LL HAVE THE
14 OPPORTUNITY TO HEAR REPORTS FROM OUR DEPUTY GENERAL COUNSEL IN
15 REGARD TO THE WORK THAT THEY'VE BEEN DOING. YOU MAY RECALL
16 THAT ORIGINALLY WE WERE LOOKING FOR A SECOND DATE, EXPECTING
17 THAT WE MIGHT NEED A SPILLOVER; BUT IN LIGHT OF ALL OF YOUR
18 SCHEDULES AND TO BE ABLE TO MAKE SURE THAT WE HAVE ALL OF YOU
19 HERE ON THE DATE THAT YOU'VE ALREADY RESERVED, WHAT WE'D LIKE
20 TO DO, IF THE COMMISSION APPROVES IT AND SO MOVES, IS TO START
21 THAT MEETING AT 8 A.M. I REALIZE THAT'S AN EARLY START TIME. I
22 EXPECT THAT BOTH NEXT FRIDAY AS WELL AS SEPTEMBER 7TH WILL GO
23 A FULL DAY. SO, IF YOU CAN, RESERVE A FULL DAY. BUT IF WE
24 START AT 8 A.M. AND WE GO INTO THE AFTERNOON, I THINK WE
25 SHOULD BE ABLE TO COMPLETE THAT TESTIMONY, THOSE REPORTS FROM

1 OUR DEPUTY GENERAL COUNSEL, IN A VERY LONG, FULL DAY AND NOT
2 HAVE ANY NEED OF ANY SPILLOVER DAYS. PERHAPS WHEN I'M
3 FINISHED, THE CHAIR COULD ENTERTAIN A MOTION TO SHIFT THAT
4 MEETING ON SEPTEMBER 7TH TO 8 A.M. JUST AGAIN, VERY BRIEFLY IN
5 TERMS OF SOME OTHER ITEMS, OBVIOUSLY YOU HAVE BEFORE YOU SOME
6 MATERIALS WE'LL BE USING IN THE NOTEBOOK. YOU HAVE EXHIBITS 1
7 THROUGH 12 FOR THE PRESENTATIONS, TESTIMONY THIS MORNING.
8 AGAIN, THERE CONTINUES TO BE STRONG INTEREST IN THE WORK OF
9 THIS COMMISSION. WE NOW KNOW THAT WE'VE HAD OVER 21,000 VISITS
10 TO OUR WEBSITE. THE LAST COMMISSION MEETING HAD 800
11 INDEPENDENT VIEWS THAT DAY ALONE ON THE WEBSITE, AND THAT WAS
12 OUR SECOND HIGHEST DAY OF ACTIVITY, SECOND ONLY TO THE DAY
13 THAT THE WEBSITE WAS OFFICIALLY LAUNCHED. SO I THINK THAT'S
14 REFLECTIVE OF THE DESIRE OF MEMBERS OF THE PUBLIC AND OTHERS
15 TO KNOW ABOUT THE WORK GOING ON AND CERTAINLY THE CHAIR
16 INDICATED WE ARE PUTTING UNEDITED TRANSCRIPTS ON IT, SO
17 INDIVIDUALS WHO CAN'T HEAR OR DIAL IN HAVE THE CHANCE TO LEARN
18 WHAT HAPPENED DURING THE MEETING, AND HAVING YOU ALL IDENTIFY
19 YOURSELVES MAKES THOSE TRANSCRIPTS THAT MUCH CLEARER. AND THEN
20 THE LAST THING I HAVE IS THAT THERE'S ONE LAST JAIL VISIT
21 THAT'S SET UP. I KNOW THAT COMMISSIONER BUSANSKY, GIVEN THE
22 FACT THAT HE DOESN'T LIVE IN LOS ANGELES, HAS FOUND IT A BIT
23 MORE CHALLENGING TO BE ABLE TO GO ON THOSE VISITS, SO WE DO
24 HAVE A VISIT SET UP FOR AUGUST 2ND. IF ANY OTHER COMMISSIONERS
25 EITHER WANT TO DO A REPEAT VISIT FOR ANY REASON, OR IF YOU

1 FEEL THAT YOU WANT TO JOIN THE GROUP FOR ANY OTHER REASON AT
2 ALL, JUST LET ME KNOW. AND, AGAIN, WE HAVE THE DATE TO MOVE
3 FORWARD. SO THAT'S THE END OF MY ANNOUNCEMENTS.

4

5 **HON. LOURDES BAIRD, CHAIR:** THANK YOU. ARE WE READY FOR OUR
6 FIRST WITNESS?

7

8 **MIRIAM A. KRINSKY:** -- JUDGE BAIRD OH, THE MOTION.

9

10 **HON. LOURDES BAIRD, CHAIR:** THANK YOU VERY MUCH. IS THERE A
11 MOTION?

12

13 **SPEAKER:** I'LL MAKE A MOTION. THAT WE MOVE THE MEETING TIME OF
14 THE SEPTEMBER 7TH MEETING TO 8 A.M.

15

16 **SPEAKER:** SECOND.

17

18 **HON. LOURDES BAIRD, CHAIR:** ALL IN FAVOR? [CHORUS OF AYES]
19 OPPOSED? VERY WELL, THEN. THE MOTION IS APPROVED. THEN WE HAVE
20 UNDERSHERIFF TANAKA

21

22 **SPEAKER:** IS THERE A BAILIFF IN THE HOUSE? UNDERSHERIFF TANAKA?

23

24 **SPEAKER:** WE SCHEDULED IT FOR 9:15. SO WE ARE RUNNING A LITTLE
25 AHEAD OF SCHEDULE.

1

2 **HON. DICKRAN M. TEVRIZIAN:** I WANT TO KNOW WHO'S ON THE STREETS
3 PATROLLING. [LAUGHTER.] I ASSUME THESE ARE ALL VACATION DAYS.

4

5 **MIRIAM A. KRINSKY:** I MAY HAVE MISSED IT. BUT DID YOU ALL
6 APPROVE THE MINUTES?

7

8 **HON. LOURDES BAIRD, CHAIR:** YES, I DID.

9

10 **MIRIAM A. KRINSKY:** I THOUGHT THAT COULD KILL ANOTHER MINUTE OR
11 TWO?

12

13 **HON. LOURDES BAIRD, CHAIR:** ANYTHING ELSE YOU COULD DO AGAIN AT
14 THE MOMENT? I WONDER IF WE SHOULD JUST TAKE -- LET'S TAKE A
15 SHORT BREAK AND HOPE THAT IT WON'T BE TOO LONG. SO DON'T GO
16 TOO FAR. OKAY? THANK YOU. WE'LL BE IN RECESS FOR A SHORT WHILE
17 UNTIL OUR WITNESS APPEARS.

18

19 **HON. LOURDES BAIRD, CHAIR:** AND THIS MEETING IS CALLED TO ORDER
20 ONCE AGAIN. (GAVEL). WELCOME. WELCOME UNDERSHERIFF TANAKA.

21

22 **UNDERSHERIFF PAUL TANAKA:** GOOD MORNING, YOUR HONOR.

23

24 **HON. LOURDES BAIRD, CHAIR:** WELL YOU CAN CALL ME THAT IF YOU
25 LIKE OR JUDGE BAIRD WILL SUFFICE.

1

2 **UNDERSHERIFF PAUL TANAKA:** I APOLOGIZE. BUT THE SOUND SYSTEM --
3 THE ACOUSTICS ARE A LITTLE DIFFICULT TO HEAR.

4

5 **HON. LOURDES BAIRD, CHAIR:** ARE YOU HAVING DIFFICULTY HEARING
6 ME? IS THAT BETTER? MAYBE I'M NOT TALKING INTO THIS PROPERLY.
7 IF YOU CAN'T HEAR, LET US KNOW.

8

9 **UNDERSHERIFF PAUL TANAKA:** YES.

10

11 **HON. LOURDES BAIRD, CHAIR:** ALL RIGHT. NOW, ONCE AGAIN, I DO
12 WANT TO REMIND THE COMMISSIONERS THE WAY WE PLANNED THIS IS WE
13 WILL HAVE THE DIRECT EXAMINATION DONE BY MR. DEIXLER AND IT
14 WILL GO THROUGH WITHOUT INTERRUPTION. WE ANTICIPATE TAKING A
15 BREAK AT THAT TIME, COMING BACK AND AT THAT TIME WE WILL HAVE
16 QUESTIONS FROM THE OTHER STAFF MEMBERS. ALL RIGHT? MR.
17 DEIXLER?

18

19 **BERT DEIXLER:** THANK YOU, YOUR HONOR. WOULD YOU STATE YOUR NAME
20 FOR THE RECORD, SIR?

21

22 **UNDERSHERIFF PAUL TANAKA:** SURE, PAUL TANAKA. T-A-N-A-K-A.

23

24 **BERT DEIXLER::** THANK YOU FOR TESTIFYING AND TO OFFER YOUR
25 TESTIMONY TO THE COMMISSIONERS, WE APPRECIATE THAT VERY MUCH

1 AND I KNOW THE COMMISSIONERS DO, AS WELL. SIR, WHAT IS YOUR
2 CURRENT POSITION AT THE LASD?

3

4 **UNDERSHERIFF PAUL TANAKA:** I SERVE AS THE UNDERSHERIFF FOR THE
5 LOS ANGELES COUNTY SHERIFF'S DEPARTMENT.

6

7 **BERT DEIXLER:** AND HOW LONG HAVE YOU SERVED AS THE
8 UNDERSHERIFF?

9

10 **UNDERSHERIFF PAUL TANAKA:** SINCE JUNE 2011.

11

12 **BERT DEIXLER:** AND PRIOR TO ASSUMING YOUR POSITION OF UNDER
13 SHERIFF, WHAT WAS YOUR POSITION?

14

15 **UNDERSHERIFF PAUL TANAKA:** ASSISTANT SHERIFF.

16

17 **BERT DEIXLER:** AND HOW LONG DID YOU SERVE AS THE ASSISTANT
18 SHERIFF, SIR?

19

20 **UNDERSHERIFF PAUL TANAKA:** JANUARY OF 2005 TO JUNE OF 2011.

21

22 **BERT DEIXLER:** SIR, AM I CORRECT THAT YOU OVERSAW CUSTODY FROM
23 JANUARY 2005 THROUGH APPROXIMATELY JANUARY OF 2007?

24

25 **UNDERSHERIFF PAUL TANAKA:** JANUARY OF 2005 UNTIL JUNE OF 2007.

1

2 **BERT DEIXLER:** UNTIL JUNE OF 2007, THANK YOU. PRIOR TO JANUARY
3 OF 2005, AM I CORRECT YOU HAD NEVER OVERSEEN CUSTODY IN YOUR
4 ROLE AS AN ASSISTANT SHERIFF?

5

6 **UNDERSHERIFF PAUL TANAKA:** THAT'S CORRECT.

7

8 **BERT DEIXLER:** AS AN ASSISTANT SHERIFF FOR CUSTODY, WERE
9 OVERSEEING THE JAILS PART OF YOUR RESPONSIBILITY, SIR?

10

11 **UNDERSHERIFF PAUL TANAKA:** I'M SORRY?

12

13 **BERT DEIXLER:** YES. AS ASSISTANT SHERIFF FOR CUSTODY WAS
14 OVERSEEING THE JAILS PART OF YOUR RESPONSIBILITY?

15

16 **UNDERSHERIFF PAUL TANAKA:** YES, SIR.

17

18 **BERT DEIXLER:** AND DID THAT INCLUDE MONITORING PROBLEMS IN THE
19 JAIL?

20

21 **UNDERSHERIFF PAUL TANAKA:** YES.

22

23 **BERT DEIXLER:** DID THAT INCLUDE REPORTING TO THE UNDERSHERIFF
24 ABOUT ANY PROBLEMS THAT YOU HAD LEARNED OF?

25

1 **UNDERSHERIFF PAUL TANAKA:** YES.

2

3 **BERT DEIXLER:** DID THAT INCLUDE REPORTING TO THE SHERIFF ABOUT
4 ANY PROBLEMS YOU HAD LEARNED OF?

5

6 **UNDERSHERIFF PAUL TANAKA:** YES.

7

8 **BERT DEIXLER:** WERE ALL OF THE L.A. COUNTY JAILS UNDER YOUR
9 COMMAND DURING JANUARY OF 2005 THROUGH JUNE OF '07?

10

11 **UNDERSHERIFF PAUL TANAKA:** YES.

12

13 **BERT DEIXLER:** AM I CORRECT, SIR, THAT YOU VISITED, IN YOUR
14 ROLE AS ASSISTANT SHERIFF, THE MEN'S CENTRAL JAIL ABOUT EVERY
15 OTHER MONTH?

16

17 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER THE FREQUENCY OF
18 WHICH I VISITED THE JAILS.

19

20 **BERT DEIXLER:** NO MEMORY OF THAT AT ALL, SIR?

21

22 **UNDERSHERIFF PAUL TANAKA:** NOT ANYTHING THAT WOULD BE WORTH
23 STATING.

24

1 **BERT DEIXLER:** WHEN WE MET PREVIOUSLY ON JUNE 25TH, IT WAS YOUR
2 BEST MEMORY AT THE TIME THAT YOUR VISITS TO THE L.A. -- TO THE
3 MCJ WERE APPROXIMATELY EVERY OTHER MONTH. DO YOU HAVE REASON
4 TO DOUBT THAT THAT WAS ACCURATE?

5

6 **UNDERSHERIFF PAUL TANAKA:** NO.

7

8 **BERT DEIXLER:** IF I UNDERSTAND CORRECTLY, THE LASD IS
9 STRUCTURED AS A PARAMILITARY ORGANIZATION, IS THAT FAIR?

10

11 **UNDERSHERIFF PAUL TANAKA:** GENERALLY, SIR.

12

13 **BERT DEIXLER:** THERE'S A CLEAR CHAIN OF COMMAND, IS THAT TRUE?

14

15 **UNDERSHERIFF PAUL TANAKA:** MOST OF THE TIME.

16

17 **BERT DEIXLER:** AND WOULD YOU AGREE THAT ADHERING TO THE CHAIN
18 OF COMMAND ALLOWS FOR CLARITY REGARDING SUPERVISION?

19

20 **UNDERSHERIFF PAUL TANAKA:** MOST OF THE TIME.

21

22 **BERT DEIXLER:** AND THAT CLARITY REGARDING SUPERVISION ALLOWS
23 FOR PEOPLE BEING HELD RESPONSIBLE FOR THE AREAS WHICH THEY
24 SUPERVISE, IS THAT ALSO TRUE, SIR?

25

1 **UNDERSHERIFF PAUL TANAKA:** GENERALLY.

2

3 **BERT DEIXLER:** IN THE TWO PLUS YEARS WHEN YOU WERE THE
4 ASSISTANT SHERIFF RESPONSIBLE FOR CUSTODY, DID YOU RECEIVE ANY
5 REPORTS REGARDING USE OF FORCE PROBLEMS IN THE JAILS?

6

7 **UNDERSHERIFF PAUL TANAKA:** NO.

8

9 **BERT DEIXLER:** IN THE 2-1/2 YEARS THAT YOU WERE ASSISTANT
10 SHERIFF RESPONSIBLE FOR CUSTODY, DID YOU REVIEW STATISTICS OR
11 GRAPHS DEMONSTRATING THE NUMBER OF TIMES USES OF FORCE
12 OCCURRED IN THE JAILS?

13

14 **UNDERSHERIFF PAUL TANAKA:** I MAY HAVE.

15

16 **BERT DEIXLER:** YOU DON'T RECALL?

17

18 **UNDERSHERIFF PAUL TANAKA:** NO, I DON'T.

19

20 **BERT DEIXLER:** DO YOU RECALL EVER ASKING FOR THE COMPILATION OF
21 SUCH STATISTICS OR GRAPHS?

22

23 **UNDERSHERIFF PAUL TANAKA:** I DO NOT.

24

1 **BERT DEIXLER:** WHEN YOU WERE THE ASSISTANT SHERIFF, SIR, WERE
2 YOU RESPONSIBLE FOR OR DID YOU REQUEST REPORTS REGARDING ANY
3 PROBLEMS WITH DEPUTY CLIQUES AT THE JAILS?

4

5 **UNDERSHERIFF PAUL TANAKA:** YOU'RE TALKING ABOUT DURING THAT
6 PERIOD FROM JANUARY OF 2005 UNTIL JUNE OF 2007?

7

8 **BERT DEIXLER:** YES, SIR, WHEN YOU WERE THE ASSISTANT SHERIFF,
9 DID YOU RECEIVE REPORTS REGARDING PROBLEMS WITH DEPUTY CLIQUES
10 IN THE JAILS?

11

12 **UNDERSHERIFF PAUL TANAKA:** NO.

13

14 **SPEAKER:** ASSISTANT SHERIFF FOR CUSTODY, IS WHAT THE COUNSEL
15 MEANS, RIGHT?

16

17 **UNDERSHERIFF PAUL TANAKA:** I'M SORRY?

18

19 **BERT DEIXLER:** WHEN YOU WERE ASSISTANT SHERIFF FOR CUSTODY FROM
20 2005 TO 2007 DID YOU RECEIVE OR REQUEST REPORTS ABOUT PROBLEMS
21 WITH DEPUTY CLIQUES?

22

23 **UNDERSHERIFF PAUL TANAKA:** I DID NOT RECEIVE ANY REPORTS THAT
24 THERE WERE PROBLEMS WITH DEPUTY CLIQUES DURING THAT PERIOD OF
25 TIME.

1

2 **BERT DEIXLER:** LET ME SEE IF I COULD UNDERSTAND THE PROGRESS OF
3 A DEPUTY'S CAREER IN THE LASD. IS IT CORRECT TO SAY THAT,
4 TYPICALLY, DEPUTIES BEGIN THEIR CAREER SERVING IN THE JAILS?

5

6 **UNDERSHERIFF PAUL TANAKA:** TYPICALLY, YES.

7

8 **BERT DEIXLER:** AND THOSE WOULD THEN BE, PERHAPS, THE YOUNGEST
9 AND LEAST EXPERIENCED OF THE DEPUTIES?

10

11 **UNDERSHERIFF PAUL TANAKA:** NOT ALWAYS THE YOUNGEST, BUT
12 CERTAINLY THE LEAST EXPERIENCED.

13

14 **BERT DEIXLER:** AND AFTER THAT, THE USUAL PROGRESS IS TO
15 TRANSFER THE DEPUTY TO PATROL; CORRECT?

16

17 **UNDERSHERIFF PAUL TANAKA:** USUALLY. CORRECT.

18

19 **BERT DEIXLER:** WHEN YOU WERE THE ASSISTANT SHERIFF RESPONSIBLE
20 FOR CUSTODY, WERE YOU AWARE THAT DEPUTIES WERE STAYING LONGER
21 IN CUSTODY ASSIGNMENTS THAN HAD BEEN PREVIOUSLY THE NORM?

22

23 **UNDERSHERIFF PAUL TANAKA:** I DON'T RECALL THE SPECIFIC LENGTH
24 OF TIME THAT DEPUTIES WERE SERVING ON AVERAGE DURING THE
25 PERIOD OF TIME THAT I WAS THE ASSISTANT SHERIFF OVER CUSTODY,

1 BUT I KNOW THAT, HISTORICALLY, THROUGHOUT MY 30 YEARS, IT
2 FLUCTUATED ANYWHERE FROM A PERIOD OF TIME WHERE DEPUTIES ARE
3 ABLE TO LEAVE CUSTODY AND GO TO PATROL IN, SAY, SIX MONTHS TO
4 18 MONTHS. AND THEN WE REACH PERIODS OF IN OUR HISTORY WHERE
5 THE AVERAGE TIME HAS BEEN FIVE TO SEVEN YEARS. CERTAINLY
6 THROUGH NO FAULT OF THEIRS, BUT IT'S JUST UNFORTUNATELY THE
7 WAY SOMETIMES THE SYSTEM BOGS DOWN.

8

9 **BERT DEIXLER:** ASSUMING THAT ONE OF THE PERIODS OF LENGTHENED
10 STAYS IN THE JAILS WERE DURING THE TIME YOU WERE THE ASSISTANT
11 SHERIFF AND SOME APPROPRIATE TIME WE CAN DEMONSTRATE, THERE
12 WERE STATISTICS IF YOU'D LIKE THAT THAT'S THE CASE, DO YOU
13 RECALL HEARING THAT THE LENGTH OF THE STAY IN CUSTODY
14 POSITIONS WAS IMPACTING THE MORALE OF THE DEPUTIES IN A
15 NEGATIVE WAY?

16

17 **UNDERSHERIFF PAUL TANAKA:** AGAIN, I DON'T RECALL IF I'VE HEARD
18 THAT SPECIFICALLY DURING THE PERIOD WHEN I WAS THE ASSISTANT
19 SHERIFF OVER CUSTODY, BUT I HAVE HEARD THAT THROUGHOUT MY
20 CAREER, THAT AN EXTENDED STAY, BECAUSE OF WHATEVER
21 CIRCUMSTANCES IN CUSTODY, HAS BEEN DETRIMENTAL TO MORALE OF
22 INDIVIDUALS.

23

24 **BERT DEIXLER:** DO YOU RECALL, DURING THE TIME THAT YOU SERVED
25 AS THE ASSISTANT SHERIFF, INVESTIGATING OR BEING CONCERNED

1 ABOUT THE IMPACT ON DEPUTY MORALE BASED UPON THE LONGER STAYS
2 THAT WERE OCCURRING AT THE TIME?

3

4 **UNDERSHERIFF PAUL TANAKA:** I DON'T HAVE A SPECIFIC RECOLLECTION
5 OF THAT.

6

7 **BERT DEIXLER:** YOU KNOW CAPTAIN JOHN CLARK, IS THAT CORRECT,
8 SIR?

9

10 **UNDERSHERIFF PAUL TANAKA:** I DO.

11

12 **BERT DEIXLER:** AM I CORRECT THAT CAPTAIN CLARK SERVED AS THE
13 CAPTAIN OF MCJ FROM AUGUST OF 2004 TO DECEMBER OF 2006?

14

15 **UNDERSHERIFF PAUL TANAKA:** I'LL HAVE TO TAKE YOUR WORD FOR THE
16 DATES, BUT HE WAS THE CAPTAIN AT MEN'S CENTRAL JAIL.

17

18 **BERT DEIXLER:** IN LATE 2005, CAPTAIN CLARK DEVELOPED A PLAN TO
19 ROTATE DEPUTIES THROUGH THE JAILS, IS THAT SO?

20

21 **UNDERSHERIFF PAUL TANAKA:** YES, I'M NOT SURE OF THE TIME FRAME,
22 BUT YES.

23

24 **BERT DEIXLER:** CAPTAIN CLARK HAS TESTIFIED UNDER OATH THAT THE
25 ROTATION PLAN WAS DESIGNED TO EFFECT COMPLACENCY, CAMARADERIE,

1 CROSS-TRAINING AND USE OF FORCE ISSUES THAT NORMAL METHODS HAD
2 NOT SUCCESSFULLY ADDRESSED. YOU LEARNED THAT AT SOME POINT,
3 CORRECT?

4

5 **UNDERSHERIFF PAUL TANAKA:** ABOUT ALL THE DETAILS OF WHY
6 CAPTAIN CLARK PROPOSED THAT PARTICULAR MOVE?

7

8 **BERT DEIXLER:** THE MOTIVATION FOR CAPTAIN CLARK'S SUGGESTION OF
9 A ROTATION PLAN IN LATE 2005.

10

11 **UNDERSHERIFF PAUL TANAKA:** I WAS NOT AWARE OF THAT BEING A
12 MOTIVATING FACTOR AT THE TIME THAT HE AND I DISCUSSED IT IN
13 2005 OR 6.

14

15 **BERT DEIXLER:** CAPTAIN CLARK HAS TESTIFIED UNDER OATH THAT, "WE
16 HAD CASES OF FORCE WHERE THERE WAS EITHER UNNECESSARY OR
17 EXCESSIVE FORCE OR FORCE THAT WASN'T REPORTED, AND THAT'S THE
18 KIND OF THING THAT WE WERE TRYING TO ADDRESS." -- SPEAKING OF
19 THE ROTATION PLAN. CAN YOU REMEMBER KNOWING THAT THAT WAS ONE
20 OF CAPTAIN CLARK'S MOTIVATIONS IN DESIGNING THE ROTATION PLAN,
21 SIR?

22

23 **UNDERSHERIFF PAUL TANAKA:** NO. THAT'S NOT WHAT WAS BROUGHT TO
24 MY ATTENTION. WHAT WAS BROUGHT TO MY ATTENTION IS THAT THERE
25 WERE A HANDFUL -- IS WHAT I GENERALLY REMEMBER THE DISCUSSION

1 SUGGESTING -- OF PROBLEM DEPUTIES WITH NO SPECIFIC INDICATION
2 OR REASON AS TO WHAT THE PROBLEM WAS. IT WAS JUST "I HAVE A
3 HANDFUL OF PROBLEM DEPUTIES THAT I NEED TO DEAL WITH" THAT HE
4 NEEDED TO DEAL WITH.

5

6 **BERT DEIXLER:** AND YOU DON'T REMEMBER CAPTAIN CLARK CONNECTING
7 THE HANDFUL OF PROBLEMS WITH DEPUTIES TO EXCESSIVE FORCE IN
8 THE JAILS?

9

10 **UNDERSHERIFF PAUL TANAKA:** NO, I DO NOT.

11

12 **BERT DEIXLER:** CAPTAIN CLARK HAS TESTIFIED UNDER OATH THAT THE
13 IDEA OF ROTATING DEPUTIES WAS TO CHANGE THE DYNAMIC OF
14 DEPUTIES INFLUENCING DEPUTIES. SIR, DO YOU RECALL CAPTAIN
15 CLARK EVER DISCUSSING THAT TOPIC WITH YOU?

16

17 **UNDERSHERIFF PAUL TANAKA:** NO.

18

19 **BERT DEIXLER:** WOULD YOU AGREE, SIR, THAT ADDRESSING THE
20 UNNECESSARY OR EXCESSIVE USE OF FORCE BY THE CAPTAIN IN CHARGE
21 OF MCJ AT THE TIME WAS AN IMPORTANT UNDERTAKING?

22

23 **UNDERSHERIFF PAUL TANAKA:** THAT WOULD BE A SIGNIFICANT CAUSE
24 FOR CONCERN.

25

1 **BERT DEIXLER:** SIR, IS IT CORRECT THAT BEFORE CAPTAIN CLARK
2 ANNOUNCED HIS ROTATION PLAN TO ADDRESS THE ISSUES, INCLUDING
3 THE USE OF FORCE, HE FOLLOWED THE CHAIN OF COMMAND?
4

5 **UNDERSHERIFF PAUL TANAKA:** NO, I DON'T.
6

7 **BERT DEIXLER:** DID YOU KNOW THAT BEFORE ANNOUNCING HIS PLAN,
8 THAT CAPTAIN CLARK RECEIVED THE APPROVAL OF HIS COMMANDER,
9 COMMANDER CONTE?
10

11 **UNDERSHERIFF PAUL TANAKA:** I BELIEVE I LEARNED THAT FROM YOU
12 DURING OUR PRIOR INTERVIEW.
13

14 **BERT DEIXLER:** ON OR ABOUT JUNE 25, 2012, IS THE FIRST TIME YOU
15 LEARNED THAT, SIR?
16

17 **UNDERSHERIFF PAUL TANAKA:** YES, THE LAST TIME WE MET.
18

19 **BERT DEIXLER:** AND DID YOU LEARN, SIR, EITHER ON JUNE 25TH OR
20 BEFORE THAT, THAT COMMANDER CONTE'S SUPERVISOR, CHIEF SAMMY
21 JONES, HAD ALSO APPROVED THE ROTATION PLAN?
22

23 **UNDERSHERIFF PAUL TANAKA:** I WAS UNAWARE THAT THAT PLAN HAD
24 BEEN MOVED UP THE CHAIN TO THE CHIEF'S LEVEL UNTIL WE HAD OUR
25 DISCUSSION IN JUNE.

1

2 **BERT DEIXLER:** AND, SIR, HAD YOU LEARNED PRIOR TO OUR
3 DISCUSSION IN JUNE THAT LARRY BROGAN, WHO HEADED EMPLOYEE
4 RELATIONS AT THE TIME, HAD APPROVED THE PLAN?

5

6 **UNDERSHERIFF PAUL TANAKA:** I WAS NOT AWARE.

7

8 **BERT DEIXLER:** DID YOU KNOW THAT COMMANDER CONTE BELIEVED THAT
9 HE HAD DISCUSSED AND RECEIVED YOUR APPROVAL PRIOR TO THE
10 ANNOUNCEMENT OF THE ROTATION PLAN?

11

12 **UNDERSHERIFF PAUL TANAKA:** I'M NOT AWARE OF THAT.

13

14 **BERT DEIXLER:** CAPTAIN CLARK ANNOUNCED THE ROTATION PLAN ABOUT
15 FEBRUARY 8TH OF 2006, DO YOU RECALL THAT GENERALLY?

16

17 **UNDERSHERIFF PAUL TANAKA:** NO.

18

19 **BERT DEIXLER:** LET'S SEE IF WE CAN ASSIST YOUR MEMORY. AFTER
20 THE PLAN WAS ANNOUNCED, YOU CERTAINLY REMEMBER RECEIVING
21 HUNDREDS OF VIRTUALLY IDENTICAL EMAILS FROM DEPUTIES
22 PROTESTING THE PLAN, CORRECT?

23

24 **UNDERSHERIFF PAUL TANAKA:** YES.

25

1 **BERT DEIXLER:** AND WOULD YOU AGREE WITH ME THAT DEPUTIES
2 DIRECTLY CONTACTING THE ASSISTANT SHERIFF WAS WAY OUTSIDE THE
3 CHAIN OF COMMAND?

4

5 **UNDERSHERIFF PAUL TANAKA:** AS YOU LAID THE GROUNDWORK THAT THIS
6 IS A PARAMILITARY ORGANIZATION, CERTAINLY PROTOCOL WOULD
7 SUGGEST THAT THAT MIGHT BE INAPPROPRIATE; HOWEVER, THIS
8 ORGANIZATION AND, IN PARTICULAR UNDER SHERIFF LEE BACA'S
9 LEADERSHIP, THAT IS NOT UNUSUAL. IT HAPPENS MORE OFTEN THAN --
10 MUCH MORE OFTEN THAN IN THE PAST.

11

12 **BERT DEIXLER:** IT HAPPENS MUCH MORE THAT THE CHAIN OF COMMAND
13 IS NOT ADHERED TO, IS THAT CORRECT?

14

15 **UNDERSHERIFF PAUL TANAKA:** OUR SHERIFF HAS BEEN VERY CLEAR FROM
16 DAY ONE, HE HAS TRIED TO FLATTEN OUT WHAT HE CALLS THE
17 BUREAUCRAT -- BUREAUCRACY AS MUCH AS POSSIBLE. HE EXPECTS ALL
18 OF US, REGARDLESS OF WHATEVER RANK WE ARE, TO LISTEN TO EACH
19 AND EVERY EMPLOYEE IF THEY SO ASK TO BE HEARD.

20

21 **BERT DEIXLER:** I SEE. WELL IN THIS PARTICULAR CASE, SIR, ISN'T
22 IT A FACT THAT YOU HAD PREVIOUSLY INVITED DEPUTIES TO GO
23 OUTSIDE THE CHAIN OF COMMAND AND ADDRESS ANY PROBLEMS THAT
24 THEY HAD WITH SUPERIORS, TO YOU DIRECTLY?

25

1 **UNDERSHERIFF PAUL TANAKA:** WHAT I HAVE ALWAYS DISCUSSED WITH
2 INDIVIDUALS IN THIS ORGANIZATION IS CONSISTENT WITH WHAT THE
3 SHERIFF HAS ASKED. IF YOU HAVE AN ISSUE, YOU ARE FREE TO
4 CONTACT ME, REGARDLESS. NOW, IT'S NOT -- IT ISN'T ALWAYS
5 APPROPRIATE AND IT CERTAINLY DOESN'T ALWAYS FOLLOW THE RULES
6 THAT YOU GO FROM DEPUTY TO SERGEANT, SERGEANT TALKS TO
7 LIEUTENANT, LIETENANT TALKS TO CAPTAIN, AND CAPTAIN TALKED TO
8 COMMANDER AND COMMANDER TALKS TO CHIEF, AND ONLY THE CHIEF CAN
9 TALK TO ME. BY THE TIME THE DEPUTY GETS THE INFORMATION HE
10 WANTED TO REACH SIX OR SEVEN LAYERS LATER, THE MESSAGE MAY OR
11 MAY NOT RESEMBLE WHAT THE DEPUTY WANTED TO COMMUNICATE. SO THE
12 SHERIFF HAS ALWAYS MADE IT CLEAR THAT IN ORDER FOR YOU TO FIND
13 OUT WHAT THE FACTS ARE, THEN THERE ARE TIMES THAT IT'S
14 APPROPRIATE TO GO DIRECTLY TO THE SOURCE.

15

16 **BERT DEIXLER:** IS IT WELL KNOWN WHEN A DEPUTY MAY CIRCUMVENT
17 THE CHAIN OF COMMAND BECAUSE THE DEPUTY HAS A PARTICULAR
18 INTEREST IN TALKING TO AN ASSISTANT SHERIFF OR AN UNDERSHERIFF
19 AND SKIPPING PAST THE CHAIN OF COMMAND, WHICH IS ESTABLISHED
20 IN THIS PARAMILITARY ORGANIZATION?

21

22 **UNDERSHERIFF PAUL TANAKA:** I KNOW YOU'RE STUCK ON THE
23 STRUCTURE. AND FOR SOMEONE WHO'S BEEN IN THE BUSINESS FOR 32
24 YEARS, I CERTAINLY UNDERSTAND AND CAN RELATE AND APPRECIATE
25 FORMALITIES OF OUR STRUCTURE, BUT I HAVE TO SAY AGAIN THAT OUR

1 SHERIFF HAS MADE IT VERY CLEAR THAT "OPEN DOOR" MEANS "OPEN
2 DOOR." AND THERE IS NO VIOLATION OF STRUCTURE OR PROTOCOLS IF
3 A PERSON, TWO OR THREE OR SIX RANKS BELOW, WANTS TO
4 COMMUNICATE WITH A COMMANDER OR EXECUTIVE OFFICER OF THIS
5 ORGANIZATION, INCLUDING THE SHERIFF.

6

7 **BERT DEIXLER:** I SEE. SO SOMETIMES THERE IS A CHAIN OF COMMAND
8 AND SOMETIMES THERE ISN'T?

9

10 **UNDERSHERIFF PAUL TANAKA:** THE CHAIN OF COMMAND IS ALWAYS
11 THERE. IT'S JUST NOT NECESSARILY FOLLOWED IN THE MANNER IN
12 WHICH YOU ARE SUGGESTING.

13

14 **BERT DEIXLER:** HERE'S A BOOK, A BLACK NOTEBOOK IN FRONT OF YOU.
15 AND IF YOU WOULD TURN YOUR ATTENTION, SIR, TO EXHIBIT NO. 2,
16 AND TELL ME WHEN YOU'VE FOUND IT. THAT'S AN EMAIL, WOULD YOU
17 AGREE, CIRCULATED AMONG THE DEPUTIES WITH A PROPOSAL FOR AN
18 EMAIL TO SEND TO YOU. DO YOU RECOGNIZE THAT?

19

20 **UNDERSHERIFF PAUL TANAKA:** NO, I DO NOT. I MEAN, I DON'T RECALL
21 SEEING THIS.

22

23 **BERT DEIXLER:** THE HIGHLIGHTED PORTION WHICH APPEARS ON THE
24 SCREEN DISCLOSES THAT THE AUTHOR OF THIS SAID, "IT IS YOUR
25 RESPONSIBILITY AS A CJ DEPUTY TO FORWARD THIS LETTER OR ONE OF

1 YOUR OWN TO ASSISTANT SHERIFF TANAKA. TOGETHER WE CAN MAKE A
2 DIFFERENCE." DOES SEEING THAT LINE REFRESH YOUR MEMORY THAT
3 YOU HAD RECEIVED A SERIES OF EMAILS ON THE TOPIC OF THE CLARK
4 ROTATION?

5

6 **UNDERSHERIFF PAUL TANAKA:** SIR, I DON'T MEAN TO SOUND
7 DISRESPECTFUL, BUT MY NAME GETS USED A LOT WHEN I DON'T KNOW.
8 THAT DOES NOT REFRESH MY MEMORY IN ANY WAY, SHAPE OR FORM
9 ABOUT EVER HAVING SEEN THIS MEMORANDUM DIRECTING PEOPLE TO
10 CONTACT ME.

11

12 **BERT DEIXLER:** WOULD YOU LOOK, THEN, AT THE NEXT IN ORDER,
13 EXHIBIT NUMBERED 3, AND TAKE A MOMENT. I'M GOING TO ASK YOU
14 WHETHER THIS IS AN EXAMPLE OF HUNDREDS OF EMAILS THAT YOU
15 RECEIVE FROM DEPUTIES IN OR ABOUT FEBRUARY OF 2006 ON THE
16 TOPIC OF THE ROTATION PLAN.

17

18 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER THE EXACT WORDING
19 OF THE LETTER, BUT AS I MENTIONED TO YOU IN OUR JUNE MEETING,
20 I DO RECALL RECEIVING A COUPLE HUNDRED EMAILS FROM PERSONNEL
21 THAT WERE ASSIGNED TO MEN'S CENTRAL JAIL.

22

23 **BERT DEIXLER:** SIR, THE COUPLE OF HUNDRED EMAILS, AS I
24 UNDERSTAND IT, BEGAN WITH THE LINE, "YOU TOLD US AT A BRIEFING
25 THAT IF THERE WERE ANY PROBLEMS INVOLVING THE LEADERSHIP OF

1 MEN'S CENTRAL JAIL, TO CONTACT YOU." DO YOU RECALL HAVING A
2 MEETING WITH SHERIFF'S DEPUTIES IN WHICH YOU INVITED THEM TO
3 CONTACT YOU IN THE EVENT THEY PERCEIVED ANY PROBLEMS INVOLVING
4 THE LEADERSHIP OF THE MEN'S CENTRAL JAIL?

5

6 **UNDERSHERIFF PAUL TANAKA:** NO.

7

8 **BERT DEIXLER:** DO YOU HAVE ANY REASON TO THINK THAT THE 200 OR
9 SO DEPUTIES WHO SENT YOU THOSE SIMILAR EMAILS DIDN'T ATTEND
10 SUCH A MEETING?

11

12 **UNDERSHERIFF PAUL TANAKA:** NO, I DON'T HAVE ANY DOUBT. THE 200
13 EMAILS THAT I RECEIVED WERE PRIOR -- WERE PRIOR TO MY GOING TO
14 CJ TO HAVE A MEETING WITH THE DEPUTIES.

15

16 **BERT DEIXLER:** YES, I UNDERSTAND THAT.

17

18 **UNDERSHERIFF PAUL TANAKA:** NOW, THE PROBLEM I HAVE WITH THE
19 STATEMENT IS, "IF YOU HAVE ANY PROBLEMS WITH THE LEADERSHIP."
20 I DON'T INVITE THAT KIND OF CONVERSATION. I SAY, WHEREVER I'VE
21 TRAVELED AROUND, IF YOU NEED SOMETHING AND YOU'RE NOT ABLE TO
22 TAKE CARE OF IT WITHIN YOUR OWN PARTICULAR AUTHORITY, THEN
23 YOU'RE FREE TO CONTACT ME FOR ASSISTANCE. BUT I DO NOT INVITE
24 CRITICISM OF THE LEADERSHIP OF THIS ORGANIZATION.

25

1 **BERT DEIXLER:** SO THE STATEMENT HERE, "YOU TOLD US AT A
2 BRIEFING THAT IF THERE WERE ANY PROBLEMS INVOLVING THE
3 LEADERSHIP OF MEN'S CENTRAL JAIL," YOU DON'T THINK THAT'S A
4 CORRECT STATEMENT OF WHAT YOU SAID TO THE HUNDREDS OF DEPUTIES
5 WHO SENT YOU THIS EMAIL, IS THAT CORRECT?

6

7 **UNDERSHERIFF PAUL TANAKA:** THAT IS NOT WHAT I WOULD HAVE SAID,
8 SIR.

9

10 **BERT DEIXLER:** SO THEY GOT IT WRONG AND YOUR MEMORY IS WHAT IT
11 IS, CORRECT?

12

13 **UNDERSHERIFF PAUL TANAKA:** I'M NOT GOING TO SAY THEY GOT IT
14 WRONG. MAYBE THEIR INTERPRETATION OF WHAT I SAID IS WHAT LED
15 THEM TO WRITE THAT. BUT I'M JUST SAYING TO YOU THAT'S NOT HOW
16 I ADDRESS FOLKS.

17

18 **BERT DEIXLER:** I SEE. WOULD IT BE AT LEAST FAIR TO SAY THAT TO
19 THE EXTENT THIS IS THE MESSAGE YOU COMMUNICATED, YOU CERTAINLY
20 DIDN'T EXPRESS TO THEM THE NEED TO DISCUSS PROBLEMS WITH THE
21 LEADERSHIP OF THE MEN'S CENTRAL JAIL THROUGH AN ORDINARY CHAIN
22 OF COMMAND?

23

1 **UNDERSHERIFF PAUL TANAKA:** OKAY. I MISSED YOU ON THAT BECAUSE
2 YOU SAID TO THE EXTENT THAT I AGREE THAT I SENT THIS MESSAGE
3 AND I DID NOT.

4

5 **BERT DEIXLER:** YOU, IN SUBSTANCE, EXPLAINED TO DEPUTIES IF THEY
6 HAD AN ISSUE OR A PROBLEM, THAT THEY COULD CONTACT YOU; DID I
7 UNDERSTAND THAT CORRECTLY?

8

9 **UNDERSHERIFF PAUL TANAKA:** IN ALL THE DISCUSSIONS I'VE HAD,
10 WHEREVER I GO IN THE ORGANIZATION, I GENERALLY LEAVE THEM WITH
11 THE SAME THOUGHT, THAT IF YOU HAVE A NEED FOR ASSISTANCE AND I
12 CAN BE OF ASSISTANCE, THEN PLEASE FEEL FREE TO CONTACT ME. I
13 DO NOT INVITE OTHERS TO CONTACT ME FOR THE PURPOSES OF
14 CRITICIZING THEIR BOSSES.

15

16 **BERT DEIXLER:** NOTWITHSTANDING HOW IT WAS PERCEIVED HERE?

17

18 **UNDERSHERIFF PAUL TANAKA:** SIR, I CAN'T CONTROL WHAT OTHER
19 PEOPLE WRITE OR THINK, OR THINK THEY'VE HEARD.

20

21 **BERT DEIXLER:** WHEN YOU GOT THESE HUNDREDS OF EMAILS FROM THE
22 DEPUTIES, AM I CORRECT THAT YOU DIDN'T SHOW THEM TO ANYONE IN
23 THE CHAIN OF COMMAND, EITHER BELOW YOU OR ABOVE YOU?

24

25 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER.

1

2 **BERT DEIXLER:** YOU CERTAINLY DIDN'T SHOW THESE EMAILS TO
3 SHERIFF BACA, CORRECT?

4

5 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER.

6

7 **BERT DEIXLER:** YOU CERTAINLY DIDN'T SHOW THE EMAILS TO CAPTAIN
8 CLARK, IS THAT TRUE?

9

10 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER.

11

12 **BERT DEIXLER:** IN FACT, YOU DIDN'T EVEN SPEAK TO CAPTAIN CLARK
13 BEFORE YOU ORGANIZED THE MEETING WITH THE DEPUTIES AT THE
14 MEN'S CENTRAL JAIL, ISN'T THAT TRUE?

15

16 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER.

17

18 **BERT DEIXLER:** DO YOU THINK HAVING A MEETING WITH DEPUTIES
19 ABOUT A POLICY ANNOUNCED BY A SUPERVISOR SUCH AS CAPTAIN CLARK
20 COULD BE PERCEIVED AS UNDERMINING THE CAPTAIN'S AUTHORITY?

21

22 **UNDERSHERIFF PAUL TANAKA:** CERTAINLY ANYTHING IS POSSIBLE
23 PERCEPTION-WISE.

24

1 **BERT DEIXLER:** YOU ARRANGED A MEETING WITH THE DEPUTIES AND YOU
2 DIDN'T INFORM CAPTAIN CLARK THAT YOU HAD ARRANGED SUCH A
3 MEETING, ISN'T THAT ALSO TRUE?

4

5 **UNDERSHERIFF PAUL TANAKA:** I THINK YOU JUST ASKED ME THAT, SIR.
6 I DON'T REMEMBER.

7

8 **BERT DEIXLER:** AM I CORRECT THAT YOU MADE NO EFFORT TO LOOK AT
9 ANY OF THE MEMORANDA OR WRITINGS THAT CAPTAIN CLARK HAD
10 PREPARED IN CONNECTION WITH THE CREATION AND ISSUANCE OF THE
11 ROTATION PLAN?

12

13 **UNDERSHERIFF PAUL TANAKA:** I BELIEVE, IF I RECALL PROPERLY IN
14 OUR LAST MEETING, IS -- I WAS UNAWARE OF ALL OF THOSE
15 DOCUMENTS UNTIL YOU SHOWED THEM TO ME, SO IT WAS -- I DON'T
16 RECALL KNOWING ABOUT THEM AT THAT PARTICULAR TIME.

17

18 **BERT DEIXLER:** YOU DIDN'T KNOW WHAT THE UNDERLYING POLICY
19 ISSUES WERE THAT CAPTAIN CLARK WAS TRYING TO ADDRESS, IS THAT
20 CORRECT?

21

22 **UNDERSHERIFF PAUL TANAKA:** I'M SORRY?

23

1 **BERT DEIXLER:** YOU DIDN'T KNOW WHAT UNDERLYING POLICY ISSUES
2 CAPTAIN CLARK WAS TRYING TO ADDRESS BY THE ROTATION PLAN, IS
3 THAT TRUE?

4

5 **UNDERSHERIFF PAUL TANAKA:** IN A DISCUSSION THAT HE AND I HAD,
6 MY RECOLLECTION IS THAT HE WAS TRYING TO DEAL WITH A HANDFUL
7 OF PROBLEM DEPUTIES. AND THAT WAS THE EXTENT TO WHICH I
8 REMEMBER HE EXPRESSED THE PROBLEMS WERE.

9

10 **BERT DEIXLER:** YOU CONVENED THE MEETING AT THE MEN'S CENTRAL
11 JAIL, CORRECT?

12

13 **UNDERSHERIFF PAUL TANAKA:** THE MEETING?

14

15 **BERT DEIXLER:** WITH THE DEPUTIES.

16

17 **UNDERSHERIFF PAUL TANAKA:** YES.

18

19 **BERT DEIXLER:** AND, IN FACT, THERE WAS A SUPERVISOR WHO HAD
20 LEARNED OF THE MEETING AND ATTEMPTED TO ATTEND THE MEETING, IS
21 THAT TRUE?

22

23 **UNDERSHERIFF PAUL TANAKA:** POSSIBLY, I DON'T KNOW.

24

1 **BERT DEIXLER:** YOU WOULDN'T DISPUTE THE FACT THAT YOU ORDERED
2 THAT SUPERVISOR TO LEAVE THE MEETING, WOULD YOU?

3

4 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER, BUT IT'S POSSIBLE.

5

6 **BERT DEIXLER:** AT THE MEETING, YOU TOLD DEPUTIES THAT YOU WERE
7 GOING TO SHUT DOWN THE POLICY, ISN'T THAT RIGHT?

8

9 **UNDERSHERIFF PAUL TANAKA:** I DO NOT -- I DON'T REMEMBER THE
10 DISCUSSION THAT I HAD WITH THE DEPUTIES. WE'RE TALKING SIX
11 YEARS, 6-1/2 YEARS AGO. I REALLY DO NOT HAVE A RECOLLECTION OF
12 WHAT WE DISCUSSED THERE.

13

14 **BERT DEIXLER:** DO YOU REMEMBER BELIEVING THAT THE REASON TO
15 SHUT DOWN THE POLICY AS ANNOUNCED BY CAPTAIN CLARK WAS, YOU
16 WERE CONCERNED IT WOULD DISRUPT THE SCHEDULES OF THE DEPUTIES?

17

18 **UNDERSHERIFF PAUL TANAKA:** WHAT CAPTAIN CLARK AND I DISCUSSED
19 WAS NOT THE DISRUPTION OF JUST SCHEDULES. AS I SUGGESTED TO
20 HIM, WHEN YOU HAVE A HANDFUL OF PROBLEM DEPUTIES, YOU DEAL
21 WITH THEM. YOU DO NOT MASS-PUNISH AN ENTIRE FACILITY OF 650 OR
22 700 DEPUTIES BY ROTATING THEM. AND IT WAS MY UNDERSTANDING --
23 I KNOW THAT YOU'VE SINCE CORRECTED ME AND SHOWN ME A MEMO THAT
24 SAID IT DID NOT HAVE TO DO WITH CHANGING SHIFTS -- BUT I WAS
25 UNDER THE IMPRESSION, BASED ON MY DISCUSSION WITH CAPTAIN

1 CLARK, THAT THEY WERE GOING TO BE ROTATING DEPUTIES EVERY TWO
2 MONTHS TO DIFFERENT SHIFTS. SO TWO MONTHS ON DAY SHIFT, TWO
3 MONTHS ON PM'S, TWO MONTHS ON GRAVEYARDS AND START ALL OVER
4 AGAIN. AND TO ME THAT WAS UNCONSCIONABLE. AND THERE IS NO WAY
5 THAT WE CAN TREAT OUR FOLKS IN THAT MANNER. HOW CAN YOU HAVE A
6 LIFE? HOW CAN YOU RAISE A FAMILY IF YOU'RE CHANGING SHIFTS
7 EVERY TWO MONTHS? THERE'S NO WAY THAT YOU CAN HAVE A NORMAL
8 LIFE, OR ANY LIFE, FOR THAT MATTER. AND THAT WAS MY
9 UNDERSTANDING. AND SO MY DIRECTION TO HIM WAS: IF YOU HAVE A,
10 QUOTE, "HANDFUL OF PROBLEM DEPUTIES," THEN DEAL WITH THEM. DO
11 NOT AFFECT THE LIVES OF THE ENTIRE FACILITY FOR THE SAKE OF A
12 HANDFUL OF PROBLEM FOLKS.

13

14 **BERT DEIXLER:** MR. TANAKA, ISN'T IT TRUE THAT YOU DID NOT SPEAK
15 TO CAPTAIN CLARK BEFORE YOU ANNOUNCED TO THE DEPUTIES THAT THE
16 POLICY WAS GOING TO BE VETOED?

17

18 **UNDERSHERIFF PAUL TANAKA:** I MET WITH THE DEPUTIES TO FIND OUT
19 WHAT THE PROBLEM IS, SIR. IN MY 32 YEARS, I'VE RECEIVED
20 COMPLAINTS FROM PEOPLE. I'VE GOTTEN EMAILS, I'VE GOTTEN PHONE
21 CALLS, I'VE HAD DROP-INS. INDIVIDUALS AND A HANDFUL OF FOLKS.
22 I HAVE NEVER RECEIVED FROM ONE UNIT OVER 200 COMPLAINTS.
23 THERE'S NO EGREGIOUS VIOLATION OF CHAIN OF COMMAND, IT'S AN
24 OBLIGATION OF MY POSITION TO GO TO THAT FACILITY AND FIND OUT
25 WHAT IS WRONG. AND THAT IS EXACTLY WHAT I DID. ONCE I WAS ABLE

1 TO DO THAT, THE NEXT OBVIOUS SEQUENCE OF EVENTS SHOULD BE THAT
2 I WOULD SIT DOWN WITH THE CAPTAIN AND HIS COMMAND STAFF TO
3 DISCUSS WHAT I HAD LEARNED, TRUE OR NOT, THESE WERE THE
4 FEELINGS OF NEARLY 1/3 OF THIS FACILITY.

5

6 **BERT DEIXLER:** SO TRUE OR NOT, YOU DECIDED THAT YOU WERE GOING
7 TO VETO THE ROTATION PLAN, AND YOU ANNOUNCED IT TO THE
8 DEPUTIES BEFORE SPEAKING TO THE CAPTAIN; IS THAT RIGHT?

9

10 **UNDERSHERIFF PAUL TANAKA:** I CAN'T SAY THAT. I DON'T KNOW.

11

12 **BERT DEIXLER:** LET'S TAKE A LOOK AT EXHIBIT NO. 4 IN THE BOOK.
13 AND THAT IS THE CLARK ROTATION MEMO OF FEBRUARY 8, 2006. AND
14 PARTICULARLY OF INTEREST, ALTHOUGH YOU'RE WELCOME TO READ THE
15 ENTIRE DOCUMENT, IS THE HIGHLIGHTED "I HAVE INSTRUCTED
16 SCHEDULING TO BEGIN A JOB ROTATION ON ALL SHIFTS." DO YOU SEE
17 THAT PORTION? THIS WAS THE MEMO WHICH CAPTAIN CLARK ISSUED TO
18 ANNOUNCE THIS JOB ROTATION IN THE MEN'S CENTRAL JAIL, IS THAT
19 WHAT YOU UNDERSTAND?

20

21 **UNDERSHERIFF PAUL TANAKA:** THAT IS WHAT YOU HAVE BROUGHT TO MY
22 ATTENTION.

23

1 **BERT DEIXLER:** IN FACT, SIR, BEFORE YOU HAD YOUR MEETING WITH
2 THE DEPUTIES AND THEN A FOLLOW-UP MEETING WITH THE
3 SUPERVISORS, YOU HAD NEVER READ THIS MEMO; CORRECT?

4

5 **UNDERSHERIFF PAUL TANAKA:** I DON'T RECALL SEEING THIS MEMO
6 PRIOR TO YOU SHOWING IT TO ME LAST MONTH.

7

8 **BERT DEIXLER:** AND WHAT THE PLAN THAT WAS PUBLICLY ANNOUNCED
9 SAID WAS: "YOU WILL REMAIN ON YOUR ASSIGNED SHIFT, AND
10 SCHEDULING WILL MAKE EVERY ATTEMPT TO LEAVE YOUR SCHEDULE IN
11 PLACE SO THAT YOU WILL CONTINUE TO HAVE THE NORMAL SCHEDULE
12 ROTATION YOU HAVE NOW." SO ON JUNE 25TH, WHEN YOU SAW THAT FOR
13 THE FIRST TIME, NOTWITHSTANDING THE DECISIONS YOU HAD MADE,
14 YOU WERE QUITE SURPRISED TO LEARN THAT; CORRECT?

15

16 **UNDERSHERIFF PAUL TANAKA:** I WAS.

17

18 **BERT DEIXLER:** AND NOTWITHSTANDING THAT SURPRISE, DO YOU THINK
19 YOU MADE THE RIGHT DECISION IN VETOING THE ROTATION PLAN BASED
20 UPON THE INFORMATION YOU HAD, SIR?

21

22 **UNDERSHERIFF PAUL TANAKA:** BASED ON THE VERBAL CONVERSATIONS
23 THAT I HAD WITH CAPTAIN CLARK, MY UNDERSTANDING WAS COMPLETELY
24 DIFFERENT THAN THIS. NOW, IF THIS HAD BEEN MORE CLEARLY
25 COMMUNICATED TO ME, OR IF I HAD SEEN THIS MEMORANDUM, YOU'RE

1 RIGHT, THERE MIGHT HAVE BEEN A CHANGE IN MY DECISION ABOUT NOT
2 WANTING -- LETTING HIM PROCEED WITH THE ROTATION PLAN.

3

4 **BERT DEIXLER:** IS IT YOUR VIEW THAT CAPTAIN CLARK DIDN'T EITHER
5 UNDERSTAND OR EXPRESS CLEARLY ENOUGH HIS OWN PLAN?

6

7 **UNDERSHERIFF PAUL TANAKA:** THAT'S POSSIBLE. IT'S POSSIBLE,
8 ALSO, THAT MAYBE I MISUNDERSTOOD.

9

10 **BERT DEIXLER:** MAY I ASK WHETHER, AFTER ANNOUNCING THE END OF
11 THIS PLAN, THAT YOU RECEIVED A THANK YOU GIFT FROM SHERIFF'S
12 DEPUTIES?

13

14 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER.

15

16 **BERT DEIXLER:** DO YOU REMEMBER RECEIVING A BOX OF CIGARS AS A
17 THANK YOU GIFT FROM SHERIFF'S DEPUTIES FOR ENDING THIS
18 ROTATION PLAN?

19

20 **UNDERSHERIFF PAUL TANAKA:** NO, I DO NOT.

21

22 **BERT DEIXLER:** LET'S SEE ABOUT A MEETING THAT YOU HAD WITH
23 SUPERVISORS AFTER YOUR MEETING WITH THE DEPUTIES. DO YOU
24 RECALL GENERALLY THAT YOU HAD SUCH A MEETING, IS THAT RIGHT?

25

1 **UNDERSHERIFF PAUL TANAKA:** WITH THE SUPERVISORS AT MEN'S
2 CENTRAL JAIL?

3

4 **BERT DEIXLER:** YES, SIR.

5

6 **UNDERSHERIFF PAUL TANAKA:** YES.

7

8 **BERT DEIXLER:** AND AM I CORRECT THAT AT THAT MEETING THAT THE
9 ROTATION PLAN WAS DEAD, CORRECT?

10

11 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER.

12

13 **BERT DEIXLER:** DO YOU REMEMBER THAT CAPTAIN CLARK ASKED TO
14 SPEAK AS YOU WERE MAKING YOUR PRESENTATION TO THE SUPERVISORS,
15 AND YOU TOLD HIM TO BE QUIET AND SIT DOWN?

16

17 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER THAT.

18

19 **BERT DEIXLER:** DOES THAT SOUND LIKE SOMETHING YOU MIGHT HAVE
20 SAID?

21

22 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER.

23

1 **BERT DEIXLER:** DO YOU THINK IF YOU SAID SUCH A THING THAT THAT
2 COULD BE PERCEIVED AS UNDERMINING THE AUTHORITY OF A LEADER IN
3 FRONT OF HIS SUBORDINATES?

4

5 **UNDERSHERIFF PAUL TANAKA:** WELL, IT CERTAINLY CAN, BUT I DON'T
6 HAVE ANY RECOLLECTION OF THAT AND IT WOULDN'T HAVE BEEN MY
7 INTENT TO ATTEMPT TO UNDERMINE HIM IN FRONT OF HIS PEOPLE.

8

9 **BERT DEIXLER:** IN ADDITION TO WHATEVER EXCHANGE YOU MIGHT HAVE
10 HAD WITH CAPTAIN CLARK, AND ASSUMING HE REMEMBERS THE EXCHANGE
11 DIFFERENTLY THAN YOU DO, SIR, YOU HAD AN EXCHANGE WITH
12 SERGEANT POLLARO, IS THAT TRUE?

13

14 **UNDERSHERIFF PAUL TANAKA:** YES.

15

16 **BERT DEIXLER:** AND IN THAT EXCHANGE YOU REFERRED TO THE
17 SERGEANT, IN FRONT OF OTHER SUPERVISORS, AS A DINOSAUR, IS
18 THAT CORRECT?

19

20 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER THAT.

21

22 **BERT DEIXLER:** YOU CAN ASSUME THAT SERGEANT POLLARO REMEMBERS
23 IT QUITE WELL. DO YOU HAVE ANY REASON TO BELIEVE HIS MEMORY IS
24 WRONG?

25

1 **UNDERSHERIFF PAUL TANAKA:** I'M NOT GOING TO SUGGEST OR ASSUME
2 THAT HIS MEMORY IS ANY BETTER THAN MINE.

3

4 **BERT DEIXLER:** YOU EXPLAINED TO THE SUPERVISORS AT THE MEETING
5 THAT THE LASD HAD A NEW GENERATION OF DEPUTIES, CORRECT?

6

7 **UNDERSHERIFF PAUL TANAKA:** I DO NOT SPECIFICALLY REMEMBER THAT.

8

9 **BERT DEIXLER:** IS IT TRUE THAT WHAT YOU SAID WAS "THIS NEW
10 GENERATION OF DEPUTIES HAD TO BE CODDLED."

11

12 **UNDERSHERIFF PAUL TANAKA:** NO, ABSOLUTELY NOT.

13

14 **BERT DEIXLER:** DO YOU KNOW THAT THERE'S BEEN TESTIMONY WHICH
15 SAID, NOT ONLY DID YOU SAY THESE "NEW DEPUTIES HAD TO BE
16 CODDLED" BUT THEY SHOWED HOW YOU MOVED YOUR ARMS TO INDICATE
17 CODDLING. DID THOSE WITNESSES GET IT WRONG?

18

19 **UNDERSHERIFF PAUL TANAKA:** SIR, YOU CAN BRING THEM HERE, YOU
20 CAN BRING ME HERE. YOU CAN PUT US ON A LIE BOX. YOU CAN ASK ME
21 THAT QUESTION. I HAVE NEVER, EVER SUGGESTED INDIRECTLY OR
22 STATED DIRECTLY THAT IT IS THE JOB OF A SUPERVISOR TO CODDLE A
23 DEPUTY. I WILL TELL YOU WHAT I REMEMBER GENERALLY ABOUT THE
24 CONVERSATION WITH SERGEANT POLLARO BECAUSE HE STOOD UP AND
25 MADE HIMSELF KNOWN AND HE WAS VERY RIGID. HE SAID, "THE

1 PROBLEM WITH DEPUTIES TODAY IS YOU TELL THEM WHAT TO DO AND
2 THEY DON'T LISTEN." AND I SAID WELL, YOU KNOW WE'RE LIVING IN
3 A GENERATION AND WE'RE WORKING WITH DEPUTIES THAT ARE PROBABLY
4 1-1/2 OR TWO GENERATIONS BEHIND YOU. I SAID WE DON'T LIVE IN A
5 GENERATION ANYMORE WHERE YOU TELL A YOUNG PERSON "JUST DO IT
6 BECAUSE I SAID SO" EVEN IF YOU ARE IN A PARAMILITARY
7 ORGANIZATION. THIS IS A DIFFERENT ERA, AND YOU, AS A
8 SUPERVISOR, HAVE A GREATER OBLIGATION TO LEARN HOW TO
9 COMMUNICATE WITH THESE YOUNG FOLKS IN ORDER TO GET THEM TO DO
10 THE JOB THAT WE NEED THEM TO DO. THAT WAS THE SUM AND
11 SUBSTANCE OF WHAT MY CONVERSATION WITH SERGEANT POLLARO, AND
12 HE DID NOT APPRECIATE THAT.

13

14 **BERT DEIXLER:** CAN YOU RECALL, BEFORE ATTENDING THE MEETING
15 WITH THE SUPERVISORS, HAVING THE IMPRESSION THAT ONE OF THE
16 SUPERVISORS HAD REFERRED TO A CLIQUE OF DEPUTIES IN THE JAIL
17 AS HAVING ACTED LIKE THEY WERE GANG MEMBERS?

18

19 **UNDERSHERIFF PAUL TANAKA:** I'M SORRY. CAN YOU ASK THAT ONE MORE
20 TIME? I'M SORRY.

21

22 **BERT DEIXLER:** SURE. CAN YOU RECALL BEFORE THE MEETING WITH THE
23 SUPERVISORS AT MEN'S CENTRAL JAIL HAVING HEARD OR HAVING HAD
24 THE IMPRESSION THAT SOME SUPERVISOR HAD REFERRED TO A CLIQUE

1 OF DEPUTIES IN THE MEN'S CENTRAL JAIL AS ACTING LIKE GANG
2 MEMBERS.

3

4 **UNDERSHERIFF PAUL TANAKA:** NO.

5

6 **BERT DEIXLER:** CAN YOU RECALL RAISING YOUR VOICE -- IN
7 PARTICULAR DIRECTING COMMENTS TO LIEUTENANT GONZALEZ -- IN
8 WHICH YOU SAID WORDS TO THE EFFECT OF "HOW DARE HE AND ANY
9 SUPERVISOR CALL A DEPUTY A GANG MEMBER"?

10

11 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER HAVING ANY
12 INTERACTION WITH LIEUTENANT GONZALEZ.

13

14 **BERT DEIXLER:** DO YOU REMEMBER AT LEAST BEING AWARE AT THAT
15 MEETING WITH THE SUPERVISORS THAT THERE WAS A WIDESPREAD
16 CONCERN AMONG THE SUPERVISORS ABOUT MISCONDUCT ATTRIBUTABLE TO
17 THE ACTIONS OF CLIQUES IN THE MEN'S CENTRAL JAIL?

18

19 **UNDERSHERIFF PAUL TANAKA:** SIR, I GAVE THEM THE OPPORTUNITY TO
20 BRING TO MY ATTENTION ANYTHING THAT THEY SO DESIRED. NOBODY,
21 WITH THE EXCEPTION, MY RECOLLECTION, ABOUT THE SERGEANT WHO
22 BROUGHT UP THE ISSUE OF HOW HE BELIEVED DEPUTIES SHOULD
23 CONDUCT THEMSELVES. THERE WAS NOTHING MORE MEMORABLE OR SO
24 CONCERNING THAT I WOULD REMEMBER IT TODAY, AND CERTAINLY I
25 DON'T REMEMBER ANYBODY BRINGING UP, EVER, AT ANY RANK DURING

1 THAT PERIOD OF TIME THAT WE HAD A PROBLEM WITH GANGS OR
2 CLIQUES OR EXCESSIVE FORCE OR ANYTHING ELSE THAT WOULD HAVE
3 PROMPTED SWIFT ACTION. NONE OF THAT WAS EVER BROUGHT TO MY
4 ATTENTION.

5

6 **BERT DEIXLER:** FROM JANUARY 2005 UNTIL JUNE OF 2007, WHEN YOU
7 WERE THE ASSISTANT SHERIFF IN CHARGE OF CUSTODY, AT NO TIME
8 DID ANYBODY MENTION TO YOU OR WERE YOU EVEN AWARE THAT THERE
9 WAS A PROBLEM IN THE MEN'S CENTRAL JAIL WITH EXCESSIVE FORCE,
10 CORRECT?

11

12 **UNDERSHERIFF PAUL TANAKA:** THAT WAS NEVER BROUGHT TO MY
13 ATTENTION AS A PROBLEM.

14

15 **BERT DEIXLER:** YOU WEREN'T AWARE OF SUCH A PROBLEM IF IT
16 EXISTED, CORRECT?

17

18 **UNDERSHERIFF PAUL TANAKA:** IT WAS NEVER BROUGHT TO MY
19 ATTENTION.

20

21 **BERT DEIXLER:** YOU WEREN'T AWARE OF THE EXISTENCE OF CLIQUES IN
22 MEN'S CENTRAL JAIL DURING THE SAME TIME PERIOD, CORRECT?

23

24 **UNDERSHERIFF PAUL TANAKA:** THAT WAS NEVER, EVER MENTIONED AS A
25 PROBLEM IN THE COUNTY JAIL.

1

2 **BERT DEIXLER:** THE ONLY TIME YOU WERE MADE AWARE OF DISCIPLINE
3 ISSUES IS WHEN SERGEANT POLLARO TOLD YOU, YOU GIVE AN ORDER TO
4 A DEPUTY THESE DAYS AND THEY DON'T LISTEN TO YOU? THAT'S THE
5 ONLY INFORMATION YOU HAD RECEIVED ABOUT THERE BEING DISCIPLINE
6 ISSUES IN THE JAIL, IS THAT RIGHT?

7

8 **UNDERSHERIFF PAUL TANAKA:** THAT WASN'T REALLY EVEN A DISCIPLINE
9 ISSUE. IT WAS MORE A DIFFERENCE OF PHILOSOPHY IN HOW HE
10 BELIEVED OUR YOUNG FOLKS SHOULD REACT TO THEIR LEADERSHIP.

11

12 **BERT DEIXLER:** SO YOU DIDN'T PERCEIVE ANY DISCIPLINE PROBLEM AT
13 THE TIME, EITHER, IS THAT TRUE?

14

15 **UNDERSHERIFF PAUL TANAKA:** THE DISCUSSION WASN'T ABOUT
16 DISCIPLINE, SIR. IT WAS JUST ABOUT HIS FRUSTRATION AND WHEN HE
17 ASKED OR TOLD A DEPUTY TO DO SOMETHING, THEY SHOULD DO IT
18 BECAUSE HE WAS A SERGEANT. THAT WASN'T WHAT OUR DISCUSSION
19 CENTERED AROUND.

20

21 **BERT DEIXLER:** AFTER YOU VETOED CAPTAIN CLARK'S ROTATION PLAN,
22 DID YOU REASSIGN HEBERT AND SUTTON TO MEN'S CENTRAL JAIL?

23

1 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER EXACTLY THE TIME
2 FRAME OF WHEN I ASKED THOSE THREE INDIVIDUALS TO GO TO CENTRAL
3 JAIL.

4

5 **BERT DEIXLER:** WOULD IT SURPRISE YOU TO KNOW THAT IT WAS ALMOST
6 IMMEDIATELY AFTER THE MEETING WITH THE SUPERVISORS THAT YOU
7 HAD CONTACTED THESE GENTLEMEN AND ASKED THEM TO ASSUME THIS
8 RESPONSIBILITY?

9

10 **UNDERSHERIFF PAUL TANAKA:** IT WOULDN'T SURPRISE ME.

11

12 **BERT DEIXLER:** AND AM I CORRECT, SIR, THAT YOU RECEIVED DIRECT
13 REPORTS FROM THOSE THREE LIEUTENANTS OUTSIDE THE CHAIN OF
14 COMMAND?

15

16 **UNDERSHERIFF PAUL TANAKA:** I DID GO DOWN TO MEN'S CENTRAL JAIL
17 ON A COUPLE OF OCCASIONS AFTER THEY WERE ASSIGNED THERE. I
18 REMEMBER SHOWING UP ON THE WEEKEND AND GOING OVER TO VISIT THE
19 JAIL AND, IN PARTICULAR, THE WATCH COMMANDER LIEUTENANTS TO
20 FIND OUT HOW THE OPERATION WAS GOING AT CENTRAL JAIL.

21

22 **BERT DEIXLER:** YOU REGARDED THESE THREE LIEUTENANTS AS
23 PERSONALLY LOYAL TO YOU, IS THAT TRUE?

24

25 **UNDERSHERIFF PAUL TANAKA:** I'M SORRY?

1

2 **BERT DEIXLER:** DID YOU REGARD THESE THREE LIEUTENANTS AS
3 PERSONALLY LOYAL TO YOU, SIR?

4

5 **UNDERSHERIFF PAUL TANAKA:** NO, SIR, ABSOLUTELY NOT. THESE WERE
6 THREE INDIVIDUALS WHO HAD VERY GOOD REPUTATIONS IN THE
7 ORGANIZATION -- AND STILL DO. THEY WERE KNOWN AS PEOPLE WHO
8 WERE OUTSTANDING LEADERS, WHO COULD GET PEOPLE TO DO THE JOB
9 THEY WANT, THAT NEEDED TO BE DONE IN THE RIGHT MANNER. AND AS
10 I MENTIONED TO THE SHERIFF AT THAT TIME WHEN THESE TRANSFERS
11 TOOK PLACE, THAT'S THE TYPE OF LEADERSHIP THAT THAT PARTICULAR
12 FACILITY -- MORE THAN ANY OTHER FACILITY OR ANY OTHER ONE OF
13 OUR 70 UNITS - NEEDS. THE STRONGEST SUPERVISION AND LEADERS
14 THAT WE CAN POSSIBLY ASSIGN THERE. AND THAT WAS THE START OF
15 IT. AND WHEN I ASKED THEM TO GO THERE, I TOLD THEM THE PROBLEM
16 WITH THE WAY WE DO BUSINESS AROUND HERE IS WE TRANSFER OUR
17 GOOD PEOPLE IN, AND IN A YEAR OR LESS THEY'RE GONE BECAUSE, OF
18 COURSE, THEY'RE COVETED BY EVERYBODY AND THEY MOVE ON TO
19 PATROL OR SPECIALIZED UNITS. AND WHAT I ASKED -- TOLD THEM IS:
20 YOU'RE GOING TO BE HERE FOR TWO YEARS BECAUSE THIS UNIT IN
21 PARTICULAR NEEDS SOME CONTINUITY IN ITS LEADERSHIP POSITIONS.

22

23 **BERT DEIXLER:** DID YOU REGARD THESE THREE LIEUTENANTS, FOR ALL
24 OF THEIR SKILLS AND COMPETENCE, AS BEING PERSONALLY LOYAL TO
25 YOU, SIR?

1

2 **UNDERSHERIFF PAUL TANAKA:** I ALREADY SAID NO, ABSOLUTELY NOT.

3

4 **BERT DEIXLER:** WERE YOU AWARE AT THE TIME THAT YOU ASSIGNED
5 THEM THAT THEY HAD MADE POLITICAL CAMPAIGN CONTRIBUTIONS TO
6 YOUR VARIOUS ELECTED OFFICE-SEEKING EFFORTS?

7

8 **UNDERSHERIFF PAUL TANAKA:** THAT WAS NOT ANYTHING... THAT DID NOT
9 PLAY INTO MY THOUGHT PROCESS.

10

11 **BERT DEIXLER:** THE QUESTION IS A LITTLE DIFFERENT. THE QUESTION
12 IS, WERE YOU AWARE THAT THEY HAD MADE CAMPAIGN CONTRIBUTIONS
13 ON A REPEATED BASIS TO YOUR POLITICAL CAMPAIGNS?

14

15 **UNDERSHERIFF PAUL TANAKA:** NO.

16

17 **BERT DEIXLER:** ONCE THEY GOT STARTED AT THE MCJ, AM I RIGHT
18 THAT LIEUTENANTS NEE AND HEBERT REPORTED TO YOU THAT THERE
19 WERE CHALLENGES THERE?

20

21 **UNDERSHERIFF PAUL TANAKA:** YES.

22

23 **BERT DEIXLER:** AM I RIGHT THAT THEY REPORTED TO YOU THAT THE
24 PROBLEM WAS WITH THE MINDSET OF THE DEPUTIES?

25

1 **UNDERSHERIFF PAUL TANAKA:** I NEED TO PROBABLY CATEGORIZE THAT
2 AS MINDSET.

3

4 **BERT DEIXLER:** THAT THEY RECOGNIZED THAT THERE WERE PROBLEMS
5 WITH DISCIPLINE, CORRECT?

6

7 **UNDERSHERIFF PAUL TANAKA:** NO. THE PROBLEMS THAT THEY
8 MENTIONEDFOR -- THAT THESE WERE YOUNG FOLKS. AND THEY WERE
9 HAVING A HARD TIME COMMUNICATING WITH THEM AND GETTING THEM TO
10 UNDERSTAND WHAT THEIR RESPONSIBILITIES WERE. AND, SO, WHAT THE
11 LIEUTENANTS MENTIONED TO ME IS, WE NEED GOOD SERGEANTS AND WE
12 NEED GOOD BONUS DEPUTIES, THE TWO STRIPERS, FIRST LINE
13 SUPERVISORS, BECAUSE IT WAS HARD FOR A LIEUTENANT TO OVERSEE
14 AN ENTIRE SHIFT AND STILL TRY TO COMMUNICATE TO POSSIBLY 200
15 DEPUTIES AND GET THEM TO DO WHAT THEY'RE SUPPOSED TO DO IN THE
16 RIGHT WAY EVERY DAY. BUT, IF WE HAD STRONGER SUPERVISORS AT
17 EVEN LOWER LEVELS, THAT -- THAT IS WHAT THEY COMMUNICATED TO
18 ME. THAT THEY NEEDED HELP.

19

20 **BERT DEIXLER:** WHAT DID THEY SAY THE DEPUTIES WEREN'T DOING IN
21 THE RIGHT WAY WHEN INSTRUCTED TO DO SO?

22

23 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER A SPECIFIC AREA
24 WHERE THEY EXPRESSED CONCERN OTHER THAN JUST THE GENERAL TONE
25 OF HAVING ANY DIFFICULTY AND -- THE SAME THING, THE TYPE OF

1 DISCUSSION I HAD WITH SERGEANT POLLARO ABOUT DIFFERENT
2 GENERATION OF FOLKS.

3

4 **BERT DEIXLER:** DO YOU REMEMBER THAT ONE OF THE AREAS THEY
5 EXPRESSED CONCERN ABOUT IS USE OF FORCE?

6

7 **UNDERSHERIFF PAUL TANAKA:** THERE WAS A DISCUSSION CONCERNING
8 USE OF FORCE IN A PARTICULAR AREA. NOT BY PARTICULAR DEPUTIES,
9 BUT IN A PARTICULAR OPERATION OF THE JAIL.

10

11 **BERT DEIXLER:** AND WHEN YOU LEARNED THIS CONCERN FROM THE
12 LIEUTENANTS, WHAT DID YOU DO TO ENSURE THAT YOU UNDERSTOOD ITS
13 SCOPE AND SEVERITY?

14

15 **UNDERSHERIFF PAUL TANAKA:** WELL, THEY EXPLAINED TO ME THAT IF I
16 HAVE -- MY RECOLLECTION IS CORRECT -- IT WAS SOMETHING IN --
17 TO DO WITH THE OPERATION SURROUNDING WHAT WE CALL "PILL CALL,"
18 WHEN THEY HANDED OUT MEDICINE AND THEY BROUGHT THE INMATES OUT
19 OF THEIR CELLS TO LINE UP AND RECEIVE THEIR MEDICATION. AND
20 THEY INDICATED TO ME THIS IS A PROBLEM. THIS IS WHERE THEY HAD
21 A LOT OF USES OF FORCE. AND WHAT THEY WANTED TO DO WAS THEY
22 PREFERRED TO GO BACK TO THE WAY IT USED TO BE WHEN I WORKED AT
23 THE JAIL, WHICH IS THE NURSES WALK DOWN THE ROW AND DISPENSE
24 THE MEDICATION TO THE INMATES WHILE THEY WERE IN THEIR CELL,

1 THEREBY GREATLY DECREASING THE CHANCES THAT FORCE WOULD BE
2 USED.

3

4 **BERT DEIXLER:** SO YOU REMEMBER CONCLUDING THAT THE ONLY PROBLEM
5 WITH USE OF FORCE THAT WAS DISCLOSED TO YOU BY THESE
6 LIEUTENANTS RELATED TO THE PILL CALL USE OF FORCE ISSUES?

7

8 **UNDERSHERIFF PAUL TANAKA:** THAT'S ALL I CAN, THAT'S ALL I CAN
9 RECALL.

10

11 **BERT DEIXLER:** DO YOU REMEMBER -- DO YOU RECALL TELLING SHERIFF
12 BACA ABOUT THE REPORTS YOU HAD RECEIVED ABOUT COMMUNICATION
13 PROBLEMS WITH DEPUTIES AND PROBLEMS WITH USE OF FORCE AT PILL
14 CALL, IN OR ABOUT THE TIME YOU LEARNED THIS INFORMATION?

15

16 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER.

17

18 **BERT DEIXLER:** YOU DESCRIBED THE -- WELL, LET ME ASK YOU. THE
19 LIEUTENANTS WHOM YOU DESCRIBED, YOU WOULD REGARD AS HAVING
20 EXHIBITED SUPERIOR PERFORMANCE, IS THAT FAIR?

21

22 **UNDERSHERIFF PAUL TANAKA:** THAT'S BASED ON EITHER PERSONAL
23 OBSERVATION AND/OR FEEDBACK FROM OTHERS WHO THEY HAD WORKED
24 WITH AND FOR.

25

1 **BERT DEIXLER:** DID YOU LEARN THAT WHEN A SURVEY WAS DONE OF
2 INCOMPLETE USE OF FORCE REPORTS, THAT 56 OF THOSE REPORTS WERE
3 LEFT UNDONE BY THESE THREE LIEUTENANTS?

4

5 **UNDERSHERIFF PAUL TANAKA:** I WAS UNAWARE OF THAT.

6

7 **BERT DEIXLER:** THIS IS THE FIRST YOU HEARD OF IT?

8

9 **UNDERSHERIFF PAUL TANAKA:** YES.

10

11 **BERT DEIXLER:** WOULD YOU LOOK AT EXHIBIT NO. 5, PLEASE, SIR? AND
12 THE HIGHLIGHTED PORTIONS PERTAIN TO THREE LIEUTENANTS WHOM YOU
13 SELECTED, AND THESE ARE THE USE OF FORCE -- UNDONE USE OF
14 FORCE REPORTS. DID YOU SEE LIEUTENANT NEE HAD 31 USE OF FORCE
15 REPORTS THAT WERE UNDONE, AND LIEUTENANT SUTTON HAD 21?

16

17 **UNDERSHERIFF PAUL TANAKA:** YES.

18

19 **BERT DEIXLER:** THAT'S THE SORT OF INFORMATION THAT WOULD HAVE
20 BEEN GOOD FOR YOU TO KNOW WHEN YOU WERE ASSISTANT SHERIFF IN
21 CHARGE OF CUSTODY?

22

23 **UNDERSHERIFF PAUL TANAKA:** OF COURSE.

24

1 **BERT DEIXLER:** WOULD YOU AGREE THAT NOT COMPLETING USE OF FORCE
2 PACKAGES HAMPERS THE ABILITY TO ADDRESS THE ISSUES OF IMPROPER
3 BEHAVIOR BY DEPUTIES?

4

5 **UNDERSHERIFF PAUL TANAKA:** IT COULD BE A FACTOR.

6

7 **BERT DEIXLER:** DO COMPLETED USE OF FORCE PACKAGES ALLOW FOR AN
8 ASSESSMENT OF DEPUTIES' BEHAVIOR?

9

10 **UNDERSHERIFF PAUL TANAKA:** IT CERTAINLY IS ONE OF THE TOOLS
11 THAT WOULD BE IMPORTANT.

12

13 **BERT DEIXLER:** IF THERE'S NOT A COMPLETE USE OF FORCE PACKAGE,
14 WHAT IS THE WAY THAT POLICY VIOLATIONS CAN BE IDENTIFIED WITH
15 REGARD TO USE OF FORCE?

16

17 **UNDERSHERIFF PAUL TANAKA:** WELL, IT COULD JUST BE THROUGH YOUR
18 DAY-TO-DAY OBSERVATIONS AND INTERACTION. THAT'S REALLY WHAT IS
19 PROBABLY MORE SIGNIFICANT THAN ANYTHING ELSE. IF OUR SERGEANTS
20 AND LIEUTENANTS ARE WHERE THEY ARE SUPPOSED TO BE, DOING WHAT
21 THEY ARE SUPPOSED TO BE DOING, THAT IS YOUR FIRST INDICATOR.
22 THEY WILL KNOW WHO THEIR PEOPLE ARE. EVERYBODY KNOWS WHO WOULD
23 BE DOING WHAT AND WHO NEEDS ATTENTION, WHO'S DOING A GOOD JOB,
24 WHO DOESN'T BELONG IN THIS JOB. THAT'S WHAT THE ROLE OF OUR
25 SUPERVISORS -- THAT'S THEIR PRIMARY FUNCTION.

1

2 **BERT DEIXLER:** AND THE WAY TO COMMUNICATE PROBLEMS IN
3 DISCIPLINE AND USE OF FORCE IS BY THE PREPARATION OF PAPERWORK
4 WHICH WOULD INDICATE, THROUGH THE CHAIN OF COMMAND, WHO THOSE
5 DIFFICULT PERSONS ARE, ISN'T THAT RIGHT?

6

7 **UNDERSHERIFF PAUL TANAKA:** COMPLETED PAPERWORK IS ESSENTIAL TO
8 THIS PROCESS.

9

10 **BERT DEIXLER:** OKAY. AND SO YOU WOULD AGREE WITH ME, THE
11 FAILURE TO COMPLETE 31 AND 21 USE OF FORCE PACKAGES IN A
12 CONCENTRATED TIME PERIOD, PRESENTS A PROBLEM OF SUPERVISION
13 AND DISCIPLINE WITH REGARD TO DEPUTIES' USE OF FORCE. WOULD
14 YOU AGREE WITH THAT?

15

16 **UNDERSHERIFF PAUL TANAKA:** WELL, AS YOU PRESENT IT HERE, IT
17 DOES NOT LOOK GOOD. I DON'T KNOW THE TOTAL CONTEXT.

18

19 **BERT DEIXLER:** IMMEDIATELY AFTER THE MEETING WITH THE
20 SUPERVISORS, AM I CORRECT YOU SPOKE TO CHIEF JONES AND
21 INFORMED HIM THAT YOU HAD DECIDED TO TRANSFER CAPTAIN CLARK
22 FROM THE MCJ?

23

24 **UNDERSHERIFF PAUL TANAKA:** I DON'T TRANSFER CAPTAINS.

25

1 **BERT DEIXLER:** THAT YOU HAD RECOMMENDED THAT HE BE PROMPTLY AND
2 IMMEDIATELY TRANSFERRED?

3

4 **UNDERSHERIFF PAUL TANAKA:** I DON'T RECALL HAVING THAT TYPE OF
5 CONVERSATION WITH CHIEF JONES.

6

7 **BERT DEIXLER:** DO YOU KNOW THAT CAPTAIN CLARK HAS TESTIFIED
8 UNDER OATH THAT CHIEF JONES TOLD HIM THAT -- THE WEDNESDAY
9 THAT HE HAD THE DISCUSSION OF THE DENIAL OF THE ROTATION PLAN
10 WITH YOU, THAT THE FOLLOWING DAY HE WAS CALLED BY CHIEF JONES
11 AND TOLD THAT HE WAS BEING TRANSFERRED? DO YOU KNOW HE
12 TESTIFIED TO THAT?

13

14 **UNDERSHERIFF PAUL TANAKA:** I DON'T KNOW.

15

16 **BERT DEIXLER:** WOULD CHIEF JONES HAVE HAD THE AUTHORITY TO
17 TRANSFER HIM WITHOUT YOUR KNOWING ABOUT IT?

18

19 **UNDERSHERIFF PAUL TANAKA:** NO.

20

21 **BERT DEIXLER:** DO YOU RECALL TELLING CHIEF JONES THAT IT WAS
22 YOUR RECOMMENDATION THAT HE BE TRANSFERRED?

23

24 **UNDERSHERIFF PAUL TANAKA:** NO.

25

1 **BERT DEIXLER:** AM I CORRECT THAT ON FEBRUARY 17, 2012, THE LASD
2 HAS IMPLEMENTED A POLICY OF MANDATORY ROTATION OF LINE
3 PERSONNEL IN CUSTODY?
4

5 **UNDERSHERIFF PAUL TANAKA:** AM I AWARE? I'M AWARE THAT THERE IS
6 A POLICY THAT HAS BEEN DIRECTED BY SHERIFF BACA.
7

8 **BERT DEIXLER:** WOULD YOU LOOK AT THE BOOK AT EXHIBIT NO. 6. AND
9 DID YOU APPROVE THE IMPLEMENTATION OF THIS POLICY IN OR ABOUT
10 FEBRUARY OF 2012, ALMOST SIX YEARS TO THE DAY OF YOUR VETOING
11 OF A ROTATION PLAN BY CAPTAIN CLARK?
12

13 **UNDERSHERIFF PAUL TANAKA:** WELL, BEFORE WE -- OKAY. I SEE THIS
14 POLICY, THE MANDATORY ROTATION THAT'S DATED FEBRUARY 17, 2012.
15 A, I DID NOT APPROVE OF THIS POLICY. IT DID NOT COME TO ME, TO
16 MY ATTENTION. AND, B, AGAIN, I SAY TO YOU, SIR, WHEN I WAS
17 OPERATING UNDER THE BELIEF THAT THE ROTATION POLICY HAD TO DO
18 WITH SHIFTS, THE DISRUPTION OF THE LIVES OF NEARLY 700 DEPUTY
19 SHERIFFS IN ORDER TO ADDRESS A PROBLEM WITH A HANDFUL OF
20 DEPUTIES. SO I KNOW YOU NEED TO MAKE A CORRELATION, BUT THEY
21 ARE DIFFERENT. THIS HERE IS ADDRESSING WHAT THEY BELIEVE TO BE
22 THEIR BEST WAY OF HANDLING IT.
23

24 **BERT DEIXLER:** YOU'RE NOT STILL SAYING THAT THE CLARK ROTATION
25 PLAN MEANT SHIFT CHANGES, ARE YOU?

1

2 **UNDERSHERIFF PAUL TANAKA:** I AM SAYING THAT. UNTIL YOU SHOWED
3 ME THE MEMO A MONTH AGO, I HAD ALWAYS MAINTAINED THAT WAS MY
4 UNDERSTANDING, THAT IT WAS GOING TO -- AND I SAID -- IF IT'S
5 INCORRECT, THEN IT'S MY MISUNDERSTANDING BASED OBVIOUSLY
6 WHAT'S WRITTEN ON PAPER THAT SUGGESTS OTHERWISE. BUT IN MY
7 VERBAL DISCUSSION WITH HIM, I WAS LEFT WITH THE IMPRESSION
8 THAT IT WAS GOING TO INVOLVE THE ROTATION OF SHIFTS EVERY TWO
9 MONTHS.

10

11 **BERT DEIXLER:** ARE YOU PREPARED TO SAY, SIR, THAT YOU GOT IT
12 WRONG?

13

14 **UNDERSHERIFF PAUL TANAKA:** I'M PREPARED TO SAY THAT, BASED ON
15 WHAT I'M READING IN HIS MEMORANDUM, IS THAT IT COULD HAVE BEEN
16 A SERIOUS MISUNDERSTANDING.

17

18 **BERT DEIXLER:** THE POLICY HERE IS SPECIFIC THAT THERE WAS GOING
19 TO BE ROTATION BETWEEN JOB ASSIGNMENTS NO LESS THAN EVERY SIX
20 MONTHS., IS THAT YOUR UNDERSTANDING OF THE EFFECTIVE POLICY
21 STARTING IN FEBRUARY 2012.

22

23 **UNDERSHERIFF PAUL TANAKA:** I UNDERSTAND THAT THERE IS A POLICY
24 THAT CONFORMS GENERALLY WITH THAT NOW IN CUSTODY.

25

1 **BERT DEIXLER:** AND IS IT CORRECT THAT, HAVING LOOKED AT THE
2 CLARK ROTATION PLAN, THAT YOU WILL NOW AGREE WITH THE FACT
3 THAT WHAT WAS CONTEMPLATED WAS SIMPLY A JOB ROTATION PROGRAM
4 SIMILAR TO THE ONE THAT'S IDENTIFIED HERE?

5

6 **HON. LOURDES BAIRD, CHAIR:** YOU CAN RESUME, MR. DEIXLER.

7

8 **UNDERSHERIFF PAUL TANAKA:** I'M SORRY I WAS A LITTLE --

9

10 **BERT DEIXLER:** AM I CORRECT THAT THE CLARK PLAN THAT WE'VE BEEN
11 TALKING ABOUT AS YOU NOW UNDERSTAND IT, AND THAT WHICH IS
12 IDENTIFIED IN EXHIBIT 6, THE ROTATION OF JOB ASSIGNMENTS, IS
13 ESSENTIALLY THE SAME PLAN?

14

15 **UNDERSHERIFF PAUL TANAKA:** I BELIEVE THAT BRIEF PARAGRAPH IS --
16 PROBABLY CAPTURES THE ESSENCE OF WHAT CAPTAIN CLARK'S MEMO
17 FROM SIX YEARS AGO SAID.

18

19 **BERT DEIXLER:** AND THE MAIN DIFFERENCE IS THAT CAPTAIN CLARK'S
20 PROPOSAL HAD SUGGESTED JOB CHANGES EVERY TWO MONTHS RATHER
21 THAN EVERY SIX MONTHS, IS THAT RIGHT?

22

23 **UNDERSHERIFF PAUL TANAKA:** OKAY.

24

1 **BERT DEIXLER:** AND, IN FACT, THE DEPUTIES HADN'T EVEN COMMENTED
2 TO YOU, AT LEAST IN WRITING IN EXHIBIT 3 ABOUT A CONCERN ABOUT
3 THE DISRUPTION OF THEIR WORK SCHEDULES BUT, RATHER, THEY ONLY
4 COMPLAINED ABOUT WORK LOCATION CHANGES; ISN'T THAT TRUE?

5

6 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER THAT.

7

8 **BERT DEIXLER:** WHY DON'T WE PUT EXHIBIT NO. 3 BACK UP FOR A
9 MOMENT AND SEE IF THAT WILL REFRESH YOUR MEMORY, THAT EVEN THE
10 DEPUTIES WERE FOCUSED ON THE PROBLEM OF CHANGED WORK
11 LOCATIONS. IF YOU LOOK AT EXHIBIT 3 IN THE BOOK, IT'S THE
12 SECOND OR THIRD LINE DOWN.

13

14 **UNDERSHERIFF PAUL TANAKA:** YES, I CAN SEE IT HERE.

15

16 **BERT DEIXLER:** SO YOU CAN SEE THAT, THAT WAS COMMUNICATED TO
17 YOU BY THE DEPUTIES, THAT THE CLARK ROTATION PLAN IN WRITING
18 EXPRESSES THAT IT WAS A SHIFTING OF WORK LOCATIONS. AND YOU
19 NONETHELESS HAD THE MISUNDERSTANDING THAT IT RELATED TO
20 CHANGING SHIFTS AND DISRUPTING LIVES, IS THAT FAIR?

21

22 **UNDERSHERIFF PAUL TANAKA:** THE IMPRESSION THAT I GOT, THAT IT
23 WAS GOING TO INVOLVE SHIFT CHANGE, MAY HAVE COME FROM THE
24 SUBSEQUENT MEETING THAT RESULTED FROM THIS, THESE
25 COMMUNICATIONS. BUT MY SPECIFIC RECOLLECTION, OR AT LEAST A

1 BETTER RECOLLECTION, WAS BASED ON MY CONVERSATION WITH THE
2 CAPTAIN AT THE TIME. THIS EMAIL NOTWITHSTANDING.

3

4 **BERT DEIXLER:** THIS EMAIL BEING EXHIBIT NO. 3?

5

6 **UNDERSHERIFF PAUL TANAKA:** YES, SIR.

7

8 **BERT DEIXLER:** SO LET'S MOVE ON TO A NEW TOPIC, IF WE CAN. DAN
9 CRUZ. HE WAS A LIEUTENANT WHO WORKED FOR YOU IN ADMINISTRATIVE
10 SERVICES BEFORE BEING TRANSFERRED TO THE MCJ?

11

12 **UNDERSHERIFF PAUL TANAKA:** YES.

13

14 **BERT DEIXLER:** AND BEFORE HE WORKED FOR YOU, HE WORKED AT
15 LENNOX STATION?

16

17 **UNDERSHERIFF PAUL TANAKA:** I BELIEVE SO.

18

19 **BERT DEIXLER:** AND THAT'S WHERE YOU STARTED YOUR CAREER ON
20 PATROL, IS THAT RIGHT?

21

22 **UNDERSHERIFF PAUL TANAKA:** NO, SIR.

23

24 **BERT DEIXLER:** WERE YOU EVER AT THE LENNOX STATION?

25

1 **UNDERSHERIFF PAUL TANAKA:** YES.

2

3 **BERT DEIXLER:** WHEN WAS THAT?

4

5 **UNDERSHERIFF PAUL TANAKA:** 1993 UNTIL 1996.

6

7 **BERT DEIXLER:** AND YOU WERE ON PATROL THEN?

8

9 **UNDERSHERIFF PAUL TANAKA:** I WORKED THERE AS A WATCH COMMANDER,
10 ON PATROL AND AS AN OPERATIONS LIEUTENANT.

11

12 **BERT DEIXLER:** AFTER LIEUTENANT CRUZ HAD BEGUN WORKING FOR YOU
13 IN ADMINISTRATIVE SERVICES, YOU HAD LEARNED THAT HE WAS
14 DELINQUENT IN PAPERWORK AT THE LENNOX STATION, IS THAT TRUE?

15

16 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER. IT'S POSSIBLE.

17

18 **BERT DEIXLER:** WOULD YOU REMEMBER TELLING US THAT HE FELL OUT
19 OF FAVOR AT LENNOX FOR NOT TURNING IN HIS PAPERWORK?

20

21 **UNDERSHERIFF PAUL TANAKA:** WHAT I REMEMBER IS HE FELL OUT OF
22 FAVOR WITH THE CHIEF THAT HE WAS WORKING FOR.

23

24 **BERT DEIXLER:** AND IT WAS RELATED TO HIS FAILURE TO PROCESS
25 PAPER THAT WAS NECESSARY FOR THE OPERATION OF HIS WORK, TRUE?

1

2 **UNDERSHERIFF PAUL TANAKA:** I DON'T KNOW ALL OF THE REASONS OR
3 THE REASONS WHY. I DON'T REMEMBER THE REASONS WHY HE FELL OUT
4 OF FAVOR WITH THE CHIEF.

5

6 **BERT DEIXLER:** NOW, YOU RECOMMENDED THAT LIEUTENANT CRUZ BE
7 APPOINTED TO CAPTAIN OLMSTED, AS LIEUTENANT OF MCJ, IS THAT
8 TRUE?

9

10 **UNDERSHERIFF PAUL TANAKA:** I ASKED HIM. I DID NOT MAKE A
11 RECOMMENDATION. WHEN CAPTAIN OLMSTED BECAME THE COMMANDING
12 OFFICER AT MEN'S CENTRAL JAIL, AS EVERY CAPTAIN DOES, YOU GET
13 NEWLY ASSIGNED CAPTAINS THAT INHERITS A STAFF THAT IS ALREADY
14 IN PLACE. AND WHAT I TOLD HIM IS: IF YOU HAVE A NEED FOR
15 CHANGE WITH ANY OF YOUR PERSONNEL, ESPECIALLY THOSE WORKING
16 THE CLOSEST TO YOU, YOU HAVE TO LET ME KNOW. HE SAID, I'D LIKE
17 TO KEEP MY OPERATIONS LIEUTENANT MY RIGHT-HAND MAN UNTIL I CAN
18 DO MY OWN ASSESSMENT. I FORGET HOW LONG A PERIOD OF TIME IT
19 WAS, WHETHER IT WAS THREE WEEKS OR THREE MONTHS, ONE DAY WE'D
20 OCCASION TO HAVE A DISCUSSION, AND I DON'T REMEMBER EXACTLY
21 HOW OR WHERE THAT DISCUSSION TOOK PLACE, BUT I REMEMBER THE
22 ESSENCE WAS, HEY, IS THE OFFER TO CHANGE MY NUMBER 2 PERSON
23 STILL GOOD? I SAID ABSOLUTELY. I MEAN, THIS IS THE PERSON THAT
24 ACTS IN YOUR STEAD WHEN YOU'RE NOT AROUND, AND IT IS ESSENTIAL
25 -- MOST ESSENTIAL TO THE SUCCESS OF YOUR COMMAND. AND HE SAID

1 OKAY. THEN I WOULD LIKE TO HAVE THIS LIEUTENANT MOVE BECAUSE A
2 COUPLE OF INSTANCES HAVE COME UP, AND WHAT I'VE LEARNED IS I,
3 BEING AT THE TIME CAPTAIN OLMSTED SAID, WE ARE NOT ON THE SAME
4 PAGE. I SAID OKAY. DO YOU HAVE ANYBODY IN MIND? HE DIDN'T HAVE
5 ANYBODY IN MIND. DAN CRUZ HAD BEEN A LIEUTENANT FOR ABOUT
6 THREE YEARS IN ADMINISTRATIVE SERVICES DIVISION. HE HAD DONE A
7 REMARKABLY GOOD JOB.

8

9 **BERT DEIXLER:** NEVER DEFICIENT ON PAPERWORK; IS THAT RIGHT?

10

11 **UNDERSHERIFF PAUL TANAKA:** ONE TIME -- AS A MATTER OF FACT, ONE
12 TIME, HE WAS THE ONLY LIEUTENANT TO SERVE AS THE OPERATIONS
13 LIEUTENANT FOR TWO DIFFERENT UNITS AT THE SAME TIME. HIS WORK
14 ETHIC WAS UNQUESTIONABLE. HE DID GOOD WORK. I ASKED CAPTAIN
15 OLMSTED IF HE WOULD BE INTERESTED IN DAN CRUZ. AND HE SAID
16 YES, WE WORKED TOGETHER AT FIRESTONE STATION. WE WERE RADIO
17 CAR PARTNERS. I KNOW HIM VERY WELL. AND I WOULD LOVE TO HAVE
18 LIEUTENANT CRUZ.

19

20 **BERT DEIXLER:** YOU KNOW THAT CAPTAIN OLMSTED HAS SAID IN FACT
21 THAT YOU TOLD HIM THAT YOU WERE GOING TO SEND LIEUTENANT CRUZ
22 TO BE HIS RIGHT-HAND MAN, AND HE TOLD YOU HE WASN'T EXCITED AT
23 ALL ABOUT THAT POSSIBILITY. YOU AT LEAST KNOW THAT CAPTAIN
24 OLMSTED HAS AN ENTIRELY DIFFERENT MEMORY OF THE CIRCUMSTANCES
25 SURROUNDING LIEUTENANT CRUZ'S APPOINTMENT, CORRECT?

1

2 **UNDERSHERIFF PAUL TANAKA:** I UNDERSTAND RETIRED COMMANDER
3 OLMSTED HAS SIGNIFICANT DIFFERENCE IN MEMORY FROM ME.

4

5 **BERT DEIXLER:** IN ADDITION TO THIS INVOLVEMENT WITH LIEUTENANT
6 CRUZ'S TRANSFER TO MCJ, AM I CORRECT THAT YOU RECOMMENDED HE
7 BE PROMOTED TO CAPTAIN AT MCJ?

8

9 **UNDERSHERIFF PAUL TANAKA:** IT'S POSSIBLE THAT I MADE THAT
10 RECOMMENDATION TO THE SHERIFF, BUT AT THE TIME THAT IT BECAME
11 APPARENT THAT CAPTAIN OLMSTED MIGHT BECOME COMMANDER AND THE
12 SHERIFF WAS LEANING IN THAT DIRECTION, I ASKED THEN CAPTAIN
13 OLMSTED THAT IF SUCH A -- A MOVE, BECAUSE WE NEVER SUGGEST
14 PROMOTION BECAUSE THAT'S ONLY THE SHERIFF'S CALL -- IF A MOVE
15 WERE TO OCCUR, IS THERE ANYBODY THAT YOU WOULD HAVE IN MIND?
16 BECAUSE THE SHERIFF WILL ASK YOU. HE ALWAYS ASKS THE OUTGOING
17 COMMAND OFFICER: DO YOU HAVE A RECOMMENDATION FOR A
18 REPLACEMENT? AND THEN CAPTAIN OLMSTED SAID YES, I WOULD
19 RECOMMEND DAN CRUZ. I SAID OKAY. THEN BE PREPARED TO DO SO
20 WHEN THE SHERIFF ASKS YOU.

21

22 **BERT DEIXLER:** YOU KNOW CAPTAIN OLMSTED HAS AN ENTIRELY
23 DIFFERENT RECOLLECTION IN DISCUSSION WITH YOU ABOUT WHETHER
24 LIEUTENANT CRUZ WAS SUITABLE FOR PROMOTION TO CAPTAIN AND EVEN
25 STRONGER DISAGREEMENT WITH YOU AS TO WHETHER HE WAS SUITABLE

1 TO BE A CAPTAIN IN THE MEN'S CENTRAL JAIL. YOU KNOW THAT,
2 DON'T YOU?

3

4 **UNDERSHERIFF PAUL TANAKA:** I AM AWARE THAT WE HAVE
5 SIGNIFICANTLY DIFFERENT RECOLLECTIONS.

6

7 **BERT DEIXLER:** YOU KNOW THAT CAPTAIN OLMSTED CLAIMS THAT HE
8 TOLD YOU THAT CAPTAIN CRUZ WAS NOT SUITABLE FOR THE JOB OF
9 CAPTAIN AT MCJ, ISN'T THAT TRUE?

10

11 **UNDERSHERIFF PAUL TANAKA:** HE NEVER TOLD ME THAT.

12

13 **BERT DEIXLER:** YOU UNDERSTAND THAT'S WHAT HE SAYS AT LEAST
14 TODAY, CORRECT?

15

16 **UNDERSHERIFF PAUL TANAKA:** I CAN'T CONTROL WHAT CAPTAIN OLMSTED
17 SAYS.

18

19 **BERT DEIXLER:** WELL LET ME ASK A GENERAL QUESTION, THEN, IF I
20 MIGHT. KNOWING WHAT YOU KNOW NOW ABOUT THE PERFORMANCE OF
21 CAPTAIN CRUZ AS THE CAPTAIN AT THE MEN'S CENTRAL JAIL, WOULD
22 YOU AGREE THAT HE WASN'T SUITABLE FOR THAT JOB?

23

24 **UNDERSHERIFF PAUL TANAKA:** I DON'T -- I WOULDN'T SAY SO. I
25 WOULD NOT AGREE WITH THAT STATEMENT.

1

2 **BERT DEIXLER:** YOU THOUGHT THEN AND YOU THINK TODAY HE WAS A
3 GOOD CHOICE FOR CAPTAIN OF THE MEN'S CENTRAL JAIL, RIGHT?

4

5 **UNDERSHERIFF PAUL TANAKA:** I THOUGHT THAT CAPTAIN CRUZ DID AN
6 ACCEPTABLE JOB WHILE HE WAS THE CAPTAIN AT CENTRAL JAIL.

7

8 **BERT DEIXLER:** LET ME SEE IF I CAN EXPLORE WITH YOU A LITTLE
9 BIT MORE ABOUT USE OF FORCE REPORTS, WHICH WE'VE DESCRIBED
10 PREVIOUSLY AS IMPORTANT TO TRACK VIOLENCE IN THE JAILS. YOU
11 STILL AGREE WITH THAT, DON'T YOU? USE OF FORCE REPORTS ARE
12 USED TO TRACK VIOLENCE?

13

14 **UNDERSHERIFF PAUL TANAKA:** OKAY.

15

16 **BERT DEIXLER:** YES?

17

18 **UNDERSHERIFF PAUL TANAKA:** I DIDN'T REALIZE IT'S A QUESTION.

19

20 **BERT DEIXLER:** IT'S MY QUESTION AND YOUR ANSWER. SO MY QUESTION
21 IS: DO YOU AGREE THAT A USE OF FORCE REPORT IS IMPORTANT TO
22 TRACK VIOLENCE IN THE L.A. COUNTY JAIL?

23

24 **UNDERSHERIFF PAUL TANAKA:** OH, YES.

25

1 **BERT DEIXLER:** AND IT'S, IN FACT, A REQUIREMENT THAT WHENEVER
2 THERE IS A USE OF FORCE THAT A USE OF FORCE REPORT BE CREATED,
3 CORRECT?

4

5 **UNDERSHERIFF PAUL TANAKA:** YES.

6

7 **BERT DEIXLER:** AND WHEN YOU WERE THE ASSISTANT SHERIFF
8 RESPONSIBLE FOR CUSTODY, AS I UNDERSTOOD YOUR TESTIMONY FROM
9 2005 TO JUNE OF 2007, YOU WERE UNAWARE OF WIDESPREAD FAILURES
10 TO COMPLETE USE OF FORCE REPORTS, IS THAT RIGHT?

11

12 **UNDERSHERIFF PAUL TANAKA:** IT WAS NEVER BROUGHT TO MY ATTENTION
13 -- THAT IS CORRECT.

14

15 **BERT DEIXLER:** IT IS ALSO TRUE TO SAY THAT IN THE TIME PERIOD
16 2005 THROUGH JUNE OF 2007, YOU DIDN'T MAKE ANY SPECIAL EFFORT
17 TO ENSURE THAT THERE WERE TIMELY AND COMPLETE REPORTS WHICH
18 WERE CREATED AND REVIEWED THROUGH THE APPROPRIATE CHAIN OF
19 COMMAND, IS THAT RIGHT?

20

21 **UNDERSHERIFF PAUL TANAKA:** THERE WAS NEVER ANY INDICATION OF A
22 PROBLEM. AND THERE WOULD BE NO NEED FOR ME TO LOOK INTO
23 SOMETHING THAT DID NOT COME TO MY ATTENTION IN A LESS THAN
24 POSITIVE FASHION.

25

1 **BERT DEIXLER:** ARE YOU FAMILIAR WITH LIEUTENANT MARK McCORKLE?

2

3 **UNDERSHERIFF PAUL TANAKA:** YES.

4

5 **BERT DEIXLER:** AND WHO IS HE?

6

7 **UNDERSHERIFF PAUL TANAKA:** LIEUTENANT WORKING IN CUSTODY

8 DIVISION.

9

10 **BERT DEIXLER:** DID YOU LEARN THAT IN LATE 2009 LIEUTENANT

11 McCORKLE REVIEWED 154 USE OF FORCE REPORTS FROM 2005, WHEN YOU

12 BEGAN, THROUGH 2009?

13

14 **UNDERSHERIFF PAUL TANAKA:** DID I LEARN?

15

16 **BERT DEIXLER:** YOU LEARN THAT?

17

18 **UNDERSHERIFF PAUL TANAKA:** NO.

19

20 **BERT DEIXLER:** EVER? THIS IS THE FIRST YOU HEARD OF IT?

21

22 **UNDERSHERIFF PAUL TANAKA:** I SAW A MEMO THAT HE PREPARED. I

23 DON'T KNOW IF IT WAS 154. THERE WERE A FEW CASES THAT HE

24 REFERENCED WHEN FORCE WAS USED. AND HE WROTE A MEMO ABOUT THE

1 INCIDENT WHICH THE FIRST TIME IT EVER CAME TO MY ATTENTION OR
2 SERVICE WAS I BELIEVE SOMETIME THIS YEAR?

3

4 **BERT DEIXLER:** SHORTLY BEFORE YOU MET WITH MR. DROOYAN AND MS.
5 KRINSKY AND MYSELF?

6

7 **UNDERSHERIFF PAUL TANAKA:** SOMETIME IN THAT TIME FRAME.

8

9 **BERT DEIXLER:** SOMETIME IN 2012 YOU LEARNED FOR THE FIRST TIME
10 ABOUT MR. McCORKLE'S REPORTING AND FINDINGS, IS THAT RIGHT?

11

12 **UNDERSHERIFF PAUL TANAKA:** YES.

13

14 **BERT DEIXLER:** DID YOU LEARN THAT MR. McCORKLE WAS ALARMED
15 ABOUT THE CONTENT OF THE USE OF FORCE PACKAGES HE HAD
16 REVIEWED?

17

18 **UNDERSHERIFF PAUL TANAKA:** I BELIEVE THAT WAS THE GENERAL
19 NATURE OF HIS MEMORANDUM.

20

21 **BERT DEIXLER:** THAT HE WAS ALARMED AT WHAT HE DESCRIBED AS THE
22 USE OF "CANNED LANGUAGE" IN THE REPORT?

23

24 **UNDERSHERIFF PAUL TANAKA:** I'M SORRY. I DON'T REMEMBER THE
25 ENTIRE CONTENT OF HIS MEMORANDUM.

1

2 **BERT DEIXLER:** DID YOU LEARN THAT HE WAS CONCERNED THAT THE USE
3 OF FORCE REPORTS HAVE BEEN DESIGNED TO AVOID FURTHER
4 INVESTIGATION?

5

6 **UNDERSHERIFF PAUL TANAKA:** IF THAT WAS IN HIS MEMORANDUM, I
7 JUST DON'T REMEMBER RIGHT NOW.

8

9 **BERT DEIXLER:** DO YOU REMEMBER LEARNING THAT HE CONCLUDED THAT
10 "THE INVESTIGATIONS OF THE USE OF FORCE HAD NOT BEEN
11 COMPLETE"?

12

13 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER.

14

15 **BERT DEIXLER:** DO YOU RECALL HIS REPORTING THAT THERE WERE
16 "REPEATED BLOWS TO THE HEADS OF INMATES"?

17

18 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER THE SPECIFIC
19 CONTENT OF HIS MEMO. I JUST REMEMBER THAT ONE WAS WRITTEN BY
20 HIM.

21

22 **BERT DEIXLER:** DO YOU REMEMBER HIM SAYING THAT THE PERSONNEL
23 "WEREN'T HELD ACCOUNTABLE"?

24

1 **UNDERSHERIFF PAUL TANAKA:** I DO NOT REMEMBER THAT IN HIS
2 MEMORANDUM.

3

4 **BERT DEIXLER:** DO YOU REMEMBER LEARNING OF HIS BELIEF THAT
5 "EVENTS HAD BEEN DRAMATIZED IN A REPORT TO JUSTIFY OUTCOMES"?

6

7 **UNDERSHERIFF PAUL TANAKA:** AGAIN, I DON'T HAVE ANY SPECIFIC
8 RECOLLECTION OF THE CONTENT MUCH HIS MEMO. -- OF HIS MEMO.

9

10 **BERT DEIXLER:** DO YOU REMEMBER HIM BEING CONCERNED ABOUT
11 "SUPERVISORS' FAILURES TO IDENTIFY KEY ISSUES IN THE
12 SUPERVISORS' REPORT ON USE OF FORCE"?

13

14 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER THE CONTENTS OF HIS
15 MEMO, I'M SORRY.

16

17 **BERT DEIXLER:** SIR, YOU WERE THE UNDERSHERIFF OF THE LOS
18 ANGELES SHERIFF'S DEPARTMENT WHEN YOU READ THIS MEMO ABOUT THE
19 BEHAVIOR THAT WAS FOUND BY LIEUTENANT McCORKLE, IS THAT RIGHT?

20

21 **UNDERSHERIFF PAUL TANAKA:** YES.

22

23 **BERT DEIXLER:** AND NO MEMORY OF THAT MEMO STICKS IN YOUR MIND?

24

1 **UNDERSHERIFF PAUL TANAKA:** WHAT STICKS IN MY MIND IS THAT HE
2 AUTHORED A MEMO THAT BROUGHT SOME INFORMATION, VERY
3 SIGNIFICANT INFORMATION, TO LIGHT IN A MEMORANDUM THAT HAD
4 BEEN AUTHORED YEARS EARLIER THAT I HAD NEVER SEEN NOR KNEW OF
5 ITS EXISTENCE. I DID READ IT. AT THE SAME TIME, THE SHERIFF'S
6 DEPARTMENT IS A LARGE AND COMPLEX ORGANIZATION WITH A LOT OF
7 MOVING PARTS AND THE SHERIFF HIMSELF WAS PERSONALLY OVERSEEING
8 THE MANDATES OF NOT ONLY OUR OVERSEERS AND CERTAINLY OF THE
9 LAW, HE IS PERSONALLY OVERSEEING THAT TASKFORCE TO IMPLEMENT
10 ALL THE NECESSARY REFORMS. SO IT'S NOT THAT I DON'T CARE ABOUT
11 THAT MEMORANDUM. I READ IT. CERTAINLY WAS ALARMED BY WHAT I
12 READ. BUT I ALSO KNEW THAT, THAT COMMANDER'S TASKFORCE, AND
13 ALL THOSE ASSIGNED TO IT, INCLUDING THE SHERIFF, WERE GOING TO
14 BE ADDRESSING THAT ISSUE. SO IF I DON'T HAVE A RECOLLECTION OF
15 THAT PARTICULAR MEMO, I'M SORRY.

16

17 **BERT DEIXLER:** AM I CORRECT THAT YOU DIDN'T DISCUSS THE REPORT
18 WITH LIEUTENANT McCORKLE UNTIL EXCERPTS OF IT RAN IN THE LOS
19 ANGELES TIMES?

20

21 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER.

22

23 **BERT DEIXLER:** TAKE A LOOK AT EXHIBIT NO. 7, AND PERHAPS UPON
24 YOUR REVIEW OF SOME OF THE HIGHLIGHTED PARTS OF IT, IT'LL
25 REFRESH YOUR MEMORY ABOUT SOME OF YOUR -- THE INFORMATION

1 CONVEYED BY THE LIEUTENANT AND YOUR REACTION. "PERSONNEL NOT
2 PREVIOUSLY HELD ACCOUNTABLE." "EVENT DRAMATIZED TO JUSTIFY
3 OUTCOME." -- DRAMATIZED. EVENT WAS DRAMATIZED TO JUSTIFY
4 OUTCOME. "INTENTIONALLY NOT BROADCASTING EVENT TO AVOID
5 SUPERVISOR INTERVENTION." "REPEATED BLOWS TO THE HEAD OF
6 INMATES." DOES SEEING EXHIBIT 7, AND IN PARTICULAR THE
7 HIGHLIGHTED PORTIONS, REFRESH YOUR MEMORY ABOUT THIS COMING TO
8 YOUR ATTENTION?

9

10 **UNDERSHERIFF PAUL TANAKA:** COMING TO MY ATTENTION YOU MEAN
11 THREE YEARS AFTER IT WAS WRITTEN, OR NEARLY THREE YEARS AFTER
12 IT WAS WRITTEN?

13

14 **BERT DEIXLER:** YES, WHENEVER YOU LEARNED ABOUT IT HAVING READ
15 THE LOS ANGELES TIMES?

16

17 **UNDERSHERIFF PAUL TANAKA:** I DON'T KNOW IF IT WAS THE RESULT OF
18 READING OF THIS IN THE NEWSPAPER. IT MAY HAVE BEEN BROUGHT TO
19 MY ATTENTION THAT IT WAS IN THE PAPER, BUT I READ THE MEMO. I
20 DON'T REMEMBER ALL OF THE CONTENT. IT'S A LENGTHY MEMO.

21

22 **BERT DEIXLER:** YOU DON'T REMEMBER ACTUALLY ANY OF THE CONTENT,
23 RIGHT? THESE ARE QUITE HARSH CRITICISMS --

24

25 **UNDERSHERIFF PAUL TANAKA:** YES.

1

2 **BERT DEIXLER:** -- OF THE BEHAVIOR OF SHERIFFS' DEPUTIES DURING
3 THE TIME THAT YOU WERE ASSISTANT SHERIFF AND UNDERSHERIFF IN
4 THIS COUNTY, RIGHT, SIR?

5

6 **UNDERSHERIFF PAUL TANAKA:** WELL, AT THIS TIME THAT THIS
7 MEMORANDUM WAS WRITTEN, FROM THE PERIOD OF JUNE OF '7 TO JUNE
8 OF '11, MY FOCUS WAS ON OPERATIONS. I WAS IN CHARGE OF PATROL,
9 DETECTIVES, HOMELAND SECURITY AND ADMINISTRATION DURING THAT
10 PARTICULAR PERIOD, SO WHEN THIS SURFACED, IF IN FACT THIS WAS
11 BROUGHT TO THE ATTENTION OF -- IN CHARGE IN 2009, THIS SHOULD
12 HAVE BEEN IMMEDIATELY ADDRESSED, I AGREE WITH THAT.

13

14 **BERT DEIXLER:** THERE IS NO WAY THAT ANYONE WOULD HAVE PERCEIVED
15 YOU AS HAVING HAD A POSITION OF RESPONSIBILITY WITH REGARD TO
16 CUSTODY AFTER YOU LEFT THAT RESPONSIBILITY IN JUNE OF 2007,
17 CORRECT?

18

19 **UNDERSHERIFF PAUL TANAKA:** THAT'S NOT TRUE. AS THE SHERIFF HAS
20 ALWAYS INDICATED, WE ARE NOT -- WE ARE ASSISTANT SHERIFFS,
21 MEANING WE ARE ASSISTANT TO HIM. HE EXPECTS US, REGARDLESS OF
22 WHAT THE ORGANIZATION CHART SHOWS, IF A PROBLEM COMES TO YOUR
23 ATTENTION AND HIS WORDS ARE LEADERSHIP INDIFFERENCE, YOU OWN
24 IT. TAKE CARE OF IT. NOW, IT MIGHT MEAN COMMUNICATING WITH
25 YOUR PARTNER WHO IS RESPONSIBLE FOR THAT SIDE OF THE

1 ORGANIZATION CHART, OR IF THE MATTER IS STILL NOT ADDRESSED,
2 THEN HIS EXPECTATION OF US IS THAT WE WILL DO WHAT IS
3 NECESSARY TO FIX THE PROBLEM. THIS PARTICULAR MEMORANDUM,
4 WHICH IS A PRETTY TELLING DOCUMENT, WAS NEVER BROUGHT TO MY
5 ATTENTION INDIRECTLY OR DIRECTLY UNTIL IT ARRIVED ON MY DESK A
6 FEW MONTHS AGO.

7

8 **BERT DEIXLER:** LET ME ASK YOU ABOUT THE PERSONNEL PERFORMANCE
9 INDEX. WHAT IS THAT? PPI?

10

11 **UNDERSHERIFF PAUL TANAKA:** IT IS A SCORE CARD OF SORTS THAT
12 ALLOWS THE ORGANIZATION TO HAVE A GENERAL IDEA OF THE
13 PERFORMANCE OF A MEMBER OF OUR ORGANIZATION.

14

15 **BERT DEIXLER:** DOES A PERFORMANCE, A PPI REFLECT THE NUMBER OF
16 USES OF FORCE ENGAGED IN BY A DEPUTY?

17

18 **UNDERSHERIFF PAUL TANAKA:** YES.

19

20 **BERT DEIXLER:** AND IT'S AN IMPORTANT MECHANISM TO IDENTIFY
21 FREQUENT USERS OF FORCE AMONG THE DEPUTIES, IS THAT TRUE?

22

23 **UNDERSHERIFF PAUL TANAKA:** IT IS IMPORTANT.

24

1 **BERT DEIXLER:** AND WOULD IT BE CORRECT TO SAY IT TAKES
2 APPROXIMATELY 10 USES OF FORCE IN A YEAR FOR AN EMPLOYEE
3 PERFORMANCE REVIEW TO BE TRIGGERED?

4

5 **UNDERSHERIFF PAUL TANAKA:** I DON'T KNOW.

6

7 **BERT DEIXLER:** YOU KNOW CAPTAIN BORNMAN, RIGHT?

8

9 **UNDERSHERIFF PAUL TANAKA:** YES.

10

11 **BERT DEIXLER:** AND YOU KNOW THAT CAPTAIN BORNMAN TESTIFIED
12 BEFORE THIS COMMISSION?

13

14 **UNDERSHERIFF PAUL TANAKA:** YES.

15

16 **BERT DEIXLER:** DO YOU KNOW THAT HE OPENED A DRAWER WORKING AT
17 MCJ AND TESTIFIED THAT HE FOUND 32 REQUESTS FOR EMPLOYEE
18 REVIEWS THAT HADN'T BEEN COMPLETED?

19

20 **UNDERSHERIFF PAUL TANAKA:** I'M UNAWARE OF THAT.

21

22 **BERT DEIXLER:** THAT THE REPORTS WERE 18 MONTHS OLD, DID YOU
23 KNOW THAT?

24

25 **UNDERSHERIFF PAUL TANAKA:** NO.

1

2 **BERT DEIXLER:** THAT THEY HAD BEEN COMPLETELY UNATTENDED TO?

3

4 **UNDERSHERIFF PAUL TANAKA:** YOU'RE OFFERING ME SOME INFORMATION
5 I'VE NEVER HEARD BEFORE.

6

7 **BERT DEIXLER:** HAVE YOU BEEN FOLLOWING THE TESTIMONY BEFORE THE
8 COMMISSION?

9

10 **UNDERSHERIFF PAUL TANAKA:** NO. NOT FOR LACK OF INTEREST, SIR. I
11 JUST HAVE A LOT OF WORK TO DO. AND I TRY TO PREPARE MYSELF FOR
12 THIS INTERVIEW IN HOPES THAT THIS COMMISSION IS GOING TO BE
13 ABLE TO ACCOMPLISH WHAT IT WAS PUT TOGETHER FOR, BUT
14 UNFORTUNATELY I CANNOT BE MIRED DOWN IN THE DAY-TO-DAY DETAILS
15 OF THE HEARINGS AND SUCH BECAUSE THERE ARE -- THERE'S A LOT
16 GOING ON IN THE SHERIFF'S DEPARTMENT. YOU KNOW OUR OBLIGATION,
17 10-1/2 MILLION PEOPLE, 4,000 SQUARE MILES, 23 STATIONS. I'VE
18 GOT A LOT OF RESPONSIBILITIES. AND I'M NOT DISCOUNTING THE
19 IMPORTANCE OF THE JAILS. CERTAINLY IT'S A SIGNIFICANT ARM OF
20 OUR OPERATION. THE SHERIFF HIMSELF IS DIRECTLY INVOLVED ON A
21 NEARLY DAILY BASIS IN DEALING WITH THE ISSUES IN THE JAIL AND
22 HAS ASKED THAT I CONTINUE TO DO AND BE RESPONSIBLE FOR THE
23 MANY OTHER AREAS OF OUR OPERATION.

24

1 **BERT DEIXLER:** IS IT IMPORTANT TO YOU, SIR, AS THE UNDERSHERIFF
2 OF THIS DEPARTMENT, TO FIND OUT WHETHER THERE HAS BEEN
3 PERVASIVE AND IMPROPER USE OF FORCE BY SHERIFF'S DEPUTIES IN
4 THE JAILS?

5

6 **UNDERSHERIFF PAUL TANAKA:** OH ABSOLUTELY. IF IT'S SOMETHING
7 THAT COMES TO MY ATTENTION AND I DON'T BELIEVE THAT A PROBLEM
8 HAS BEEN ADDRESSED, THAT IS MY RESPONSIBILITY TO GET INVOLVED.

9

10 **BERT DEIXLER:** FROM 2005 IN JANUARY WHEN YOU BECAME THE
11 ASSISTANT SHERIFF IN CHARGE OF CUSTODY THROUGH TODAY, CAN YOU
12 THINK OF EFFORTS THAT YOU HAVE MADE TO INVESTIGATE ALLEGATIONS
13 OF IMPROPER USE OF FORCE OR ACTIONS YOU'VE TAKEN TO STEM ANY
14 SUCH USES OF FORCE?

15

16 **UNDERSHERIFF PAUL TANAKA:** WHEN INSTANCES OF MISCONDUCT,
17 UNNECESSARY USE OF FORCE, IMPROPER USE OF FORCE, OR ANY OTHER
18 TYPE OF MISCONDUCT IS BROUGHT TO OUR ATTENTION -- AND
19 UNFORTUNATELY IT OCCURS EVERY DAY THROUGHOUT THE ORGANIZATION,
20 MINOR MISCONDUCT -- WHEN MAJOR MISCONDUCT IS BROUGHT TO OUR
21 ATTENTION, THAT'S WHEN WE DEAL WITH IT. IF WE CAN GET AHEAD OF
22 IT AND DEAL WITH SOMETHING ON THE FRONT END, THAT'S ALSO OUR
23 OBLIGATION. BUT IF WHAT I BELIEVE WHAT YOU'RE POINTING TO IS,
24 WAS I AWARE THAT THERE WAS THIS PERVASIVE PROBLEM OF FORCE
25 USAGE IN OUR COUNTY JAIL SYSTEM, IN PARTICULAR AT MEN'S

1 CENTRAL JAIL? UNTIL ALL OF THIS BROKE WITH THE FEDERAL
2 GOVERNMENT, WITH THE ACLU AND WITH THE FORMATION OF THIS
3 COMMISSION, ALL OF US WERE CAUGHT BY SURPRISE AT THE EXTENT TO
4 WHICH THE PROBLEM EXISTED. UNFORTUNATELY. WE CAN'T BE IN
5 EVERYBODY'S BUSINESS EVERY DAY. THE SHERIFF RELIES ON HIS
6 COMMANDING OFFICERS. HE RELIES ON HIS LIEUTENANTS. HE RELIES
7 ON HIS SERGEANTS. HE RELIES ON HIS DEPUTIES TO DO THE RIGHT
8 THING. HE ALSO RELIES ON HIS CHIEFS AND HIS COMMANDERS TO BE
9 ACTIVELY ENGAGED AND INSPECTING THEIR UNITS AND FOLLOWING THE
10 CHARTS AND NOTING IF THERE ARE ANY NEGATIVE TRENDS. THAT'S WHY
11 WE HAVE A NUMBER OF DIVISIONS.

12

13 **BERT DEIXLER:** MR. TANAKA WITH ALL OF THE REPORTS, ALL OF THE
14 NEWS ACCOUNTS, ALL OF THE CIVIL LITIGATION THAT WAS FILED, YOU
15 WERE TAKEN BY SURPRISE TO LEARN THAT THERE'S A PROBLEM OF USE
16 OF FORCE IN THE LOS ANGELES COUNTY JAIL? IS THAT YOUR
17 TESTIMONY, SIR?

18

19 **UNDERSHERIFF PAUL TANAKA:** NOT AS I'M SITTING HERE. AS ALL OF
20 THIS WAS BREAKING, I SAID. AS IT STARTS TO DEVELOP AND
21 INFORMATION IS COMING TO OUR ATTENTION. BECAUSE PRIOR TO THAT,
22 NOBODY IN THE CHAIN OF COMMAND RIGHT UP THROUGH THE CHIEF EVER
23 BROUGHT TO OUR ATTENTION THAT THERE WAS A PERVASIVE PROBLEM OF
24 IMPROPER USE OF FORCE IN OUR COUNTY JAIL SYSTEM.

25

1 **BERT DEIXLER:** BUT YOU KNOW THERE IS ONE NOW, RIGHT?

2

3 **UNDERSHERIFF PAUL TANAKA:** BASED ON DOCUMENTS, BASED ON WHAT
4 I'M HEARING, BASED ON THE FACT THAT THE COUNTY HAS HAD TO
5 IMPANEL A BLUE RIBBON COMMISSION, OF COURSE.

6

7 **BERT DEIXLER:** THE FAILURE TO ATTEND TO THE COMPLETION AND
8 PROPER CIRCULATION OF REPORTS, YOU WOULD AGREE WITH ME, HURTS
9 ACCOUNTABILITY IN THE ADMINISTRATION OF THE JAILS; RIGHT?

10

11 **UNDERSHERIFF PAUL TANAKA:** I'M SORRY.

12

13 **BERT DEIXLER:** IF REPORTS AREN'T COMPLETED AND CONVEYED TO THE
14 PEOPLE WHO NEED TO KNOW, YOU WOULD AGREE WITH ME THAT
15 ACCOUNTABILITY IS SACRIFICED IN THE JAILS; CORRECT?

16

17 **UNDERSHERIFF PAUL TANAKA:** YES.

18

19 **BERT DEIXLER:** PEOPLE ALL THE WAY UP TO THE SHERIFF MAY NEVER
20 KNOW THAT THERE ARE PERVASIVE USES OF FORCE IF THE REPORTS
21 AREN'T GENERATED AND PROPERLY CIRCULATED TO THOSE WHO NEED TO
22 KNOW, DO YOU AGREE WITH THAT?

23

24 **UNDERSHERIFF PAUL TANAKA:** YES, I DO.

25

1 **BERT DEIXLER:** THE COMMANDER SERVICE REPORT, WHAT'S THAT?

2

3 **UNDERSHERIFF PAUL TANAKA:** COMMANDER SERVICE REPORT? I DON'T
4 KNOW.

5

6 **BERT DEIXLER:** IS THAT A REPORT GENERATED WHEN OUTSIDERS
7 COMPLAIN OR COMMENT ABOUT JAIL CONDITIONS?

8

9 **UNDERSHERIFF PAUL TANAKA:** OH. I AM UNAWARE OF -- I'VE NEVER
10 HEARD OF A COMMANDER SERVICE REPORT.

11

12 **BERT DEIXLER:** PERHAPS I'VE USED THE WRONG -- IS THERE A REPORT
13 THAT'S GENERATED WHEN OUTSIDERS COMPLAIN OR COMMENT ABOUT JAIL
14 CONDITIONS?

15

16 **UNDERSHERIFF PAUL TANAKA:** THERE IS A REPORT FOR THE PUBLIC TO
17 LODGE COMPLAINTS. IT'S CALLED THE WATCH COMMANDER SERVICE
18 COMMENT REPORT. BUT IT IS NOT LIMITED TO COMPLAINTS ABOUT
19 ACTIVITIES IN THE JAILS; IT IS THE PUBLIC'S ABILITY -- OR
20 ANYONE'S ABILITY, FOR THAT MATTER -- TO FILE A COMPLAINT ABOUT
21 EITHER A PERSONNEL MATTER OR SERVICE MATTER.

22

23 **BERT DEIXLER:** DID YOU LEARN THAT CAPTAIN BORNMAN, DOING THE
24 WORK THAT HE DID, HIS STUDY, FOUND THAT THERE WERE 50 SUCH
25 REPORTS AT MCJ THAT HADN'T BEEN COMPLETED?

1

2 **UNDERSHERIFF PAUL TANAKA:** NO.

3

4 **BERT DEIXLER:** WHEN DID YOU LEARN IN MARCH OF 2010 THAT CAPTAIN
5 BORNMAN HAD FOUND STUFFED IN A DESK DRAWER AT MCJ A COMPUTER
6 PRINTOUT INDICATING 100 USE OF FORCE REVIEWS THAT HADN'T BEEN
7 ACTED UPON?

8

9 **UNDERSHERIFF PAUL TANAKA:** THAT'S THE FIRST I'M HEARING OF IT.

10

11 **BERT DEIXLER:** DIDN'T HEAR ANY NEWS ACCOUNTS OR HEAR IT WITHIN
12 THE DEPARTMENT, CORRECT?

13

14 **UNDERSHERIFF PAUL TANAKA:** THAT'S CORRECT.

15

16 **BERT DEIXLER:** DO YOU KNOW THAT SOME OF THOSE DATED BACK AS FAR
17 AS 2005 WHEN YOU WERE BEGINNING YOUR TENURE AS THE ASSISTANT
18 SHERIFF RESPONSIBLE FOR THE JAIL?

19

20 **UNDERSHERIFF PAUL TANAKA:** IF THE SUGGESTION -- I DON'T KNOW,
21 SIR. I'M UNAWARE OF IT.

22

23 **BERT DEIXLER:** WOULD YOU AGREE, THAT IF THESE REPORTS AREN'T
24 COMPLETED OR STUFFED IN A DRAWER OR PLACED IN SOME OTHER

1 INACCESSIBLE PLACE, THAT ENTRIES INTO THE PPI SYSTEM ARE
2 UNLIKELY TO BE ACCURATE?

3

4 **UNDERSHERIFF PAUL TANAKA:** ANY INCOMPLETED PAPERWORK IS
5 UNACCEPTABLE IN THIS ORGANIZATION. IF WE -- IF THERE WAS A
6 FOOL PROOF WAY TO STOP IT, WE CERTAINLY WOULD.

7

8 **BERT DEIXLER:** MY QUESTION WAS A LITTLE MORE SPECIFIC. IT'S
9 ABOUT THE RELIABILITY OF THE PPI. WOULD YOU AGREE WITH ME THAT
10 IF THESE FORCE REPORTS AREN'T COMPLETED, THAT THE PPI REPORTS
11 THEMSELVES ARE UNRELIABLE?

12

13 **UNDERSHERIFF PAUL TANAKA:** AS YOU SUGGESTED WITH BEING ABLE TO
14 TRACK IN ANY FASHION PPI OR OTHERWISE, OF COURSE. IF YOU DON'T
15 HAVE ALL THE INFORMATION, YOU DON'T HAVE THE APPROPRIATE
16 PICTURE OR CERTAINLY YOU DON'T HAVE THE COMPLETE PICTURE.

17

18 **BERT DEIXLER:** SO KNOWING THAT THE PPI IS VERY IMPORTANT TO
19 IDENTIFY DEPUTIES WHO USE FORCE AND PERHAPS EXCESSIVELY USE
20 FORCE, THE FACT THAT THE INFORMATION GOING INTO THE PPI IS
21 INACCURATE OR INCOMPLETE OR UNRELIABLE IS A CAUSE OF GREAT
22 SUPERVISORIAL CONCERN, ISN'T IT?

23

24 **UNDERSHERIFF PAUL TANAKA:** YES.

25

1 **BERT DEIXLER:** ALL OF THESE PAPERWORK PROBLEMS EXISTED DURING
2 THE TENURE OF CAPTAIN CRUZ, WHILE HE WAS IN CHARGE OF THE
3 MEN'S CENTRAL JAIL; IS THAT RIGHT?

4

5 **UNDERSHERIFF PAUL TANAKA:** ARE YOU SUGGESTING THAT ALL THE
6 PROBLEMS THAT ARE BEING REVEALED TODAY ABOUT MEN'S CENTRAL
7 JAIL, BE IT PAPERWORK OR FORCE OR OTHERWISE, ARE ALL THE
8 RESPONSIBILITY OF CAPTAIN CRUZ, IS THAT THE QUESTION I HEAR?

9

10 **BERT DEIXLER:** NO, ONLY IF IT WERE THAT EASY, SIR, NO. THE
11 PROBLEMS ARE PERVASIVE, AND A LOT OF THEM OCCURRED DURING THE
12 TENURE OF CAPTAIN CRUZ AS THE CAPTAIN OF MEN'S CENTRAL JAIL.
13 YOU UNDERSTAND THAT NOW, DON'T YOU?

14

15 **UNDERSHERIFF PAUL TANAKA:** NO, I DO NOT. I HAVE NOT BEEN PRIVY
16 TO THE INVESTIGATION OF CAPTAIN CRUZ'S TENURE OF MEN'S CENTRAL
17 JAIL. I HAVE NOT BEEN A PART OF THAT INVESTIGATION, SO I CAN'T
18 COMMENT ON THAT.

19

20 **BERT DEIXLER:** SO YOU HAVE NO IDEA WHETHER CAPTAIN CRUZ DID A
21 GOOD JOB OR BAD JOB? NO OPINION?

22

23 **UNDERSHERIFF PAUL TANAKA:** I THINK WE HAD DISCUSSED THIS A
24 LITTLE EARLIER. AS FAR AS I KNEW AT THE TIME, CAPTAIN CRUZ DID
25 AN ACCEPTABLE JOB THERE. HE DID A GOOD JOB. NOW, I UNDERSTAND

1 ALL OF THESE REVELATIONS AFTER THE FACT COULD POSSIBLY CHANGE,
2 BUT YOU HAVE TO LET THE INVESTIGATION COMPLETE ITS COURSE. I'M
3 NOT GOING TO SAY ONE WAY OR ANOTHER UNTIL THAT INVESTIGATION
4 IS COMPLETE.

5

6 **BERT DEIXLER:** WHAT'S A "PERFORMANCE MENTORING" FOR DEPUTIES?

7

8 **UNDERSHERIFF PAUL TANAKA:** WHAT IS IT?

9

10 **BERT DEIXLER:** YES, SIR.

11

12 **UNDERSHERIFF PAUL TANAKA:** THERE ARE CERTAIN TRIGGER POINTS
13 WHERE A DEPUTY, WHETHER IT'S -- WHERE THEY'RE NOT PERFORMING
14 TO THE STANDARDS THAT THEY SHOULD, THE DEPARTMENT HAS A
15 MENTORING PROGRAM THAT IS DESIGNED TO BE MORE FORMALIZED SO
16 THAT WE CAN KEEP BETTER TRACK OF A PERSON'S PERFORMANCE.

17

18 **BERT DEIXLER:** AND THAT'S AN IMPORTANT WAY OF ENSURING PROPER
19 ADHERENCE TO RULES, DISCIPLINE AND POLICIES, CORRECT?

20

21 **UNDERSHERIFF PAUL TANAKA:** WELL, IT'S THE DEPARTMENT'S WAY OF
22 TRYING TO GET A PERSON -- TRYING TO GET A PERSON'S ATTENTION,
23 LETTING HIM KNOW THAT THEY ARE BEING MONITORED MORE CLOSELY
24 AND TRYING TO HELP THEM GET BACK ON THE RIGHT TRACK SO THAT
25 THEY CAN DO THEIR JOB.

1

2 **BERT DEIXLER:** SIR, HAVE YOU LEARNED THAT CAPTAIN BORNMAN HAS
3 TESTIFIED THAT WHEN HE MADE SUGGESTIONS TO CAPTAIN CRUZ ABOUT
4 PERFORMANCE MENTORING FOR CERTAIN JAIL DEPUTIES, THAT HE WAS
5 TOLD BY CAPTAIN CRUZ THAT YOU DIDN'T LIKE TO PUT PEOPLE ON
6 PERFORMANCE MENTORING?

7

8 **UNDERSHERIFF PAUL TANAKA:** WELL, I DON'T KNOW WHAT DISCUSSION
9 TOOK PLACE BETWEEN CAPTAIN CRUZ AND CAPTAIN BORNMAN. I'M NOT
10 AWARE OF, ACTUALLY, ANY OF THEIR DISCUSSIONS. BUT I CAN TELL
11 YOU THIS ABOUT PERFORMANCE MENTORING: IT IS AN IMPORTANT
12 FUNCTION OF THIS ORGANIZATION. AS A MATTER OF FACT, A FEW
13 YEARS AGO, I WAS A LITTLE CONCERNED ABOUT WHETHER OR NOT WE
14 WERE ADHERING TO THIS PRACTICE. I HEARD SOME VERY DISTURBING
15 DISCUSSIONS THAT PERFORMANCE MENTORING HAD FALLEN THROUGH THE
16 CRACKS. SO I WENT TO -- I SHOWED UP UNANNOUNCED AT A
17 PERFORMANCE MENTORING MEETING IN WHICH THEY WERE GOING TO
18 DISCUSS WHETHER OR NOT TO PUT SOME PEOPLE INTO THE PROGRAM.
19 AND IT WAS -- WHAT I LEARNED WAS IT WAS VERY, VERY
20 DISAPPOINTING. THREE COMMANDERS MAKING A DECISION ABOUT A
21 PERSON'S LIFE, THEIR PERSONAL CAREER, OKAY. NONE OF THE THREE
22 COMMANDERS KNEW THE INDIVIDUAL, AND THE PERSON'S CAPTAIN DID
23 NOT SHOW UP TO REPRESENT HIM. SO ONE OF THE COMMANDERS SAID,
24 "OH WHAT THE HECK. JUST PUT HIM ON PERFORMANCE MENTORING. WHAT
25 DOES IT MATTER?" I HAD TO PUT A STOP TO THAT PROCEEDING. I

1 SAID, "WHAT DOES IT MATTER TO PUT A CLOUD OVER SOMEBODY'S HEAD
2 BECAUSE YOU DON'T KNOW THEM? AND IT'S MUCH EASIER JUST TO PUT
3 THEM ON PERFORMANCE MENTORING AND YOU FEEL THAT'S THE SAFE
4 ROUTE TO GO? AS A MATTER OF FACT, I'VE DONE SOME RESEARCH AND
5 I WANT TO KNOW WHY IN A TWO-YEAR PROGRAM WE HAVE AN EMPLOYEE
6 WHO HAS BEEN ON PERFORMANCE MENTORING FOR 13 YEARS?" HE
7 COULDN'T ANSWER IT. I SAID, "SO YOU'RE GOING TO LEAVE THIS
8 MARK ON THIS INDIVIDUAL'S CAREER FOR 13 YEARS IN THIS VERY
9 IMPORTANT PANEL." OUR WAY OF MONITORING BAD BEHAVIOR AND
10 TRYING TO CORRECT IT AND WED A PROCESS, THAT WAS BROKEN. AND I
11 ORDERED THEM TO FIX IT. SO I HOPE -- I'M SORRY FOR THE LENGTHY
12 ANSWER TO YOUR QUESTION, OR AT LEAST IN MY OPINION YOUR
13 IMPLICATION BASED ON WHAT CAPTAIN BORNMAN SAID, ALLEGEDLY,
14 THAT I DON'T HAVE AN INTEREST IN PERFORMANCE MENTORING. QUITE
15 THE CONTRARY, SIR.

16

17 **BERT DEIXLER:** DID YOU EVER TELL CAPTAIN CRUZ THAT YOU DIDN'T
18 LIKE TO PUT PEOPLE ON PERFORMANCE MENTORING? YES OR NO?

19

20 **UNDERSHERIFF PAUL TANAKA:** THAT ISN'T WHAT YOU ASKED, THOUGH.
21 YOU SAID -- SORRY.

22

23 **BERT DEIXLER:** YOU ARE PROBABLY RIGHT. WOULD YOU ANSWER MY
24 QUESTION, SIR?

25

1 **UNDERSHERIFF PAUL TANAKA:** DID I EVER SAY THAT? THE ANSWER IS
2 NO.

3

4 **BERT DEIXLER:** SO TO THE EXTENT THAT CAPTAIN CRUZ BELIEVES YOU
5 SAID THAT, HE'S GOTTEN IT WRONG?

6

7 **UNDERSHERIFF PAUL TANAKA:** YOU'RE GOING TO HAVE TO ASK CAPTAIN
8 CRUZ, I CAN'T PUT WORDS IN HIS MOUTH.

9

10 **BERT DEIXLER:** IF CAPTAIN CRUZ, IN FACT, SAID SUCH A THING IN
11 2010 TO CAPTAIN BORNMAN, WOULD YOU AGREE THAT YOU WERE NO
12 LONGER THE ASSISTANT SHERIFF IN CHARGE OF CUSTODY?

13

14 **UNDERSHERIFF PAUL TANAKA:** I GOT LOST ON THAT ONE.

15

16 **BERT DEIXLER:** CAN YOU THINK OF A REASON WHY, IN 2010, CAPTAIN
17 CRUZ WOULD BE EXPLAINING TO CAPTAIN BORNMAN YOUR VIEWS OF
18 PERFORMANCE MENTORING IF YOU WERE NO LONGER IN CHARGE OF THE
19 JAILS?

20

21 **UNDERSHERIFF PAUL TANAKA:** I CAN'T ANSWER THAT QUESTION.

22

23 **BERT DEIXLER:** DID YOU LEARN OF THE TESTIMONY THE COMMISSION
24 HEARD WHEN CAPTAIN CRUZ TOLD CAPTAIN BORNMAN THAT HE WASN'T

1 ACCOUNTABLE TO HIS OWN COMMANDER, OLMSTED? OR TO THE CHIEF OF
2 CUSTODY?

3

4 **UNDERSHERIFF PAUL TANAKA:** AM I AWARE OF THAT?

5

6 **BERT DEIXLER:** YES.

7

8 **UNDERSHERIFF PAUL TANAKA:** I BELIEVE I'VE HEARD THAT.

9

10 **BERT DEIXLER:** YOU KNOW THAT HE SAID, "LEE BACA IS MY SHERIFF,
11 BUT I WORK FOR PAUL TANAKA"?

12

13 **UNDERSHERIFF PAUL TANAKA:** AM I AWARE THAT --

14

15 **BERT DEIXLER:** THAT CAPTAIN BORNMAN SAID THAT CAPTAIN CRUZ SAID
16 THAT TO HIM, ARE YOU AWARE OF THAT, SIR?

17

18 **UNDERSHERIFF PAUL TANAKA:** OKAY, I'M AWARE OF IT NOW.

19

20 **BERT DEIXLER:** IS THIS THE FIRST YOU HEARD OF IT?

21

22 **UNDERSHERIFF PAUL TANAKA:** I MAY HAVE HEARD SOMETHING TO THAT
23 EFFECT. BUT, AGAIN, I DON'T READ THE ACCOUNTS. I DON'T,
24 UNFORTUNATELY, HAVE TIME TO FOLLOW THIS WHOLE PROCEEDING ON A
25 FULL-TIME BASIS SO I HEAR BITS AND PARTS AND I TRY TO KEEP AS

1 INFORMED AS POSSIBLE. BUT THAT'S A PRETTY HARSH STATEMENT. SO
2 AS I'M HEARING YOU SAY IT NOW, I UNDERSTAND, I HEAR IT.

3

4 **BERT DEIXLER:** DO YOU HAVE ANY REASON WHY CAPTAIN CRUZ WOULD
5 HAVE SAID THAT HE WORKED FOR YOU AND NOT FOR HIS COMMANDER OR
6 THE CHIEF OF CUSTODY OUT OF CUSTODY?

7

8 **UNDERSHERIFF PAUL TANAKA:** SO YOU'RE ASSUMING, HOWEVER, BASED
9 UPON THAT QUESTION THAT, THAT IS THE TRUTH AND CAPTAIN BORNMAN
10 SAID THAT?

11

12 **BERT DEIXLER:** I DON'T COMMENT ON THE TRUTHFULNESS OF
13 WITNESSES. IF YOU DON'T BELIEVE CAPTAIN BORNMAN OR CAPTAIN
14 CRUZ, I'M NOT GOING TO COMMENT. CAN YOU THINK OF A REASON WHY
15 CAPTAIN CRUZ WOULD HAVE THE OPINION THAT YOU WERE HIS BOSS
16 EVEN THOUGH YOU HAD BEEN OUT OF CUSTODY FOR YEARS?

17

18 **UNDERSHERIFF PAUL TANAKA:** I DON'T KNOW WHETHER CAPTAIN CRUZ
19 SAID THAT OR NOT.

20

21 **BERT DEIXLER:** DO YOU THINK YOU MIGHT HAVE DONE SOMETHING TO
22 CONFUSE THE CHAIN OF COMMAND, EITHER INTENTIONALLY OR BY
23 MISCOMMUNICATION?

24

1 **UNDERSHERIFF PAUL TANAKA:** IF ANYBODY AT THE RANK OF CAPTAIN IS
2 CONFUSED BY THE CHAIN OF COMMAND, THEN THEY HAVE A PROBLEM.
3 THERE'S NO CONFUSION IN CHAIN OF COMMAND. YOU REACH THAT RANK.
4 THERE IS DEFINITELY NO CONFUSION IN THE CHAIN OF COMMAND.

5

6 **BERT DEIXLER:** WHO IS LIEUTENANT STEVE SMITH?

7

8 **UNDERSHERIFF PAUL TANAKA:** WORKS IN OUR DEPARTMENT.

9

10 **BERT DEIXLER:** DO YOU KNOW WHETHER HE REVIEWED --

11

12 **UNDERSHERIFF PAUL TANAKA:** I'M NOT TRYING TO BE FUNNY.

13

14 **BERT DEIXLER:** BELIEVE ME, YOU'RE NOT. AM I CORRECT THAT HE
15 REVIEWED THE USE OF FORCE IN THE MEN'S CENTRAL JAIL IN 2008?

16

17 **UNDERSHERIFF PAUL TANAKA:** DID I REVIEW?

18

19 **BERT DEIXLER:** NO. DID YOU LEARN THAT LIEUTENANT SMITH HAD
20 CONDUCTED SUCH A STUDY OF THE USE OF FORCE IN THE MEN'S
21 CENTRAL JAIL IN 2008?

22

23 **UNDERSHERIFF PAUL TANAKA:** THIS IS THE FIRST I HEARD OF THAT.

24

1 **BERT DEIXLER:** HAVE YOU EVER SEEN ANY REPORT THAT HE HAD
2 PREPARED?

3

4 **UNDERSHERIFF PAUL TANAKA:** I DON'T BELIEVE SO. I DON'T
5 REMEMBER.

6

7 **BERT DEIXLER:** DO YOU KNOW THAT HE FOUND THAT THERE WERE PEOPLE
8 WHO USED FORCE AS MANY AS 27 TIMES IN THE PRECEDING FIVE
9 YEARS?

10

11 **UNDERSHERIFF PAUL TANAKA:** I'M UNAWARE OF HIS DOCUMENT.

12

13 **BERT DEIXLER:** WHY DON'T WE LOOK AT EXHIBIT NO. 8 AND SEE IF
14 REVIEWING THAT WILL BRING THIS BACK TO YOUR MEMORY?

15

16 **UNDERSHERIFF PAUL TANAKA:** I HAVE NOT SEEN THIS DOCUMENT PRIOR
17 TO THIS PARTICULAR MOMENT.

18

19 **BERT DEIXLER:** I'LL REPRESENT TO YOU THAT PART OF LIEUTENANT
20 SMITH'S STUDY COVERED THE PERIOD WHEN YOU WERE THE ASSISTANT
21 SHERIFF IN CHARGE OF AND RESPONSIBLE FOR THE L.A. COUNTY
22 JAILS. WOULD THE INFORMATION SUCH AS THERE HAVING BEEN
23 DEPUTIES WHO HAD USED FORCE 27 TIMES IN FIVE YEARS, TWO
24 SEPARATE DEPUTIES, AND THE OTHER INFORMATION CONTAINED IN

1 EXHIBIT 8, HAVE BEEN OF INTEREST TO YOU DURING THE TIME THAT
2 YOU WERE IN CHARGE OF L.A. COUNTY JAILS?

3

4 **UNDERSHERIFF PAUL TANAKA:** POSSIBLY.

5

6 **BERT DEIXLER:** YOU'RE NOT SURE WHETHER YOU WOULD WANT TO HAVE
7 KNOWN OF A PERCEIVED EXCESSIVE USE OF FORCE WHILE YOU WERE
8 ASSISTANT SHERIFF IN CHARGE OF THAT DIVISION?

9

10 **UNDERSHERIFF PAUL TANAKA:** WELL, IT DEPENDS ON WHETHER OR NOT
11 IT WAS EXCESSIVE FORCE. I MEAN IF THESE WERE DIRECTED FORCE
12 CASES WHERE THIS PARTICULAR INDIVIDUAL WAS ON AN INMATE CELL
13 EXTRACTION TEAM -- SIX OR SEVEN A YEAR? I'M NOT SO SURE THAT
14 THAT WOULD BE CONSIDERED ANYTHING EXCESSIVE IF THIS PERSON IS
15 ON ONE OF THE DIRECTED FORCE TEAMS.

16

17 **BERT DEIXLER:** IN FACT, MR. TANAKA, YOU DON'T KNOW A THING
18 ABOUT WHO THESE PEOPLE ARE, WHAT THEIR RESPONSIBILITIES WERE
19 AND WHETHER THE 27 USES OF FORCE WERE EXCESSIVE OR NOT BECAUSE
20 YOU NEVER LOOKED INTO IT; CORRECT?

21

22 **UNDERSHERIFF PAUL TANAKA:** IT WAS NEVER BROUGHT TO MY ATTENTION
23 THAT THERE WAS A PROBLEM OF -- NOW, LISTEN, I HAD CHIEFS. I
24 HAD COMMANDERS. I HAD CAPTAINS, COMMANDING OFFICERS. NOT A
25 SINGLE ONE EVER RAISED IT TO THE LEVEL THAT, "HEY, THERE IS A

1 PROBLEM WITH EXCESSIVE FORCE, UNNECESSARY FORCE, AND WE NEED
2 YOU TO INTERVENOR TO GET INVOLVED." THAT WAS NEVER, EVER
3 BROUGHT UP.

4

5 **BERT DEIXLER:** DO YOU FEEL THEY LET YOU DOWN?

6

7 **UNDERSHERIFF PAUL TANAKA:** YOU'RE TRYING TO GET ME TO SAY
8 SOMETHING NOT TOO KIND ABOUT SOME FOLKS, AND SO WITH ALL DUE
9 RESPECT, THERE MAYBE ARE SOME FOLKS THAT, DO YOU KNOW WHAT? WE
10 CAN ALL DO A BETTER JOB, SIR.

11

12 **BERT DEIXLER:** AND WOULD YOU AGREE WITH ME THAT TO THE EXTENT
13 THIS KIND OF REPORTING AND INVESTIGATION AND BEHAVIOR WAS
14 GOING ON, THE FACT THAT IT DIDN'T GET ELEVATED TO YOUR LEVEL
15 SUGGESTS A FAILURE INSTITUTIONALLY ON BEHALF OF THE SHERIFF'S
16 DEPARTMENT ON THIS ISSUE?

17

18 **UNDERSHERIFF PAUL TANAKA:** NOT NECESSARILY. YOU'RE LOOKING AT A
19 MEMORANDUM FROM A LIEUTENANT TO A COMMANDER. WHAT DID THE
20 COMMANDER DO? THE COMMANDER HAS A LOT OF AUTHORITY IN THIS
21 ORGANIZATION. THEY CAN MOVE MOUNTAINS. SO I DON'T KNOW IF YOU
22 HAD AN OPPORTUNITY TO FIND OUT WHAT THE COMMANDER DID. A
23 COMMANDER DOESN'T NEED ANYBODY ABOVE HIM OR HER TO ASSIST THEM
24 TO DO THEIR JOB PROPERLY. THEY HAVE MORE THAN ENOUGH AUTHORITY
25 TO FIX VIRTUALLY ANY PROBLEM IN THIS ORGANIZATION.

1

2 **BERT DEIXLER:** I WON'T ASK YOU WHETHER THE COMMANDER LET YOU
3 DOWN, THEN. LET ME MOVE ON TO A NEW TOPIC.

4

5 **UNDERSHERIFF PAUL TANAKA:** THANK YOU.

6

7 **BERT DEIXLER:** CAPTAIN GREGORY JOHNSON, HAVE YOU EVER HEAR OF
8 HIM?

9

10 **UNDERSHERIFF PAUL TANAKA:** YES.

11

12 **BERT DEIXLER:** DO YOU KNOW HE CONDUCTED AN AUDIT OF USE OF
13 FORCE PACKAGES FROM MCJ?

14

15 **UNDERSHERIFF PAUL TANAKA:** OKAY.

16

17 **BERT DEIXLER:** DID YOU KNOW THAT?

18

19 **UNDERSHERIFF PAUL TANAKA:** IT MAY HAVE BEEN BROUGHT TO MY
20 ATTENTION, I DON'T REMEMBER.

21

22 **BERT DEIXLER:** DO YOU KNOW HE REPORTED THE USE OF FORCE REPORTS
23 HE EVALUATED WERE INADEQUATE?

24

1 **UNDERSHERIFF PAUL TANAKA:** I DON'T KNOW IF I HAVE SEEN HIS
2 DOCUMENT.

3

4 **BERT DEIXLER:** WELL, HE DOUBTED THE TRUTHFULNESS OF REPORTS,
5 DIDN'T HE, SIR? DID YOU HEAR THAT?

6

7 **UNDERSHERIFF PAUL TANAKA:** I MAY HAVE. AGAIN, IF I DID, IT
8 WOULD BE DURING THIS SAME PARTICULAR FEW MONTHS PRIOR TO
9 TODAY'S PERIOD.

10

11 **BERT DEIXLER:** SOMETIME IN 2012, YOU THINK, THAT THE FACT THAT
12 YOU HAD CAPTAINS REPORTING ON UNTRUTHFUL USE OF FORCE REPORTS
13 HAS COME TO YOUR ATTENTION, RIGHT?

14

15 **UNDERSHERIFF PAUL TANAKA:** WELL, I DO NOT HAVE RECOLLECTION OF
16 A GREG JOHNSON REPORT -- OF CAPTAIN JOHNSON'S REPORT.

17

18 **BERT DEIXLER:** TAKE A LOOK AT EXHIBIT NO. 9, IF YOU WOULD, SIR.
19 AND IF YOU'D LOOK AT PAGE 2, THE DESCRIPTIONS OF THE AUGUST 13
20 INCIDENT. DO YOU SEE THE BULLET POINTS WHICH IDENTIFY
21 QUESTIONS THAT THE CAPTAIN RAISED ABOUT THE REPORTS? "WHY DID
22 THE SERGEANT SEND THE SAME DEPUTY TO INVESTIGATE THE INMATE'S
23 COMPLAINT? WHY WAS THE INMATE BEING MOVED FROM HIS CELL? THE
24 REPORT CLAIMS THE CONTACT OCCURRED FOR THE SAFETY OF TEACHERS,
25 BUT THE TEACHERS HAD ALREADY WALKED PAST THE INCIDENT. THERE

1 WERE UNINTERVIEWED WITNESSES. SIGNIFICANT INJURIES TO THE
2 INMATE'S RIGHT CHEEK CAN BE SEEN ON A VIDEOTAPED INTERVIEW. NO
3 QUESTIONS WERE ASKED BY THE SUPERVISOR AS TO HOW THE INJURIES
4 WERE SUSTAINED." DO YOU SEE THAT?

5

6 **UNDERSHERIFF PAUL TANAKA:** YES, SIR.

7

8 **BERT DEIXLER:** THOSE ARE HARSHLY CRITICAL OF IMPORTANT
9 DOCUMENTS WHICH ARE USED TO ENSURE DISCIPLINE AMONG SHERIFF'S
10 DEPUTIES IN THE COUNTY JAIL, IS THAT RIGHT?

11

12 **UNDERSHERIFF PAUL TANAKA:** YES.

13

14 **BERT DEIXLER:** GETTING IT TRUTHFUL AND CORRECT IS VERY
15 IMPORTANT TO ENSURING DISCIPLINE ADHERENCE TO THE LAW, IS THAT
16 RIGHT?

17

18 **UNDERSHERIFF PAUL TANAKA:** OF COURSE.

19

20 **BERT DEIXLER:** AND YOU WOULD HAVE LIKED TO HAVE KNOWN IF THERE
21 WERE SUCH REPORTS GOING ON BECAUSE SUCH INCIDENTS GOING ON --
22 BECAUSE IT'S IMPORTANT FOR YOU, AS THE UNDERSHERIFF, THEN AS
23 ASSISTANT SHERIFF, TO UNDERSTAND THE CONDUCT OF THE DEPUTIES;
24 TRUE?

25

1 **UNDERSHERIFF PAUL TANAKA:** PARTIALLY TRUE. JANUARY 23, 2010, I
2 WAS THE ASSISTANT SHERIFF IN THE FIELD OPERATIONS SIDE. I
3 RECOGNIZE THAT THIS IS BEING WRITTEN BY A CAPTAIN OF A JAIL
4 FACILITY. THE MEMO WAS ADDRESSED TO A COMMANDER IN CUSTODY
5 DIVISION. SO FIRST ORDER OF BUSINESS IS -- MY QUESTION WOULD
6 BE TODAY? WHAT DID THE COMMANDER DO WITH THIS INFORMATION? DID
7 HE SEEK HIS -- THE COUNSEL OR THE ASSISTANCE OF HIS CHIEF? IF
8 SO, WHAT DID THE CHIEF DO? AND THEN IT GOES UP FROM THERE.
9 AGAIN, THERE ARE TIMES WHEN WE STAY ON OUR SIDE OF THE SHOP,
10 SO TO SPEAK, WITH REGARDS TO THE ORGANIZATION CHART UNLESS IT
11 BECOMES A PROBLEM THAT REQUIRES YOUR INSTANT INVOLVEMENT. IN
12 THIS PARTICULAR CASE, THIS IS, AGAIN, AN ISSUE THAT WAS NEVER
13 BROUGHT TO MY ATTENTION UNTIL NOW.

14

15 **BERT DEIXLER:** I'LL HAVE SOME QUESTIONS ABOUT THAT AS WE GO
16 FORWARD. CAN WE JUST LOOK AT THE JULY 11TH ONE? THIS IS YET
17 ANOTHER USE OF FORCE PACKAGE "CONTEMPT OF COP, INMATE SUCKING
18 HIS TEETH. REPORTS WHICH WERE APPROVED BY A SUPERVISOR. NO
19 INMATE WITNESSES IN A HALLWAYFUL OF INMATES. WHY WOULD THE
20 INMATES SCREW UP BEFORE GOING TO THE YARD? INMATE ALLEGES A
21 DEPUTY GRABBED HIM BY THE BACK OF THE NECK. AND THE REPORT,
22 THE SUPERVISOR'S REPORT ON USE OF FORCE DOESN'T ACCOUNT FOR
23 THE INJURY TO INMATE'S HEAD AND JAW AND DOESN'T ACCOUNT FOR
24 THE DEPUTY'S HAND BEING SLAPPED BY THE INMATE." THIS IS OF
25 CONCERN TO YOU NOW THAT YOU SEE IT, CORRECT?

1

2 **UNDERSHERIFF PAUL TANAKA:** OF COURSE.

3

4 **BERT DEIXLER:** IT'S A SUGGESTION OF INACCURACY, INCOMPLETE OR
5 UNTRUTHFUL REPORTING IN USE OF FORCE PACKAGES, RIGHT?

6

7 **UNDERSHERIFF PAUL TANAKA:** THE GREATER INDICATION IS WHAT WAS
8 DONE WITH THIS INFORMATION ONCE IT CAME TO THE ATTENTION OF
9 THE COMMAND STAFF. THAT IS A PROBLEM.

10

11 **BERT DEIXLER:** YES. AND IF IT DIDN'T GET ELEVATED TO A HIGHER
12 LEVEL, YOU WOULD AGREE THAT THAT WAS AN INSTITUTIONAL FAILURE,
13 RIGHT?

14

15 **UNDERSHERIFF PAUL TANAKA:** IT COULD BE CLASSIFIED AS SUCH IF IT
16 REQUIRED THE RESOURCES THAT COULD ONLY BE AUTHORIZED BY LEVELS
17 ABOVE THEM. BUT THESE ARE SITUATIONS THAT CAN BE RESOLVED BY
18 COMMAND-LEVEL ISSUES. YOU DO YOUR PAPERWORK. YOU DO WHATEVER
19 STEPS ARE NECESSARY TO MAKE SURE PEOPLE ARE DOING THEIR JOB
20 RIGHT. IF YOU CAN REMEDIATE THEM THROUGH TRAINING, THAT'S WHAT
21 YOU DO. IF THEY CAN'T CONFORM, THEN THEY DON'T BELONG IN THIS
22 DEPARTMENT.

23

24 **BERT DEIXLER:** HOW WOULD ANYBODY KNOW, BASED UPON THESE USE OF
25 FORCE PACKAGES, WHETHER THE PEOPLE BELOW WERE ACTING PROPERLY

1 OR IMPROPERLY UNTIL THIS INVESTIGATION WAS UNDERTAKEN AND THE
2 DEMONSTRATION MADE THAT THESE REPORTS WERE FALSE?

3

4 **UNDERSHERIFF PAUL TANAKA:** AND, AGAIN, THEN WHAT DID THE
5 CAPTAIN DO WITH THIS INFORMATION? OR WHAT DID THE COMMANDER DO
6 WITH THIS INFORMATION? I DON'T KNOW.

7

8 **BERT DEIXLER:** SO IF THE CAPTAIN DIDN'T ELEVATE IT OR PUT
9 SOMEBODY ON MENTORING OR TAKE SOME OTHER PERSONNEL ACTION, THE
10 CAPTAIN MADE A MISTAKE?

11

12 **UNDERSHERIFF PAUL TANAKA:** WELL THERE CERTAINLY APPEARS TO BE
13 SOME GAPS HERE.

14

15 **BERT DEIXLER:** WOULD YOU AGREE THAT THE REPORTS THAT I'VE HAD
16 THE CHANCE TO BRIEFLY SHOW YOU THIS MORNING SUGGEST A JAIL IN
17 WHICH DISCIPLINE APPEARED TO BE LACKING?

18

19 **UNDERSHERIFF PAUL TANAKA:** DISCIPLINE?

20

21 **BERT DEIXLER:** YES, DISCIPLINE.

22

23 **UNDERSHERIFF PAUL TANAKA:** DID YOU MEAN DISCIPLINE IN THE WAY
24 OF PUNISHMENT? OR DISCIPLINE IN THE WAY WE CONDUCT OURSELVES?

25

1 **BERT DEIXLER:** THE LETTER.

2

3 **UNDERSHERIFF PAUL TANAKA:** BASED ON THE DOCUMENTS THAT YOU'VE
4 SHOWN ME HERE, THERE'S CERTAINLY SOME PEOPLE FOR WHOM THESE
5 ARE CORRECT, AND I'M GOING TO ASSUME THAT THEY ARE, THAT THEY
6 DEFINITELY HAVE AN ISSUE WITH THEIR CONDUCT.

7

8 **BERT DEIXLER:** IT PRESENTS A CONCERN ABOUT IMPROPER USE OF
9 FORCE, POOR REPORTING AND BAD SUPERVISION; DO YOU AGREE WITH
10 THAT?

11

12 **UNDERSHERIFF PAUL TANAKA:** IT IS A SIGNIFICANT CONCERN ABOUT
13 OUR REPORTING PRACTICES AND ABOUT OUR SUPERVISION IN CERTAIN -
14 -

15

16 **BERT DEIXLER:** DO YOU KNOW THAT CAPTAIN OLMSTED SAYS THAT HE
17 BROUGHT THE McCORKLE, THE JOHNSON AND THE SMITH MEMOS TO YOU
18 LONG AGO AND YOU DECLINED TO LOOK AT THEM?

19

20 **UNDERSHERIFF PAUL TANAKA:** IF YOU ASK ME IF THAT OCCURRED, THE
21 ANSWER IS NO.

22

23 **BERT DEIXLER:** YOU ARE CERTAIN THAT CAPTAIN OLMSTED NEVER
24 BROUGHT TO YOU THE McCORKLE, JOHNSON AND SMITH MEMOS; CORRECT?

25

1 **UNDERSHERIFF PAUL TANAKA:** 100 PERCENT. THAT NEVER OCCURRED.

2

3 **BERT DEIXLER:** AND HAD YOU HAD THE OPPORTUNITY TO REVIEW THEM,
4 YOU WOULD NEVER HAVE DECLINED TO DO SO?

5

6 **UNDERSHERIFF PAUL TANAKA:** ABSOLUTELY NOT. IF A PROBLEM --
7 AGAIN, IF A PROBLEM IS BROUGHT TO MY ATTENTION, AND IT'S RISEN
8 TO WHATEVER LEVEL THAT IS, AND THE PROBLEM IS GOING TO GET
9 ADDRESSED.

10

11 **BERT DEIXLER:** WHEN DID YOU LEARN OF THE FIGHT INVOLVING
12 DEPUTIES AT THE QUIET CANNON IN DECEMBER OF 2010?

13

14 **UNDERSHERIFF PAUL TANAKA:** I BELIEVE THE DAY AFTER.

15

16 **BERT DEIXLER:** AND DID YOU CONSIDER THE DEPUTIES WHO WERE
17 INVOLVED IN THE QUIET CANNON EPISODE TO BE A CLIQUE OF
18 JAILHOUSE DEPUTIES?

19

20 **UNDERSHERIFF PAUL TANAKA:** I DID NOT KNOW ANY OF THE DEPUTIES
21 THAT WERE INVOLVED IN THE INCIDENT.

22

23 **BERT DEIXLER:** SO EVEN AS OF TODAY, AS THE UNDERSHERIFF, YOU
24 HAD NO OPINION WHETHER THE PERSONS INVOLVED IN THE QUIET
25 CANNON EPISODE WERE MEMBERS OF A CLIQUE?

1

2 **UNDERSHERIFF PAUL TANAKA:** LOOK, I'VE HEARD THE VARIOUS
3 REFERENCES TO SOME OF THE INDIVIDUALS THERE. I CAN'T ANSWER
4 THAT. I DON'T KNOW.

5

6 **BERT DEIXLER:** YOU WOULD BE CONCERNED AS AN ASSISTANT SHERIFF
7 IN CHARGE OF CUSTODY, IF YOU WERE AWARE THAT THERE WERE
8 CLIQUES OF DEPUTIES, CORRECT?

9

10 **UNDERSHERIFF PAUL TANAKA:** AND ASSUMING THAT CLIQUE HAS A
11 NEGATIVE CONNOTATION, OF COURSE.

12

13 **BERT DEIXLER:** AND WHY WOULD THAT BE OF CONCERN TO YOU? IF YOU
14 KNEW THERE WERE CLIQUES IN THE JAIL AND THAT HAD A NEGATIVE
15 CONNOTATION, WHY DID YOU THINK THAT WAS IMPORTANT FOR A
16 SUPERVISOR TO KNOW?

17

18 **UNDERSHERIFF PAUL TANAKA:** TO ENSURE THAT A CLIQUE IS NOT
19 OPERATING WITH ITS OWN SET OF STANDARDS. IT DEVIATES FROM THE
20 SHERIFF'S DEPARTMENT'S CORE VALUES, THE MISSION OF LAW
21 ENFORCEMENT AND THE LAWS OF THE LAND.

22

23 **BERT DEIXLER:** IT'S REALLY IMPORTANT THAT EVERYBODY HAVE CLEAR
24 WHAT THE LAW AND THE RULES ARE, ISN'T THAT RIGHT?

25

1 **UNDERSHERIFF PAUL TANAKA:** ABSOLUTELY.

2

3 **BERT DEIXLER:** THAT'S REALLY ONE OF THE IMPORTANT THINGS THAT
4 YOU, AS AN UNDERSHERIFF, CAN DO TO SET A PROPER TONE FOR THE
5 CHAIN OF COMMAND GOING DOWN BENEATH YOU, CORRECT? MAKE SURE
6 EVERYONE UNDERSTANDS WHAT THE LAW AND THE RULES ARE, RIGHT?

7

8 **UNDERSHERIFF PAUL TANAKA:** MAKE SURE THEY UNDERSTAND THAT'S
9 THEIR RESPONSIBILITY TO KNOW ALL THE LAWS AND POLICIES THAT WE
10 NEED TO FOLLOW.

11

12 **BERT DEIXLER:** MR. TANAKA, AM I CORRECT THAT OVER THE PAST
13 DECADES IN YOUR LEADERSHIP POSITIONS AT THE LASD, YOU'VE
14 ROUTINELY URGED DEPUTIES TO, QUOTE, "WORK THE GRAY"?

15

16 **UNDERSHERIFF PAUL TANAKA:** ROUTINE WOULD NOT BE APPROPRIATE. I
17 USED IT ON OCCASION. THAT'S NOT CORRECT. THERE WAS NOT A
18 ROUTINE. I NEED TO EXPLAIN THIS GRAY AREA.

19

20 **BERT DEIXLER:** I PROMISE YOU. YOU WILL. I'LL GIVE YOU THE
21 OPPORTUNITY, BUT FIRST PLEASE ANSWER THE QUESTION.

22

23 **UNDERSHERIFF PAUL TANAKA:** ROUTINE, NO. IT WAS NOT A ROUTINE
24 PART OF MY DISCUSSION.

25

1 **BERT DEIXLER:** YOU USED THE TERM, IF NOT ROUTINELY, FREQUENTLY.

2 WOULD THAT BE FAIR?

3

4 **UNDERSHERIFF PAUL TANAKA:** FREELY?

5

6 **BERT DEIXLER:** FREQUENTLY. MORE THAN SEVERAL TIMES.

7

8 **UNDERSHERIFF PAUL TANAKA:** OKAY.

9

10 **BERT DEIXLER:** DO YOU TAKE THAT WORD?

11

12 **UNDERSHERIFF PAUL TANAKA:** MORE THAN SEVERAL TIMES AND I USED

13 IT ON OCCASION.

14

15 **BERT DEIXLER:** WHEN YOU MET WITH ME AND MS. KRINSKY AND MR.

16 DROOYAN ON THE 25TH, REMEMBER YOU TOOK MY BUSINESS CARD?

17

18 **UNDERSHERIFF PAUL TANAKA:** THE ONE YOU TOOK BACK?

19

20 **BERT DEIXLER:** THE ONE I TOOK BACK.

21

22 **UNDERSHERIFF PAUL TANAKA:** YES.

23

24 **BERT DEIXLER:** AND YOU TURNED IT OVER.

25

1 **UNDERSHERIFF PAUL TANAKA:** YES.

2

3 **BERT DEIXLER:** AND YOU DREW TWO LINES ON IT, DIDN'T YOU?

4

5 **UNDERSHERIFF PAUL TANAKA:** YES.

6

7 **BERT DEIXLER:** AND YOU SAID ONE WAS THE LINE OF ETHICS AND THE
8 OTHER WAS THE LINE OF LAW, RIGHT?

9

10 **UNDERSHERIFF PAUL TANAKA:** ONE WAS THE LINE -- I GIVE THE SAME
11 SPEECH ALL THE TIME. ONE IS THE LINE.

12

13 **BERT DEIXLER:** FREQUENTLY?

14

15 **UNDERSHERIFF PAUL TANAKA:** WELL NOT WITH THE GRAY AREA. I REFER
16 TO IT IN DIFFERENT WAYS. THE PLAYING FIELD.

17

18 **BERT DEIXLER:** ONE IS THE LINE OF LAW?

19

20 **UNDERSHERIFF PAUL TANAKA:** ONE IS THE LINE OF THE LAW, POLICIES
21 AND PROTOCOLS THAT WE MUST ADHERE TO, AND ONE WAS THE LINE OF
22 RIGHT OR WRONG, PERIOD.

23

24 **BERT DEIXLER:** ETHICS. YOU CALLED IT "ETHICS" IN THAT MEETING,
25 DIDN'T YOU?

1

2 **UNDERSHERIFF PAUL TANAKA:** OKAY.

3

4 **BERT DEIXLER:** SO LET ME SHOW YOU THE DEFACED CARD.

5

6 **UNDERSHERIFF PAUL TANAKA:** I TOLD YOU, YOU WERE GOING TO USE
7 THAT AS EVIDENCE WHEN WE HAD OUR DISCUSSION.

8

9 **BERT DEIXLER:** YOU'RE RIGHT. [LAUGHTER.] I DON'T MEAN TO
10 ADVERTISE FOR MYSELF, SO I'M GOING TO ASK THAT WE MOVE ON TO
11 THE NEXT ONE AND JUST LOOK AT YOUR ARTWORK HERE. AND EXHIBIT
12 10 IS YOUR PORTRAIT OF WHAT YOU TOLD US ON THAT OCCASION WAS
13 THE GRAY AREA; THAT IS, FROM ONE LINE OF ETHICS TO ONE LINE OF
14 LAW, AND EVERYTHING IN THAT COLORED-IN AREA, THAT'S THE GRAY
15 AREA. THAT'S WHAT YOU TESTIFIED TO? DO YOU REMEMBER THAT? YOU
16 TOLD US THAT, IS THAT RIGHT, MR. TANAKA?

17

18 **UNDERSHERIFF PAUL TANAKA:** THAT'S CORRECT.

19

20 **BERT DEIXLER:** AND THIS PRESENTATION THAT YOU SAW -- MADE TO US
21 AND DEPICTED HERE WAS IN SUBSTANCE WHAT YOU TOLD DEPUTIES ON
22 MANY OCCASIONS, RIGHT?

23

1 **UNDERSHERIFF PAUL TANAKA:** NOW WE'RE CHANGING FROM OCCASIONALLY
2 TO FREQUENTLY TO NOW -- LET'S JUST SAY THAT I'VE USED IT ON A
3 NUMBER OF OCCASIONS.

4

5 **BERT DEIXLER:** AND NOT JUST WITH ME?

6

7 **UNDERSHERIFF PAUL TANAKA:** THAT'S CORRECT.

8

9 **BERT DEIXLER:** EVEN ALL THESE PEOPLE IN UNIFORM HAVE PROBABLY
10 HEARD YOU SAY IT ON MORE THAN ONE OCCASION, RIGHT?

11

12 **UNDERSHERIFF PAUL TANAKA:** CALL THEM ALL UP. I DON'T KNOW.

13 [LAUGHTER.]

14

15 **BERT DEIXLER:** WHO DO YOU THINK WOULD LIKE TO BE FIRST?

16

17 **UNDERSHERIFF PAUL TANAKA:** START WITH THE FRONT ROW AND WORK
18 YOUR WAY BACK.

19

20 **BERT DEIXLER:** ALL RIGHT. WOULD IT SURPRISE YOU, MR. TANAKA,
21 THAT ONE HEARING THE PHRASE "GRAY AREA" THINKS NOT OF THE
22 PLAYING FIELD HERE BUT THE PART THAT'S JUST KIND OF UP AGAINST
23 THE LINE OR MAYBE JUST OVER THE LINE IN EITHER DIRECTION? DID
24 THAT SURPRISE YOU?

25

1 **UNDERSHERIFF PAUL TANAKA:** SIR, 32 YEARS THAT PHRASE HAS BEEN
2 AROUND A LOT LONGER THAN ME. IT REFERS SIMPLY TO THE BROAD
3 DISCRETION, THE AUTHORITY, THE BROAD DISCRETIONAL AUTHORITY OF
4 LAW ENFORCEMENT. IT HAS NOTHING TO DO WITH THE VIOLATION OF
5 THE LAW OR WORKING OUTSIDE. I SIMPLY, AS I MENTIONED TO YOU IN
6 THAT JUNE MEETING, I REFER TO THAT AS THE GRAY AREA,
7 RECOGNIZING THAT SOME HAVE CHOSEN NOW, 10 YEARS AFTER I'VE
8 BEEN TALKING ABOUT THIS, TO PUT THEIR OWN SPIN ON IT AND MAKE
9 IT TO BE SOMETHING NEGATIVE. I REFER TO IT AS THE PLAYING
10 FIELD. THE BOTTOM LINE IS I GIVE THE SAME DISCUSSION EVERY
11 TIME. THIS IS THE LINE OF THE LAW. THIS IS THE LINE OF RIGHT
12 OR WRONG. YOUR OBLIGATION IS TO KNOW ALL LAWS, ALL POLICIES,
13 ALL PROTOCOLS, ENFORCE THEM AND DO IT WITH AN UNWAVERING SENSE
14 OF RIGHT OR WRONG. WHETHER YOU CALL IT GRAY AREA OR PLAYING
15 FIELD, I UNDERSTAND NOW THAT GRAY AREA SOUNDS BAD BECAUSE SOME
16 HAVE TWISTED THAT.

17

18 **BERT DEIXLER:** PEOPLE HAVE MISUNDERSTOOD YOUR CLEAR
19 INSTRUCTIONS?

20

21 **UNDERSHERIFF PAUL TANAKA:** I DON'T BELIEVE THERE HAS BEEN A
22 MISUNDERSTANDING, SIR. I BELIEVE THAT THERE HAS BEEN A
23 PURPOSELY-DONE MISINTERPRETATION.

24

1 **BERT DEIXLER:** WELL, THEN LET ME GIVE YOU A SPECIFIC EXAMPLE
2 AND SEE HOW IT FITS. DO YOU RECALL ATTENDING A PRE-WARRANT
3 DEPLOYMENT MEETING IN 2009 OR 2010 AT THE ROYBALFEDERAL
4 BUILDING?

5

6 **UNDERSHERIFF PAUL TANAKA:** NO.

7

8 **BERT DEIXLER:** DO YOU RECALL AGENTS OF THE FBI AND FEDERAL
9 OFFICIALS BEING PRESENT AND BEING INTRODUCED BY LIEUTENANT
10 THORNTON? NOW A CAPTAIN, I UNDERSTAND.

11

12 **UNDERSHERIFF PAUL TANAKA:** NO.

13

14 **BERT DEIXLER:** DO YOU RECALL ATTENDING A MEETING BEFORE AGENTS
15 AND OFFICERS SERVED A SERIES OF WARRANTS IN THE HAWAIIAN
16 GARDENS AREA IN CONNECTION WITH AN OSS DEPUTY'S MURDER A FEW
17 WEEKS EARLIER?

18

19 **UNDERSHERIFF PAUL TANAKA:** NO.

20

21 **BERT DEIXLER:** DO YOU RECALL TELLING THE PEOPLE WHO WERE
22 ASSEMBLED AT THAT PRE-WARRANT MEETING, LAW ENFORCEMENT
23 OFFICERS, THAT THEY SHOULD TURN OFF THE VIDEO CAMERAS AND TURN
24 OFF THEIR TAPE RECORDERS?

25

1 **UNDERSHERIFF PAUL TANAKA:** NO.

2

3 **BERT DEIXLER:** DO YOU RECALL TELLING THOSE FEDERAL AGENTS AND
4 OTHERS WHO WERE PRESENT, AFTER YOU TOLD THEM TO TURN OFF THEIR
5 VIDEO AND TAPE RECORDING DEVICES, THAT YOU WANTED THEM TO
6 OPERATE IN THE GRAY AREA?

7

8 **UNDERSHERIFF PAUL TANAKA:** SIR, I'VE TRIED TO REFRAIN FROM
9 USING THAT PHRASE, BUT THAT'S A LIE.

10

11 **BERT DEIXLER:** SO IF FEDERAL AGENTS WERE TO HAVE RECALLED THAT,
12 THEY WOULD BE SPEAKING UNTRUTHFULLY?

13

14 **UNDERSHERIFF PAUL TANAKA:** I DON'T WANT TO GET INTO NAME
15 CALLING. I'M JUST SAYING THAT'S A LIE, UNEQUIVOCALLY.

16

17 **BERT DEIXLER:** YOU RECENTLY SENT A DEPARTMENT-WIDE MEMO
18 DESIGNED TO CLARIFY YOUR COMMENTS ABOUT WORKING THE GRAY, IS
19 THAT CORRECT?

20

21 **UNDERSHERIFF PAUL TANAKA:** I SENT OUT A MESSAGE TO MAKE CLEAR
22 WHAT MY MESSAGE WAS AND MEANT, SINCE SOME HAVE CHOSEN TO
23 MISINTERPRET IT.

24

1 **BERT DEIXLER:** WHEN DID YOU LEARN THAT SOME HAD CHOSEN TO
2 MISINTERPRET YOUR DEFINITION? HOW LONG BEFORE YOU SENT OUT
3 YOUR MEMO, EXHIBIT 11, WHICH APPEARS ON THE SCREEN NOW?

4

5 **UNDERSHERIFF PAUL TANAKA:** SHORTLY BEFORE THAT.

6

7 **BERT DEIXLER:** SO THIS CAME OUT IN JULY OF THIS YEAR. SHORTLY
8 BEFORE JULY 17TH WHEN THIS DOCUMENT CAME OUT, IT FIRST CAME TO
9 YOUR ATTENTION THAT PEOPLE WERE INTENTIONALLY MISINTERPRETING
10 YOUR DEFINITION OF THE GRAY AREA, CORRECT?

11

12 **UNDERSHERIFF PAUL TANAKA:** WELL THE SHERIFF BROUGHT IT TO MY
13 ATTENTION. HE SAID THE TERM HAD BECOME SOMEWHAT CONTROVERSIAL.
14 AND IT WOULD BE APPROPRIATE IF I ADDRESSED IT IN WRITING.

15

16 **BERT DEIXLER:** WHEN DID SHERIFF BACA RAISE THIS TOPIC WITH YOU?

17

18 **UNDERSHERIFF PAUL TANAKA:** SOMETIME SHORTLY BEFORE I AUTHORED
19 THIS.

20

21 **BERT DEIXLER:** SO BEFORE JULY 17, 2012, IF I UNDERSTAND
22 CORRECTLY, YOU NEVER HAD AN UNDERSTANDING THAT THE PHRASE
23 "WORKING THE GRAY" WAS SUBJECT TO A MISUNDERSTANDING?

24

1 **UNDERSHERIFF PAUL TANAKA:** IT HAD NEVER RISEN TO A LEVEL WHERE
2 IT HAD BEEN TOLD TO ME THAT THE MISINTERPRETATION WAS SO
3 EGREGIOUS THAT IT CONDONED WRONGDOING. IT WASN'T UNTIL VERY
4 RECENTLY, AND I BELIEVE IT WAS TESTIMONY IN FRONT OF THIS
5 BODY, THAT A PERSON HAS CHOSEN TO CHARACTERIZE MY DESCRIPTION
6 OF GRAY AREA AS SOMETHING NEFARIOUS. AND IT'S NEVER BEEN THAT
7 WAY. PERIODICALLY IN THREE YEARS. IF EVERYBODY OPERATED IN THE
8 MANNER YOU'RE SUGGESTING, TURN OFF YOUR VIDEOS, TURN OFF YOUR
9 CAMERAS, WORK IN THE GRAY AREA, OUTSIDE THE LINES, THERE WOULD
10 BE A WHOLE LOT OF PEOPLE THAT WOULD BE IN PRISON TODAY OR ALL
11 BE FIRED.

12

13 **BERT DEIXLER:** DID YOU NOTICE IN THE GRAY AREA -- BY JULY 17TH
14 YOU KNEW YOU WERE GOING TO TESTIFY YOU HAD VOLUNTEERED TO
15 TESTIFY IN THIS PUBLIC HEARING, CORRECT?

16

17 **UNDERSHERIFF PAUL TANAKA:** I VOLUNTEERED, YES. [LAUGHTER.] I
18 UNDERSTAND. VOLUNTARILY. ON THE RECORD. YES, SIR.

19

20 **BERT DEIXLER:** AND YOU KNEW YOU WERE GOING TO BE HERE TODAY,
21 AND YOU KNEW FROM OUR MEETING ON JUNE 25TH THAT I MIGHT HAVE A
22 QUESTION OR TWO FOR YOU ABOUT WORKING THE GRAY, ISN'T THAT
23 RIGHT? YOU'RE NOT SURPRISED THIS TOPIC HAS COME UP, CORRECT?

24

25 **UNDERSHERIFF PAUL TANAKA:** NO.

1

2 **BERT DEIXLER:** AND SO YOU PREPARED A MEMO THAT WOULD ASSIST YOU
3 IN CASE THE QUESTION CAME UP, THAT'S FAIR, ISN'T IT?

4

5 **UNDERSHERIFF PAUL TANAKA:** NO.

6

7 **BERT DEIXLER:** YOUR QUESTION ABOUT THE GRAY AREA, AS I READ IT,
8 AND I WELCOME YOU TO READ ABOUT IT, IT DOESN'T SEEM TO TALK
9 ABOUT THE PLAYING FIELD OR ANYTHING LIKE THE PLAYING FIELD AT
10 ALL, DOES IT?

11

12 **UNDERSHERIFF PAUL TANAKA:** WELL THE TERM PLAYING FIELD IS NOT
13 PART OF THE CONTROVERSY, BUT THE TWO WORDS "GRAY AREA" IS WHAT
14 SEEMS TO HAVE SOME CONFUSED. AND SO I WANT TO JUST MAKE VERY
15 CLEAR WHAT MY DEFINITION OF THE GRAY AREA WAS AND THE FACT
16 THAT WHEN IT COMES TO RIGHT OR WRONG, THERE'S NO GRAY.

17

18 **BERT DEIXLER:** YOU'LL FORGIVE ME IF I'M CONFUSED, SO LET ME ASK
19 A QUESTION ABOUT YOUR GRAY AREA MEMO. YOU MAKE A TRAFFIC STOP
20 BECAUSE A DRIVER WAS SPEEDING. DO YOU ISSUE A CITATION, OR DO
21 YOU PROVIDE A VERBAL WARNING? WHAT DOES THAT HAVE TO DO WITH
22 THE GRAY AREA?

23

24 **UNDERSHERIFF PAUL TANAKA:** THE TERM "GRAY AREA" IN MY
25 INTRODUCTION TO THIS PROFESSION HAS BEEN MORE PROFESSIONALLY

1 DESCRIBED AS THE AUTHORITY OF LAW ENFORCEMENT. THERE IS A
2 BROAD BASE OF DISCRETION. AND THAT IS ONE: IS THE CITATION
3 WARRANTED TO GET THAT PERSON'S ATTENTION THAT THIS PARTICULAR
4 BEHAVIOR IS UNACCEPTABLE AND DANGEROUS, OR WOULD A WARNING
5 SUFFICE AND PROBABLY ACCOMPLISH THE SAME END, GET THE SAME
6 MESSAGE ACROSS WITHOUT HAVING TO ISSUE A CITATION? THAT'S A
7 LOT OF AUTHORITY. THAT'S DISCRETION.

8

9 **BERT DEIXLER:** WHAT'S GRAY ABOUT THAT?

10

11 **UNDERSHERIFF PAUL TANAKA:** BECAUSE IT'S NOT BLACK OR WHITE. I
12 DIDN'T MAKE UP THE WORD GRAY AREA, SIR. I THINK IF YOU GO TO
13 THE COMPUTER AND YOU REFERENCE GRAY AREA IN LAW ENFORCEMENT,
14 IT'S ALL OVER THE PLACE. AND I'M SORRY THAT IT'S BECOME SUCH A
15 NEGATIVE PHRASE, BUT IT WAS NEVER INTENDED TO BE AND THE
16 MESSAGE WAS NEVER DELIVERED AS SUCH. AND IF ANYBODY HAD A
17 PROBLEM WITH IT AT THE TIME I DELIVERED IT, THEY SHOULD HAVE
18 SAID SOMETHING TO ME THEN. NOT FIVE OR TEN YEARS LATER WHEN
19 IT'S CONVENIENT TO DO SO.

20

21 **BERT DEIXLER:** WELL ON JUNE 28, 2007, YOU RETURNED TO THE
22 LYNWOOD STATION, NOW CALLED THE CENTURY STATION, WHERE YOU HAD
23 ONCE BEEN ASSIGNED; IS THAT RIGHT?

24

1 **UNDERSHERIFF PAUL TANAKA:** OBSERVED. JUNE IN '07, FOR A FEW
2 MONTHS' PERIOD. I VISITED LOT OF PLACES AND CENTURY STATION
3 WAS ONE OF THEM, YES.

4

5 **BERT DEIXLER:** AND YOU SPOKE TO AN ASSEMBLY OF DEPUTIES WHEN
6 YOU WERE THERE ON THAT OCCASION?

7

8 **UNDERSHERIFF PAUL TANAKA:** YES.

9

10 **BERT DEIXLER:** AND DO YOU REMEMBER TELLING THOSE DEPUTIES THAT
11 THEY NEEDED TO FUNCTION RIGHT ON THE EDGE OF THE LINE AND THAT
12 DEPUTIES NEED TO BE VERY AGGRESSIVE IN THEIR APPROACH TO
13 DEALING WITH GANG MEMBERS?

14

15 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER THAT.

16

17 **BERT DEIXLER:** DO YOU REMEMBER THAT YOU, AT THAT ASSEMBLY OF
18 DEPUTIES, SAID THAT -- WELL, LET ME MAKE SURE I UNDERSTAND THE
19 LANGUAGE - "PUTTING CASES" ON SOMEONE? EVER HEAR OF THAT WORD?

20

21 **UNDERSHERIFF PAUL TANAKA:** I'VE HEARD THAT PHRASE, YES. AND
22 YOU'RE TALKING IN REFERENCE TO MY DIRECTING THE SUPERVISORS
23 AND MAKING IT CLEAR THAT THEIR JOB WAS NOT JUST TO IDENTIFY
24 WHAT THEY BELIEVED TO BE MISCONDUCT AND THEN TO SUDDENLY PUT A
25 CASE ON THEM. AT THAT PARTICULAR TIME, THAT STATION WAS

1 SUFFERING UNDER THE TYPE OF LEADERSHIP THAT HAD MORE
2 INVESTIGATIONS -- PERSONNEL INVESTIGATIONS THAN PROBABLY THE
3 REST OF THE COUNTY COMBINED. AND SO I TOOK A LOOK AT THAT. AND
4 I ASKED THEM TO CORRECT IT BY PROVIDING PROACTIVE SUPERVISION
5 AND MENTORSHIP AND GUIDANCE AND THEN MAYBE YOU WOULDN'T HAVE
6 TO BE SO QUICK TO PULL THE TRIGGER AND PUT A FORMALIZED CASE
7 ON SOMEBODY. THAT'S WHAT THAT DISCUSSION WAS ABOUT.

8

9 **BERT DEIXLER:** RIGHT. I UNDERSTAND. LET ME MAKE SURE I
10 UNDERSTAND YOUR LANGUAGE BECAUSE SOMETIMES I DON'T FOLLOW IT
11 EXACTLY. WHAT IS "PUTTING A CASE ON SOMEONE" MEAN?

12

13 **UNDERSHERIFF PAUL TANAKA:** MAKING THEM A SUBJECT OF AN --
14 MAKING A MEMBER OF OUR ORGANIZATION THE SUBJECT OF AN
15 ADMINISTRATIVE INVESTIGATION.

16

17 **BERT DEIXLER:** AND THAT IS SOMETHING THAT YOU THINK NEEDS TO BE
18 DONE WITH SERIOUSNESS AND CARE, RIGHT?

19

20 **UNDERSHERIFF PAUL TANAKA:** IT NEEDS TO BE DONE WITH SERIOUSNESS
21 AND CARE AND WHEN NECESSARY.

22

23 **BERT DEIXLER:** AM I CORRECT, SIR, THAT WHEN YOU HAD THIS
24 ASSEMBLY WITH THE DEPUTIES AT THE CENTURY STATION, THAT YOU

1 TOLD THE DEPUTIES THAT YOU WOULD BE CHECKING TO SEE WHICH
2 CAPTAINS WERE PUTTING THE MOST CASES ON DEPUTIES?

3

4 **UNDERSHERIFF PAUL TANAKA:** I DON'T RECALL MAKING THAT
5 PARTICULAR COMMENT.

6

7 **BERT DEIXLER:** DO YOU REMEMBER TELLING THE DEPUTIES THAT WHEN
8 YOU FOUND WHICH CAPTAINS WERE PUTTING THE MOST CASES ON
9 DEPUTIES, YOU WOULD PUT A CASE ON THOSE CAPTAINS? YOU DON'T
10 REMEMBER SAYING THAT?

11

12 **UNDERSHERIFF PAUL TANAKA:** NO, SIR.

13

14 **BERT DEIXLER:** DO YOU REMEMBER IN THAT VERY SAME PRESENTATION,
15 YOU TOLD THE DEPUTIES THAT YOU DIDN'T LIKE INTERNAL AFFAIRS
16 BUREAU AND THE WAY THEY WORKED?

17

18 **UNDERSHERIFF PAUL TANAKA:** MY COMMENTS ON INTERNAL AFFAIRS
19 BUREAU HAVE ALWAYS BEEN CONSISTENTLY THE SAME. FOR MANY YEARS.
20 I DON'T APPRECIATE THEIR PROCESS.

21

22 **BERT DEIXLER:** YOU TOLD THAT TO AN ASSEMBLY OF DEPUTIES,
23 CORRECT?

24

25 **UNDERSHERIFF PAUL TANAKA:** IT'S POSSIBLE.

1

2 **BERT DEIXLER:** LET ME ASK YOU TO TAKE A LOOK AT EXHIBIT
3 NUMBERED 12, AND YOU'VE SEEN CAPTAIN ROLLER'S MEMO TO WILLIE
4 MILLER OF JUNE 30, 2007 BEFORE TODAY, HAVEN'T YOU?

5

6 **UNDERSHERIFF PAUL TANAKA:** YOU SHOWED IT TO ME AT OUR JUNE
7 INTERVIEW.

8

9 **BERT DEIXLER:** OKAY. AND CAPTAIN ROLLER REPORTED ON THIS
10 MEETING THAT YOU TESTIFIED ABOUT, CORRECT?

11

12 **UNDERSHERIFF PAUL TANAKA:** WELL, OKAY. ASSUMING THAT HE'S
13 REPORTING ON THE MEETING THAT WE HAD, OKAY.

14

15 **BERT DEIXLER:** WHY DON'T YOU TAKE THE BOOK, OPEN IT TO 12 AND
16 FEEL COMFORTABLE WE'RE SPEAKING ABOUT THE SAME MEETING.

17

18 **UNDERSHERIFF PAUL TANAKA:** I'M SURE HE WOULDN'T WRITE ABOUT A
19 MEETING THAT DIDN'T OCCUR, SO I'M OKAY WITH THAT.

20

21 **BERT DEIXLER:** AND DO YOU AGREE WITH CAPTAIN ROLLER'S SUMMARY
22 THAT YOU HAD TOLD THE DEPUTIES THAT DEPUTIES AND OFFICERS
23 SHOULD FUNCTION RIGHT ON THE EDGE OF THE LINE?

24

1 **UNDERSHERIFF PAUL TANAKA:** I DON'T KNOW. YOU KNOW, I'M LOOKING
2 AS I READ THIS. CAPTAIN ROLLER WROTE THIS IN 2007. I HAVEN'T
3 SEEN THIS MEMO UNTIL FIVE YEARS LATER. I DON'T KNOW.

4

5 **BERT DEIXLER:** YOU HAVE NO REASON TO DISBELIEVE CAPTAIN
6 ROLLER'S RECITAL OF A MEETING IN WHICH HE ATTENDED AND IN
7 WHICH HE PREPARED A SUMMARY THREE DAYS AFTER IT OCCURRED, DO
8 YOU, SIR?

9

10 **UNDERSHERIFF PAUL TANAKA:** BASED ON SOME OF THE THINGS I'VE
11 LEARNED OVER THE PAST FEW MONTHS, I HAVE REASON TO NOT BELIEVE
12 A LOT OF FOLKS AND WHAT THEY SAY.

13

14 **BERT DEIXLER:** DO YOU THINK THERE IS WIDESPREAD DISHONESTY OF
15 PEOPLE IN THE SHERIFF'S DEPARTMENT?

16

17 **UNDERSHERIFF PAUL TANAKA:** I DON'T KNOW ABOUT DISHONESTY BUT
18 THERE'S CERTAINLY PERSONAL AGENDAS.

19

20 **BERT DEIXLER:** SIR, DID IT SOUND LIKE SOMETHING THAT YOU WOULD
21 HAVE SAID THAT "CAPTAINS AND SUPERVISORS SHOULDN'T BE SO HASTY
22 ON PUTTING CASES ON DEPUTIES. A LOT OF SUPERVISORS ARE QUICK
23 TO JUST PUT CASES ON PEOPLE, AND WHEN THEY BECOME SUPERVISORS,
24 THEY FORGET WHAT IT'S LIKE TO BE A DEPUTY." AND YOU WOULD BE
25 "CHECKING TO SEE WHICH CAPTAINS WERE PUTTING THE MOST CASES ON

1 DEPUTIES, AND YOU WOULD BE PUTTING A CASE ON THEM." DOES THAT
2 SOUND LIKE SOMETHING YOU MIGHT HAVE SAID TO AN ASSEMBLY OF
3 DEPUTIES?

4

5 **UNDERSHERIFF PAUL TANAKA:** WELL I RECALL -- I BELIEVE THAT,
6 THAT ASSEMBLY INCLUDED THE CAPTAIN. I DON'T KNOW IF IT WAS
7 ONLY DEPUTIES BUT IT'S POSSIBLE.

8

9 **BERT DEIXLER:** IT'S POSSIBLE YOU MIGHT HAVE SAID THAT TO
10 DEPUTIES IN FRONT OF THEIR OWN CAPTAIN, IS THAT CORRECT?

11

12 **UNDERSHERIFF PAUL TANAKA:** IT MIGHT BE. IT'S A GENERAL TERM.
13 I'VE USED THAT PHRASE BEFORE. IF I DON'T THINK CAPTAINS ARE
14 DOING THEIR JOB, THEY'RE NOT EXEMPT FROM BEING INVESTIGATED
15 AND HELD TO THE HIGHER STANDARD THAT WE EXPECT THEM TO OPERATE
16 AT.

17

18 **BERT DEIXLER:** DO YOU THINK MAKING SUCH A STATEMENT UNDERMINES
19 THE AUTHORITY OF THE CAPTAIN?

20

21 **UNDERSHERIFF PAUL TANAKA:** NO. OUR RANK AND FILE DOES AN
22 ASSESSMENT OF THEIR CAPTAINS EVERY YEAR. AND WHILE, YOU KNOW,
23 WE DON'T PLACE 100 PERCENT STOCK IN IT, CERTAINLY A POINTER
24 FOR US TO SAY -- TO EVALUATE WHAT OUR RANK AND FILE THINK
25 ABOUT OUR COMMANDING OFFICERS. AND WHILE SOME IN MANAGEMENT

1 MAY NOT AGREE WITH THAT PRACTICE, THERE IS SOME MERIT TO THAT.
2 IT IS IMPORTANT THAT OUR RANK AND FILE RESPECT THEIR
3 COMMANDING OFFICER AND WANT TO WORK FOR HIM OR HER. I BELIEVE
4 THAT IT HELPS US DO OUR JOB BETTER WHEN THEY'RE IN AN
5 ENVIRONMENT WHERE THEY'RE FEELING THAT THEIR CAPTAIN IS A GOOD
6 LEADER.

7

8 **BERT DEIXLER:** DO YOU THINK MAKING A STATEMENT LIKE THIS,
9 "PUTTING CASES ON A CAPTAIN," HELPS INFUSE RESPECT AMONG THE
10 DEPUTIES WHO HAD TO LOOK AT THE CAPTAIN GOING FORWARD? THAT
11 WAS A GOOD PERSONNEL DECISION?

12

13 **UNDERSHERIFF PAUL TANAKA:** AS IT'S WRITTEN RIGHT NOW, IT
14 CERTAINLY DOESN'T LOOK GOOD.

15

16 **BERT DEIXLER:** IN FACT, THE CENTURY STATION AT THAT TIME HAD A
17 PROBLEM WITH WHAT WAS PERCEIVED AS ONE OF THESE CLIQUES, ISN'T
18 THAT TRUE?

19

20 **UNDERSHERIFF PAUL TANAKA:** AROUND THAT TIME, I DON'T KNOW.

21

22 **BERT DEIXLER:** THAT WAS THE TIME OF THE REGULATORS' PROBLEM,
23 WASN'T IT, SIR?

24

25 **UNDERSHERIFF PAUL TANAKA:** I DON'T KNOW.

1

2 **BERT DEIXLER:** YOU KNOW WHAT "THE REGULATORS" ARE, RIGHT?

3

4 **UNDERSHERIFF PAUL TANAKA:** I'M AWARE OF THE REGULATORS.

5

6 **BERT DEIXLER:** AND YOU KNOW THEY'RE ASSOCIATED WITH THE CENTURY
7 STATION, CORRECT?

8 **UNDERSHERIFF PAUL TANAKA:** THAT'S CORRECT.

9

10 **BERT DEIXLER:** AND WHEN YOU WERE MAKING THESE COMMENTS TO THE
11 DEPUTIES AT THE CENTURY STATION ABOUT PUTTING CASES ON PEOPLE,
12 LIKE THEIR CAPTAIN, FOR EXAMPLE, YOU UNDERSTOOD THAT YOU MIGHT
13 HAVE BEEN SPEAKING TO MEMBERS OF ONE OF THESE CLIQUES THAT
14 WERE THE SUBJECT OF INVESTIGATION AT THE TIME; ISN'T THAT
15 RIGHT?

16

17 **UNDERSHERIFF PAUL TANAKA:** I CERTAINLY DIDN'T GIVE THAT
18 THOUGHT, THAT I WAS TRYING TO MINIMIZE THE ROLE OF THE CAPTAIN
19 THERE. I TALKED ABOUT THE FACT THAT I WOULD -- THIS WAS IN
20 GENERAL COMMENT ABOUT CAPTAINS. AND THAT'S IF I MADE IT AT
21 THAT PARTICULAR TIME, WHICH I HAVE NO REASON TO DOUBT.

22

23 **BERT DEIXLER:** YOU ALSO TOLD THIS ASSEMBLY THAT YOU DIDN'T LIKE
24 THE INTERNAL AFFAIRS BUREAU AND THE WAY THEY WORKED. AND
25 THAT'S SOMETHING YOU SAID MANY TIMES, CORRECT?

1

2 **UNDERSHERIFF PAUL TANAKA:** I CAN'T CONTROL PEOPLE. I DON'T SAY
3 I DON'T LIKE INTERNAL AFFAIRS. I HAVE ALWAYS SAID, NOT ALWAYS,
4 BUT WHEN I HAVE MADE REFERENCE TO INTERNAL AFFAIRS, I DIDN'T
5 APPRECIATE THE PROCESS. IT TAKES TOO LONG. YOU LEAVE A CLOUD
6 HANGING OVER SOMEBODY'S HEAD. THEY BECOME LESS THAN
7 FUNCTIONAL, LESS THAN PRODUCTIVE. AND IT OFTENTIMES -- YOU
8 HEAR REPORTS OF DEPUTIES WHO ARE UNDER INVESTIGATION, NOTHING
9 PROVEN YET, BUT THEN THEY ARE TREATED IN LESS THN THAN-
10 RESPECTFUL MANNER, IN A MANNER WE DON'T EVEN ALLOW OUR PEOPLE
11 TO TREAT PEOPLE IN OUR JAILS, AND THAT IS WHAT I HAVE REFERRED
12 TO IN THE PAST.

13

14 **BERT DEIXLER:** SO MR. TANAKA, YOU EXPRESSED AT A STATION, WHERE
15 THERE WERE PROBLEMS IN DISCIPLINE AND ONGOING INTERNAL AFFAIRS
16 INVESTIGATIONS, THE FACT THAT YOU DIDN'T LIKE THE INTERNAL
17 AFFAIRS BUREAU AND THE WAY THEY WORKED, IS THAT FAIR?

18

19 **UNDERSHERIFF PAUL TANAKA:** YOU'RE SAYING THAT DID I OR BELIEVED
20 AT THIS TIME -- KNEW OR BELIEVED AT THIS TIME THAT THERE WERE
21 PROBLEMS AT THIS STATION. I HAD JUST BEEN TRANSFERRED OVER
22 FROM THE CUSTODY SIDE TO THE PATROL SIDE. I WAS MAKING THE
23 ROUNDS OF ALL THE STATIONS TO FAMILIARIZE MYSELF WITH THE
24 OPERATIONS OF EACH STATION. THERE HAD BEEN NOTHING THAT WAS
25 BROUGHT TO MY ATTENTION THAT SAID THAT THIS, OR WHATEVER YOUR

1 DESCRIPTION WAS, WAS A PLACE OF GREAT CONCERN OTHER THAN THE
2 FACT THAT FROM MY OWN PERSPECTIVE, THAT THERE WERE TOO MANY
3 INVESTIGATIONS BEING PUT ON PEOPLE TOO EASILY. AND I BELIEVED
4 THAT TO STEM FROM A LACK OF STRONG LEADERSHIP.

5

6 **BERT DEIXLER:** DO YOU REMEMBER TALKING TO THE HEAD OF THE IAB
7 OR WORKING THROUGH THE CHAIN OF COMMAND? DID IT MATTER THAT
8 OFFERING YOUR OPINION TO A GATHERING OF DEPUTIES IN OR ABOUT
9 JUNE OF 2007, TO MAKE SURE THAT YOUR VIEWS ABOUT HOW THE IAB
10 COULD BETTER FUNCTION, WOULD BE FOLLOWED?

11

12 **UNDERSHERIFF PAUL TANAKA:** I HAD COMMUNICATED MY FEELINGS TO
13 OTHERS WITHIN THAT INTERNAL AFFAIRS BUREAU.

14

15 **BERT DEIXLER:** DO YOU THINK IT WAS BETTER TO WORK THROUGH THE
16 CHAIN OF COMMAND TO MODIFY AND MAKE BETTER THE OPERATIONS OF
17 THE INTERNAL AFFAIRS BUREAU, OR DID YOU THINK IT WAS BETTER TO
18 DISCUSS THE TOPIC IN A STATION THAT WAS THEN A SUBJECT OF IAB?

19

20 **UNDERSHERIFF PAUL TANAKA:** YOU KNOW, I MUST HAVE 10, 15 --
21 SOMETIMES MORE, SOMETIMES LESS -- DISCUSSIONS EVERY DAY. IF I
22 COULD HAVE A PERFECT DISCUSSION EVERY SINGLE TIME ABOUT EVERY
23 TOPIC EVERYWHERE I GO THAT COULD NEVER BE DISSECTED LIKE THIS,
24 THAT WOULD BE ONE THING. I CAN'T TELL YOU WHAT I WAS
25 DISCUSSING IN 2007. I JUST KNOW THAT THE WAY I CONDUCT

1 BUSINESS, AND IF I DON'T LIKE SOMETHING AND IF I THINK IT'S
2 APPROPRIATE TO SAY IT, I'LL SAY IT. AND IF THAT'S WHAT I SAID,
3 THEN MAYBE AT THE TIME I THOUGHT IT WAS APPROPRIATE. IT WASN'T
4 MEANT TO CAST ASPERSIONS ON THAT BUREAU, BUT THE BEHAVIOR THAT
5 MANY PEOPLE HAVE SUFFERED THROUGH OVER THE YEARS.

6

7 **BERT DEIXLER:** SHERIFF BACA TOLD YOU THAT THE STATEMENTS WERE
8 INAPPROPRIATE FOR YOU TO MAKE, IS THAT TRUE?

9

10 **UNDERSHERIFF PAUL TANAKA:** IF THEY WERE MADE.

11

12 **BERT DEIXLER:** HAS HE TOLD YOU THAT IT WAS APPROPRIATE FOR YOU
13 TO SAY THESE THINGS?

14

15 **UNDERSHERIFF PAUL TANAKA:** NO.

16

17 **BERT DEIXLER:** HAVE YOU EVER DISCUSSED THE CONTENT OF THE
18 ROLLER MEMO WITH SHERIFF BACA?

19

20 **UNDERSHERIFF PAUL TANAKA:** I THINK SO. I DON'T REMEMBER.

21

22 **BERT DEIXLER:** DO YOU REMEMBER TELLING ME ON JUNE 25TH THAT
23 SHERIFF BACA HAD TOLD YOU THAT SAYING THINGS SUCH AS "GOING TO
24 THE LINE" WERE INAPPROPRIATE THING TO SAY TO A SHERIFF'S
25 DEPUTY IN THAT CIRCUMSTANCE?

1

2 **UNDERSHERIFF PAUL TANAKA:** THE DISCUSSION THAT THE SHERIFF AND
3 I HAD REVOLVED AROUND BEING CAREFUL HOW YOU MAKE PUBLIC
4 CRITIQUES ABOUT INTERNAL AFFAIRS BECAUSE IT COULD BE
5 MISINTERPRETED, AND I UNDERSTOOD THAT. AND THEN THE OTHER
6 DISCUSSION WE HAD WAS ON THE TERM "AGGRESSIVE". HE SAID
7 EQUATING THE WORD AGGRESSIVE WITH POLICE WORK HAS A NEGATIVE
8 CONNOTATION. AND I SAID I UNDERSTAND THAT. I'VE NEVER ASKED
9 PEOPLE TO AGGRESSIVELY VIOLATE THE LAW. I'VE ASKED THEM TO
10 AGGRESSIVELY DO THEIR JOB, BASICALLY COME TO WORK. EARN YOUR
11 KEEP.

12

13 **BERT DEIXLER:** WHEN DID YOU AND SHERIFF BACA HAVE THIS
14 DISCUSSION?

15

16 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER.

17

18 **BERT DEIXLER:** 2012, 2011? 2007? ANY IDEA? SOMEWHERE IN
19 BETWEEN.

20

21 **BERT DEIXLER:** SOMEWHERE BETWEEN 2007 AND TODAY?

22

23 **UNDERSHERIFF PAUL TANAKA:** I THINK IT WAS CLOSER THAT WAY,
24 CLOSER TO 2007.

25

1 **BERT DEIXLER:** CLOSER TO WHEN YOU MADE THE STATEMENTS?

2

3 **UNDERSHERIFF PAUL TANAKA:** I BELIEVE SO.

4

5 **BERT DEIXLER:** DOES IAB REPORT TO YOU PRESENTLY?

6

7 **UNDERSHERIFF PAUL TANAKA:** NO, SIR.

8

9 **BERT DEIXLER:** HOW ABOUT ICIB?

10

11 **UNDERSHERIFF PAUL TANAKA:** NO, SIR.

12

13 **BERT DEIXLER:** DO YOU EVER COMMUNICATE TO SHERIFF BACA ABOUT
14 ANY OF THE IAB OR ICB WORK?

15

16 **UNDERSHERIFF PAUL TANAKA:** I DO GET INVOLVED IN EITHER AT HIS
17 DIRECTION.

18

19 **BERT DEIXLER:** DID -- GIVEN YOUR VIEW OF THE IAB AND MAYBE THE
20 ICIB, DO YOU THINK IT WOULD BE BETTER IF YOU RECUSED YOURSELF
21 AND NOT GET INVOLVED?

22

23 **UNDERSHERIFF PAUL TANAKA:** NO, SIR.

24

25 **BERT DEIXLER:** WHAT'S THE EXECUTIVE POLICY COMMITTEE?

1

2 **UNDERSHERIFF PAUL TANAKA:** EXECUTIVE POLICY COUNCIL? EPC?

3

4 **BERT DEIXLER:** I'M SORRY.

5

6 **UNDERSHERIFF PAUL TANAKA:** IT'S A BODY OF THE SHERIFF'S TOP
7 LEVEL EXECUTIVES. IT CONSISTS OF THE DIVISION CHIEFS,
8 ASSISTANT SHERIFFS AND THE UNDERSHERIFFS.

9

10 **BERT DEIXLER:** AND THEY HAVE REGULARLY SCHEDULED WEDNESDAY
11 MEETINGS?

12

13 **UNDERSHERIFF PAUL TANAKA:** YES.

14

15 **BERT DEIXLER:** AND THE PURPOSE OF THE EPC MEETINGS IS TO
16 IDENTIFY IMPORTANT PROBLEMS THAT SHOULD BE BROUGHT TO THE
17 ATTENTION OF THE SHERIFF, CORRECT?

18

19 **UNDERSHERIFF PAUL TANAKA:** NOT NECESSARILY.

20

21 **BERT DEIXLER:** OTHER THAN IDENTIFYING ISSUES TO ELEVATE TO THE
22 SHERIFF WHAT OTHER SUBSTANTIAL ROLE DOES THE EPC HAVE?

23

24 **UNDERSHERIFF PAUL TANAKA:** THE SHERIFF EXPECTS US TO BE THE
25 PROBLEM SOLVING BODY WITH OR WITHOUT HIS PRESENCE. AND AT

1 TIMES WE WILL HAVE DISCUSSIONS ABOUT AREAS THAT CERTAINLY
2 REQUIRE HIS ATTENTION, BUT WE MAY USE THE PERIOD THAT THE
3 EXECUTIVE PLANNING COUNCIL MEETS TO TRY TO RESOLVE ISSUES SO
4 THAT BY THE TIME HE IS MADE AWARE OF SOMETHING, WE ALSO HAVE A
5 SOLUTION.

6

7 **BERT DEIXLER:** CAN YOU RECALL -- WELL HOW LONG HAVE YOU BEEN ON
8 EPC?

9

10 **UNDERSHERIFF PAUL TANAKA:** SINCE AUGUST OF 2002.

11

12 **BERT DEIXLER:** SO FROM AUGUST OF 2002, UP TO THE BEGINNING OF
13 2012, DID THE EPC EVER DISCUSS PROBLEMS RELATED TO USE OF
14 FORCE IN THE JAILS?

15

16 **UNDERSHERIFF PAUL TANAKA:** WE MAY HAVE. I JUST DON'T RECALL.

17

18 **BERT DEIXLER:** DO YOU REMEMBER EVER DISCUSSING A PROBLEM WITH
19 COMPLETION OF USE OF FORCE REPORTS?

20

21 **UNDERSHERIFF PAUL TANAKA:** I BELIEVE IN RECENT TIMES, AS IT
22 RELATES TO THE SITUATION THAT WE'RE IN NOW, BUT PRIOR TO THAT
23 I DON'T RECALL.

24

1 **BERT DEIXLER:** AS FAR AS YOU REMEMBER, UNTIL THE COMMISSION WAS
2 FORMED --

3

4 **UNDERSHERIFF PAUL TANAKA:** NO, JUST WHEN THIS WHOLE SITUATION
5 CAME TO LIGHT, IT MAY HAVE EVEN BEEN PRE-COMMISSION.

6

7 **BERT DEIXLER:** I SEE. HOW ABOUT THE FORMATION OF DEPUTY
8 CLIQUES? WERE THOSE EVER DISCUSSED?

9

10 **UNDERSHERIFF PAUL TANAKA:** YEAH, I BELIEVE THAT WE'VE HAD
11 DISCUSSIONS ABOUT THAT PARTICULAR TOPIC. I DO NOT SPECIFICALLY
12 RECALL EXACTLY WHEN OR WHAT, BUT I KNOW WE JUST DISCUSSED IN
13 GENERAL THAT TOPIC.

14

15 **BERT DEIXLER:** AFTER THE EPC MEETINGS, IS IT THE TRADITION,
16 THEN, TO MEET WITH SHERIFF BACA AND REPORT TO HIM ON THE
17 SUBSTANCE OF WHATEVER'S DECIDED TO BE REPORTED TO AT THE EPC
18 LEVEL?

19

20 **UNDERSHERIFF PAUL TANAKA:** NO, NOT NOW. LET ME -- I EXPLAINED
21 THIS TO YOU IN THE MEETING BUT, FOR THE INFORMATION OF THIS
22 PANEL, FOR YEARS THAT I'VE BEEN SITTING UP THERE, WE HAVE A
23 PROCESS. 8:00 THE CHIEFS WOULD MEET WITH THE ASSISTANT
24 SHERIFFS, THEIR RESPECTIVE ASSISTANT SHERIFFS. WE WOULD TALK
25 ABOUT WHAT WERE WE GOING TO TALK ABOUT IN THE UNDERSHERIFF'S

1 MEETING. AND THEN WE WOULD GO TO THE UNDERSHERIFF'S MEETING AT
2 8:30 AND WE WOULD GO AROUND THE ROOM AND WE WOULD TALK ABOUT
3 WHAT WE WERE GOING TO TALK ABOUT TO THE SHERIFF AT HIS
4 MEETING. AND THINGS WERE VETTED OUT TO TRY TO MAKE SURE THAT
5 THE SHERIFF WASN'T BOTHERED WITH LESS-THAN-IMPORTANT MATTERS,
6 OR MATTERS THAT SHOULD HAVE HIS ATTENTION IN THAT ENVIRONMENT.
7 AND I BECAME CHAIR OF THE EXECUTIVE PLANNING COUNCIL IN JUNE
8 '11, ONE OF THE VERY FIRST THINGS I DID WAS TO SAY THAT WE'RE
9 NOT GOING TO CALL THIS A PREBRIEFING ANYMORE. WE'RE NOT GOING
10 TO CALL IT A PREMEETING, WE'RE GOING TO CALL IT WHAT IT IS,
11 THE EXECUTIVE PLANNING COUNCIL. THE JOB OF THIS BODY IS TO
12 SOLVE PROBLEMS THAT NEED TO BE ADDRESSED AT THIS LEVEL. AND I
13 REMEMBER VERY CLEARLY, AND EVERYBODY ELSE WHO WAS IN THAT ROOM
14 REMEMBERS ALSO, I TOLD THEM IF -- YOU HAVE TWO STARS ON YOUR
15 COLLAR, IF I HAVE TO TELL YOU WHAT TO SAY AND WHAT NOT TO SAY
16 TO THE SHERIFF, THEN YOU DO NOT BELONG HERE. SO WE WERE NOT
17 GOING TO HAVE ANY VETTING OUT PROCESS. AND THERE HAS NOT BEEN
18 SINCE JUNE OF 2011.

19

20 **BERT DEIXLER:** PRIOR TO THAT THERE WAS A VETTING OUT PROCESS?

21

22 **UNDERSHERIFF PAUL TANAKA:** WELL AS I DESCRIBED, WE HAD
23 DISCUSSIONS. AND IT WASN'T FOR THE PURPOSE OF HIDING ANYTHING
24 FROM THE SHERIFF. THERE ARE AN INCREDIBLE AMOUNT OF PROBLEMS
25 OR WHATEVER ON ANY GIVEN OCCASION. AND WE TRY -- AND WE ONLY

1 HAD A LIMITED TIME TO SPEND WITH HIM. SO WE WANT TO MAKE SURE
2 THAT ONLY THE MOST SIGNIFICANT ITEMS, PROBLEMS OR OTHERWISE,
3 WERE BROUGHT TO HIS ATTENTION. SOMETIMES THERE'S GOOD NEWS.
4 SOMETIMES UNFORTUNATELY MORE OFTEN THAN NOT THERE'S ISSUES
5 THAT NEED TO BE ADDRESSED.

6

7 **BERT DEIXLER:** CAN YOU RECALL EVER -- FROM THE TIME YOU BEGAN
8 AS A MEMBER OF THE EPC UNTIL PUBLIC ATTENTION WAS BROUGHT TO
9 BEAR UPON THE PROBLEM OF USE OF FORCE IN THE JAILS -- EVER
10 BRINGING A PROBLEM REGARDING USE OF FORCE TO SHERIFF BACA'S
11 ATTENTION?

12

13 **UNDERSHERIFF PAUL TANAKA:** I DON'T KNOW.

14

15 **BERT DEIXLER:** IF YOU DID, DO YOU REMEMBER ANY STATEMENT THAT
16 SHERIFF BACA MADE IN RESPONSE?

17

18 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER.

19

20 **BERT DEIXLER:** YOU CAN'T RECALL A SINGLE CONVERSATION WITH
21 SHERIFF ON THE TOPIC OF OVERUSE OF FORCE COMING FROM EPC UNTIL
22 THE PUBLICITY STARTED REGARDING THESE PROBLEMS?

23

24 **UNDERSHERIFF PAUL TANAKA:** WE MAY HAVE HAD DISCUSSIONS, I DON'T
25 REMEMBER.

1

2 **BERT DEIXLER:** OKAY.

3

4 **BERT DEIXLER:** NO FURTHER QUESTIONS.

5

6 **HON. LOURDES BAIRD, CHAIR:** WE'RE GOING TO TAKE A VERY SHORT
7 BREAK. I KNOW IT'S LATE, BUT IF WE CAN POSSIBLY DO THIS, KEEP
8 IT TO 10 MINUTES BECAUSE WE THEN WILL HAVE QUESTIONS FROM THE
9 COMMISSIONERS. THANK YOU. SO WE WILL RECESS FOR 10 MINUTES.
10 (RECESS). (RECESS). (GAVEL).

11

12 **HON. LOURDES BAIRD, CHAIR:** LADIES AND GENTLEMEN, THE MEETING
13 IS BACK IN SESSION. SO IF YOU'LL PLEASE COME TO ORDER. LADIES
14 AND GENTLEMEN, WE ARE NOW IN SESSION. I WANT TO REMIND YOU
15 THAT WE HAVE A GREAT DEAL OF MATERIAL IN FRONT OF US TODAY,
16 AND SO WE WERE GOING TO HAVE TO KEEP THIS GOING PROMPTLY
17 WITHOUT INTERRUPTION. NOW IT'S TIME FOR THE COMMISSIONERS
18 AGAIN. I'M GOING TO REMIND ALL THE COMMISSIONERS TO PLEASE
19 IDENTIFY YOURSELF BEFORE YOU SPEAK FOR THE PURPOSES OF THE
20 TRANSCRIPT. SO LET'S BEGIN ON THIS SIDE FOR A CHANGE. REVEREND
21 MURRAY, ANY QUESTIONS?

22

23 **REV. CECIL L. MURRAY:** THANK YOU. MR. TANAKA, WE HAVE HEARD
24 YOU. I WONDER IF THERE IS ANY PORTION OF YOU THAT MIGHT SAY ON

1 RECORD, "I WAS NOT ALWAYS DILIGENT IN MY PERFORMANCE AND THE
2 RESPONSIBILITY RESTS, TO A LARGE EXTENT, ON ME AND WITH ME."

3

4 **UNDERSHERIFF PAUL TANAKA:** REVEREND MURRAY, I WOULD LIKE TO NOT
5 BE ABLE TO SAY THAT STATEMENT. BUT AS I TOLD MR. DEIXLER AND
6 MS. KRINSKY AND OTHERS I MET A MONTH AGO, IF I HAD DONE
7 EVERYTHING EXACTLY AS IT SHOULD HAVE BEEN DONE FROM JANUARY OF
8 '05 TO JUNE OF 2007 AND I HAD BEEN 100 PERCENT DILIGENT AND
9 LOOKED INTO EVERY POSSIBLE ASPECT OF OUR OPERATION, WE
10 WOULDN'T BE HERE TODAY. I'M TRYING. BUT YOU'RE ABSOLUTELY
11 CORRECT.

12

13 **REV. CECIL L. MURRAY:** AND ONE MORE QUICK QUESTION. ARE YOU
14 AWARE OF THE EXISTENCE OF THE 3,000 CLUB? THAT'S JUST ONE
15 INSTANCE OF CLIQUES.

16

17 **UNDERSHERIFF PAUL TANAKA:** I BECAME AWARE OF THE NAME, 3,000
18 BOYS, SHORTLY AFTER THE CHRISTMAS PARTY ALTERCATION A COUPLE
19 YEARS AGO. SO I AM FULLY AWARE OF THAT TITLE NOW.

20

21 **REV. CECIL L. MURRAY:** THANK YOU.

22

23 **UNDERSHERIFF PAUL TANAKA:** THANK YOU, REVEREND.

24

25 **HON. LOURDES BAIRD, CHAIR:** CHIEF McDONNELL?

1

2 **CHIEF JIM McDONNELL:** THANK YOU. MAYBE A COUPLE OF COMMENTS AND
3 MAYBE OPPORTUNITY FOR CLARIFICATION. I'VE WORKED ALONGSIDE THE
4 SHERIFF'S DEPARTMENT NOW FOR THREE DECADES AND I'M A BIG FAN
5 OF THE ORGANIZATION. IN LISTENING TO THE TESTIMONY HERE THIS
6 MORNING AND THE ACCOUNTS THAT WE'VE HEARD FROM OTHER PEOPLE, A
7 LOT OF INCONSISTENCIES, A LOT OF -- I WAS HOPING WE WOULD GET
8 CLARIFICATION ON A LOT OF THINGS THAT STILL REMAIN KIND OF
9 UNANSWERED. WE'VE HEARD A LOT ABOUT POLITICAL CAMPAIGN
10 CONTRIBUTIONS, AND THAT PIECE IS TROUBLING, AS WELL. AND THEN
11 THE USE OF FORCE ISSUES WHERE THIS MORNING IT WAS ADDRESSED
12 THAT THERE WAS COMMENTS ABOUT PILL CALL AND USE OF FORCE THERE
13 AS OPPOSED TO USE OF FORCE ISSUES THAT WERE WIDESPREAD. AND
14 THEN THE DISCUSSION OF THOSE ISSUES WITH THE SHERIFF -- ISSUES
15 WITH THE SHERIFF. AND YOU MENTIONED THAT YOU DIDN'T RECALL
16 SPECIFIC CONVERSATIONS IN THAT REGARD WITH HIM. IT JUST SEEMS
17 THAT IT'S INCONSISTENT WITH, IN POLICING TODAY, USE OF FORCE
18 BEING SUCH A MAJOR ISSUE, SUCH A MAJOR LIABILITY ISSUE, AND
19 THEN NOT TO HAVE A RECOLLECTION OF SPECIFIC CONVERSATIONS TO
20 BE ABLE TO IDENTIFY AND CORRECT ANY ISSUES THAT YOU DID FIND.
21 AND THEN I GUESS JUST A SYSTEMS QUESTION THAT IF YOU COULD
22 CLARIFY ON THE FAILURES TO COMPLETE THE VOLUME OF USE OF FORCE
23 REPORTS, YOU'VE GOT A BIG ORGANIZATION. THERE'S AN AWFUL LOT
24 GOING ON. AND STUFF FALLS THROUGH THE CRACKS. BUT TO HAVE THE
25 VOLUME OF OVERUSE OF FORCE REPORTS THAT WERE FOUND IN DRAWERS

1 AND OTHER PLACES AND NO SYSTEM IN PLACE TO BE ABLE TO SAY,
2 HEY, WE HAVE THIS REPORT OR THAT REPORT MISSING FROM THIS DATE
3 OR THAT DATE AND NO SYSTEM OF CHECKS AND BALANCES TO BE ABLE
4 TO SAY WHERE ARE THEY AND WHAT HAPPENED IN THAT CASE SO THAT
5 YOU CAN AT THE END OF THE DAY CLOSE OUT. THAT WE'VE ACCOUNTED
6 FOR THE BEHAVIOR OF WHATEVER IT WAS, AND IT'S EITHER JUSTIFIED
7 OR APPROPRIATE ACTION HAS BEEN TAKEN SO THAT AT THE END OF THE
8 DAY, THERE IS THAT LEVEL OF ACCOUNTABILITY. SO ANY COMMENTS
9 YOU HAVE OR CLARIFICATION AND OPPORTUNITY FOR THAT, I'D
10 APPRECIATE IT.

11

12 **UNDERSHERIFF PAUL TANAKA:** ON ALL THOSE SUBJECTS?

13

14 **CHIEF JIM McDONNELL:** ALL OR ANY, YEAH.

15

16 **UNDERSHERIFF PAUL TANAKA:** YOU KNOW, ANY TIME THAT WE HAVE
17 UNCOMPLETED STAFF WORK, ESPECIALLY AS IT RELATES TO SOMETHING
18 THAT IS SO IMPORTANT AS BEING ABLE TO TRACK FORCE, IT'S
19 DISTURBING. IF WE DON'T HAVE -- IT DOESN'T MATTER HOW BIG WE
20 ARE. DOESN'T MATTER IF WE ARE AS BIG AS WE ARE OR IF WE'RE
21 LARGER, WE HAVE NO EXCUSE FOR NOT HAVING AN APPROPRIATE
22 PROCESS IN PLACE THAT WOULD CAPTURE ALL OF THE INFORMATION.
23 AND MY BELIEF AND MY HOPE NOW IS THAT UNDER THE DIRECT
24 SUPERVISION OF THE COMMANDER'S TASKFORCE, AND THE INVOLVEMENT
25 DIRECTLY AND PERSONALLY BY THE SHERIFF, THAT WE HAVE THOSE

1 PROCESSES IN PLACE THAT BETTER TRAINING FOR OUR LINE LEVEL
2 SUPERVISORS SO THAT THEY KNOW THEIR OBLIGATION TO COMPLETE THE
3 PAPERWORK. AS FAR AS THE INSTANCE ABOUT THE PILL CALL, IT
4 WASN'T -- IT HADN'T REACHED THE LEVEL WHERE "OH, I HAVE TO
5 TELL THE SHERIFF WE HAD EXCESSIVE FORCE." WHAT WAS BROUGHT TO
6 MY ATTENTION IS THAT'S WHERE MOST OF THE FORCE OCCURRED, AT
7 THAT PARTICULAR TIME, IS WHEN THE INMATES CAME OUT FOR THEIR
8 MEDICATION. AND MY DIRECTION TO THE MANAGEMENT AT CENTRAL JAIL
9 WAS: FIX IT. CHANGE THE PROCEDURE BACK TO THE WAY IT WAS. GO
10 DOWN THE ROWS AND ESCORT THE NURSES SO THAT THEY DON'T HAVE TO
11 COME OUT AND GET IN LINE AND CAUSE -- AND HAVE THE PROBLEMS
12 THAT WERE OCCURRING. BUT IT WASN'T ONE THAT WAS -- HAD REACHED
13 A LEVEL LIKE THIS WHERE WE NEEDED TO "OH, SHERIFF, YOU KNOW WE
14 HAVE THIS BIG PROBLEM, WE'RE NOT TURNING IN REPORTS AND IT'S
15 CAUSING ALL THIS CONSTERNATION FOR THE ORGANIZATION,
16 PROFESSIONALLY, POLITICALLY, INTERNALLY." THIS WAS SOMETHING
17 THAT WAS AN ISSUE MUCH LIKE ANY OTHER PLACE, IT WAS BROUGHT TO
18 MY ATTENTION AND THEY WERE TOLD TO ADDRESS IT AND THEY DID AT
19 THE TIME DEALING WITH THE PILL CALL ISSUE. AS FAR AS WHAT YOU
20 MENTIONED, I KNOW THAT IT'S A TOPIC THAT IS OF GREAT INTEREST,
21 PAY TO PLAY. I WILL SAY THIS TO YOU: PAY TO PLAY DOES NOT
22 EXIST. NOW, I UNDERSTAND THAT THE PERCEPTION. AND WE'VE HAD --
23 I HAVE HAD THIS DISCUSSION WITH MR. DROOYAN AND MR. DEIXLER
24 AND CERTAINLY PERCEPTION HAS GREAT WEIGHT AND I UNDERSTAND
25 THAT. AND TO THAT END, THE SHERIFF IS WORKING WITH COUNTY

1 COUNSEL TO ADDRESS THE ISSUE AND MAKE SURE THAT WE -- THERE IS
2 NO MORE ISSUES WITH PAY TO PLAY. AS FAR AS ENGAGING IN IT,
3 ABSOLUTELY NOT. WE HAVE A PROCESS NOW, MIGHT BE MY FAULT, THE
4 FIRST TIME I RAN FOR OFFICE WAS 1998. I WAS A LIEUTENANT THAT
5 WAS NOT IN FAVOR IN THE ORGANIZATION BECAUSE I WAS IDENTIFIED
6 AT THE TIME AS BEING SUPPORTIVE OF CHIEF BACA. AND THE ONLY
7 PEOPLE THAT CAME TO MY FUND-RAISER WERE FAMILY MEMBERS AND
8 FRIENDS. AND OVER TIME, IN MY FOUR ELECTIONS, I WILL SAY THAT
9 THE DONOR LIST HAS GROWN. BUT I'VE NEVER EQUATED ONE WITH THE
10 OTHER. AGAIN, I'M NOT TALKING ABOUT PERCEPTION, THOUGH, I'M
11 TALKING ABOUT REALITY. THERE IS ALSO A VERY, VERY STRINGENT
12 PROMOTIONAL PROCESS IN PLACE WITHIN OUR ORGANIZATION TO GET
13 PROMOTED TO THE RANK OF SERGEANT DOES NOT TAKE MY INVOLVEMENT.
14 YOU'RE A DEPUTY. YOU TAKE A TEST. A WRITTEN EXAMINATION.
15 PARTICIPATE IN AN ORAL INTERVIEW THAT IS -- CONSISTS OF
16 CAPTAINS OR LIEUTENANTS ON THE PANEL. AND THEN YOU ARE ALSO
17 GIVEN AN APPRAISAL OF YOUR PROMOTABILITY. AND TOGETHER THOSE
18 SCORES ARE COMBINED AND A LIST IS PROMULGATED. AND WE PROMOTE
19 FROM THAT LIST. AND THEN THE DECISION IS MADE, THEN, BY
20 COMMANDERS, RECOMMENDATIONS. SAME PROCESS OCCURS FOR A
21 LIEUTENANT. TAKE A WRITTEN, YOU TAKE AN ORAL, YOU GET AN
22 APPRAISAL OF PROMOTABILITY AND THEN THE LIST IS PROMULGATED
23 AND FROM THE BANDING OF INDIVIDUALS, NAMES ARE RECOMMENDED BY
24 THE COMMANDERS. IT WORKS ITS WAY UP THROUGH THE CHAIN. AND
25 ULTIMATELY SHERIFF LEE BACA IS THE ONE WHO APPROVES ALL

1 PROMOTIONS TO LIEUTENANT. BUT THE RANK OF CAPTAIN AND
2 COMMANDER, SUBMIT AN APPLICATION, YOU GET AN APPRAISAL OF
3 PROMOTABILITY AND THE SHERIFF PICKS. HE TAKES INPUT FROM
4 MYSELF. HE TAKES INPUT FROM THE OTHER EXECUTIVES, HE TAKES
5 INPUT FROM A LOT OF FOLKS. HE THEN WEIGHS THEM OUT. AND I HAVE
6 BEEN WITH HIM THROUGH THIS PROCESS MANY TIMES OVER THE YEARS.
7 HE IS METHODOICAL AND HE IS THOUGHTFUL. AND HE WEIGHS OUT WHAT
8 THEIR CREDENTIALS ARE, WHAT THEIR EXPERIENCE IS, WHAT THEIR
9 EDUCATION IS, WHERE THEY LIVE, THE DIVERSITY FACTOR, THEY'RE
10 FIT, WOULD THEY BE A GOOD FIT IN THIS PARTICULAR JOB? HE TAKES
11 ALL OF THOSE FACTS INTO CONSIDERATION. AND THEN AFTER ALL OF
12 THAT IS DONE, HE DECIDES WHO WILL BE A CAPTAIN AND WHO WILL BE
13 COMMANDER. AND AT THE RANK OF CHIEF AND ABOVE, THERE'S NO
14 PROCESS. THE SHERIFF JUST PICKS WHO HE BELIEVES IS THE MOST
15 QUALIFIED PERSON ON A NUMBER OF FACTORS. AND I KNOW HE JUDGES
16 IT BASED ON LEADERSHIP AND DIVERSITY AND FIT AND EDUCATION, ET
17 CETERA. SO EVEN IF THERE WAS A -- THERE'S NO WAY AROUND THE
18 SYSTEM AS FAR AS PAY TO PLAY. BUT, AGAIN, UNDERSTANDING THAT
19 THE PERCEPTION IS THE REALITY, IT'S BEING ADDRESSED THROUGH A
20 POLICY THAT WILL ADDRESS THAT. SO, CHIEF McDONNELL, I HOPE I
21 HAVE ANSWERED MOST OF YOUR QUESTIONS.

22

23 **CHIEF JIM McDONNELL:** THE ONLY OTHER ONE WAS ISSUES OF
24 DISCUSSION ABOUT WIDE USE OF FORCE ISSUES IN THE DEPARTMENT
25 WITH THE SHERIFF AND THE EPC OR OTHERWISE.

1

2 **UNDERSHERIFF PAUL TANAKA:** IF A PROBLEM IS SOMETHING THAT IS
3 IMPACTING OUR ORGANIZATION, THEN OF COURSE THE SHERIFF IS
4 BROUGHT IN. IT'S A PROBLEM THAT REQUIRES HIS INTERVENTION OR
5 JUST HIS KNOWING, THEN THAT IS CERTAINLY DONE. BUT PARTICULAR
6 TIME THAT I WAS REFERENCING, IT WAS NEVER RAISED OR BROUGHT TO
7 MY ATTENTION AS A PERVASIVE PROBLEM. IT WAS A PROBLEM THAT WAS
8 ISOLATED TO A PARTICULAR WING OR UNIT WITHIN THE JAIL
9 FACILITY.

10

11 **HON. LOURDES BAIRD, CHAIR:** THANK YOU. COMMISSIONER BONNER?

12

13 **HON. ROBERT BONNER:** YES, THANK YOU, MADAME CHAIR. I HAVE A FEW
14 QUESTIONS FOR YOU, MR. TANAKA. ON OCCASION I THINK YOU'VE
15 SAID, IF I'M GETTING YOUR TESTIMONY FAIR HERE, YOU'VE MADE
16 COMMENTS TO DEPUTIES THAT WERE CRITICAL OF INTERNAL AFFAIRS,
17 THE INTERNAL AFFAIRS BUREAU. DID YOU EVER MAKE A STATEMENT
18 ABOUT INTERNAL AFFAIRS THAT IN SUBSTANCE WAS THAT THERE WERE
19 ABOUT 45 INTERNAL AFFAIRS INVESTIGATORS AT THE L.A. SHERIFF'S
20 DEPARTMENT, BUT IN YOUR OPINION THAT WAS ABOUT 44 TOO MANY? OR
21 WORDS TO THAT EFFECT?

22

23 **UNDERSHERIFF PAUL TANAKA:** I DON'T RECALL MAKING A COMMENT LIKE
24 THAT, JUDGE BONNER.

25

1 **HON. ROBERT BONNER:** BUT YOU DO RECALL MAKING COMMENTS CRITICAL
2 OF I.A. AT THE CENTURY STATION AND ELSEWHERE ON OCCASION. WHY
3 WOULD YOU DO THAT?

4

5 **UNDERSHERIFF PAUL TANAKA:** I HAVE BEEN CRITICAL OF THE PROCESS.
6 I HAVE EXPRESSED IT TO THE SHERIFF. I HAVE EXPRESSED IT
7 THROUGHOUT THE ORGANIZATION. AND I UNDERSTAND THAT IT -- BUT
8 IT'S A PROBLEM THAT IS TALKED ABOUT FREQUENTLY. ONCE YOU ARE
9 ASSIGNED AS THE SUBJECT OF AN INVESTIGATION, THROUGHOUT MY
10 ENTIRE TIME, PEOPLE WHO ARE UNDER INVESTIGATION HAVE BEEN MADE
11 TO FEEL LESS THAN A WHOLE MEMBER OF THE ORGANIZATION. AND
12 NOTHING HAS BEEN PROVEN. THE INVESTIGATION MAY BE BARELY
13 UNDERWAY. BUT THIS IS A DISCUSSION THAT THE SHERIFF AND I HAVE
14 HAD WHEN HE WAS CHIEF, WHEN HE WAS A COMMANDER AND WHEN HE'S
15 BEEN THE SHERIFF. AND ABOUT OUR OBLIGATION TO TREAT ALL OF OUR
16 EMPLOYEES IN A MOST -- THE APPROPRIATE MANNER EVEN WHEN
17 THEY'RE UNDER INVESTIGATION. AND THAT'S THE PROCESS THAT I'VE
18 BEEN CRITICAL OF IN THE PAST BECAUSE I DID NOT THINK THAT WE
19 WERE FOLLOWING THAT PHILOSOPHY.

20

21 **HON. ROBERT BONNER:** WELL YOU'VE ALSO SAID THAT IF A PROBLEM
22 COMES TO YOUR ATTENTION, PARTICULARLY AS A SENIOR PERSON IN
23 THE SHERIFF'S DEPARTMENT, YOU OWN IT. SO WHAT DID YOU DO TO --
24 IF IN FACT THERE ARE TOO MANY INTERNAL AFFAIRS INVESTIGATIONS
25 AND INTERNAL AFFAIRS IS TOO SLOW AND LEAVES A CLOUD OVER

1 DEPUTIES' HEADS FOR TOO LONG, WHAT DID YOU DO TO CHANGE THAT
2 PROCESS?

3

4 **UNDERSHERIFF PAUL TANAKA:** WELL I ACTUALLY GOT INVOLVED IN IT
5 FOR A LITTLE BIT, FOR ABOUT A YEAR, AND I DID TRY TO MAKE
6 CHANGES AND DID TRY TO GET THE FOLKS THERE TO UNDERSTAND THAT,
7 AS AN INVESTIGATOR, YOUR JOB IS TO FACT FIND, NOTHING ELSE.
8 THE SHERIFF HAS SINCE MADE CHANGES. I'M NO LONGER INVOLVED IN
9 THAT PROCESS. BUT I DID GET INVOLVED IN THE PROCESS.

10

11 **HON. ROBERT BONNER:** THE INTERNAL AFFAIRS BUREAU WAS UNDER YOUR
12 COMMAND FOR A PERIOD OF TIME.

13

14 **UNDERSHERIFF PAUL TANAKA:** IT WAS, YES, SIR.

15

16 **HON. ROBERT BONNER:** WHAT YEAR WAS IT THAT YOU ATTEMPTED TO
17 MAKE CHANGES WITH RESPECT TO INTERNAL AFFAIRS? INVESTIGATED
18 CASES FASTER AND THAT THERE WEREN'T TOO MANY OF THEM?

19

20 **UNDERSHERIFF PAUL TANAKA:** IT WASN'T SO MUCH THAT -- I'M SORRY
21 IF I MADE IT SOUND LIKE THERE WERE TOO MANY I.A. CASES. YOU
22 COULD HAVE IT BY THE MIDDLE MANAGEMENT, THE SUPERVISORS AT
23 EACH PARTICULAR UNIT. MY MESSAGE WAS SIMPLY THAT THEY WERE TO
24 WORK AS EXPEDITIOUSLY AS THE INVESTIGATION WOULD ALLOW BUT
25 NEVER TO MAKE ANYBODY, EVEN IF THEY WERE GUILTY, FEEL ANYTHING

1 LESS THAN A WHOLE PERSON. NOT TO TREAT THEM WITH DISRESPECT.
2 WE DON'T LIKE BAD PEOPLE WITHIN OUR OWN RANKS, I UNDERSTAND
3 THAT. AND WE'RE HUMAN IF WE EXPRESS DISDAIN. BUT WHEN YOU'RE
4 ASSIGNED TO AN INTERNAL INVESTIGATIONS UNIT IN THIS BUSINESS,
5 THEN YOU HAVE AN OBLIGATION TO KEEP YOUR EMOTIONS TO YOURSELF
6 AND TO CONDUCT YOUR INVESTIGATIONS IN A FAIR AND IMPARTIAL AND
7 RESPECTFUL MANNER. AND THAT'S WHAT I WAS TRYING TO
8 COMMUNICATE.

9

10 **HON. ROBERT BONNER:** AMONG OTHER THINGS, WOULDN'T YOU -- YOU
11 WOULD AGREE THAT THE INTERNAL AFFAIRS BUREAU AT THE SHERIFF'S
12 DEPARTMENT INVESTIGATES SERIOUS USES OF FORCE INCIDENTS, DOES
13 IT NOT?

14

15 **UNDERSHERIFF PAUL TANAKA:** YES.

16

17 **HON. ROBERT BONNER:** AND SO WHAT MESSAGE IS SENT WHEN A SENIOR
18 MANAGER OF A LAW ENFORCEMENT ORGANIZATION LIKE YOURS BELITTLES
19 I.A. IN FRONT OF A LINE DEPUTIES? WHAT'S THE MESSAGE THEY GET?
20 DO YOU HAVE ANY IDEA?

21

22 **UNDERSHERIFF PAUL TANAKA:** I UNDERSTAND, SIR. FROM YOUR -- I
23 HEAR WHAT YOU'RE SAYING. I HAVE NO ARGUMENT WITH YOU.

24

1 **HON. ROBERT BONNER:** WELL IT'S THE WRONG MESSAGE, ISN'T IT, MR.
2 TANAKA?

3

4 **UNDERSHERIFF PAUL TANAKA:** IT CAN CERTAINLY BE CONSTRUED AS THE
5 WRONG MESSAGE AND I HEAR YOU LOUD AND CLEAR. AS FAR AS I
6 ASSUME, PERCEPTION, O -- AND I HAVE, YOU'RE TALKING MANY
7 YEARS, OVER TIME. AND PEOPLE ARE DREDGING UP STUFF THAT THEY
8 HEARD ME SAY FIVE, TEN, I DON'T KNOW HOW MANY YEARS AGO. I
9 DON'T MAKE IT A PRACTICE OF GOING AROUND AND OFFERING NEGATIVE
10 COMMENTS ABOUT THE INTERNAL AFFAIRS BUREAU TODAY.

11

12 **HON. ROBERT BONNER:** WELL THAT'S GRATIFYING TO HEAR. LET ME
13 CHANGE THE SUBJECT TO THE EXECUTIVE PLANNING COMMITTEE. BEFORE
14 YOU BECAME UNDERSHERIFF, WOULD IT BE FAIR TO SAY THAT THE ECP
15 -- NO, IT'S THE EPC, EXCUSE ME, FILTERED OUT BAD NEWS FROM
16 REACHING THE SHERIFF? I REALIZE YOU CHANGED IT, BUT BEFORE YOU
17 BECAME UNDERSHERIFF?

18

19 **UNDERSHERIFF PAUL TANAKA:** SEE, WE'RE NOT IN THE BUSINESS OF
20 BRINGING BAD NEWS TO THE SHERIFF AND DUMPING IT ON HIS LAP.
21 OUR JOB IS TO BRING BAD NEWS TO THE SHERIFF AND SAY, "SHERIFF,
22 WE HAVE A SOLUTION OR THIS IS THE FIX." I'VE BEEN SITTING IN
23 THAT ROOM AS A CHIEF-FOR-HIRE IN THAT EXECUTIVE PLANNING
24 COUNCIL ROOM ON WEDNESDAYS FOR 10 YEARS NOW. IT IS NOT -- IT
25 IS NOT OUR PRACTICE -- IT IS NOT OUR PRACTICE OR PROTOCOL TO

1 HIDE BAD NEWS FROM THE SHERIFF. NOW, SOMETIMES INFORMATION MAY
2 NOT HAVE REACHED HIM AND MAYBE THE SHERIFF SAYS, "WELL IF YOU
3 WOULD HAVE TOLD ME, I WOULD HAVE CONSIDERED THAT BAD NEWS,"
4 BUT WE'RE IN THE BUSINESS OF SOLVING PROBLEMS AT ALL RANKS.
5 THAT'S DRILLED INTO OUR HEAD FROM DAY ONE IN THE ACADEMY. YOU
6 GET A CALL, YOU'RE HANDLING TO CONCLUSION. AND THAT'S HOW WE
7 TRY TO OPERATE AT ALL RANKS. SO THERE IS NO ATTEMPT TO TRY TO
8 HIDE ANY BAD INFORMATION FROM THE SHERIFF.

9

10 **HON. ROBERT BONNER:** DID YOU -- NOT YOU. DID THE GROUP THAT
11 MADE UP THE EXECUTIVE PLANNING COMMITTEE BEFORE YOU BECAME
12 UNDERSHERIFF DECIDE WHAT WOULD BE PRESENTED TO THE SHERIFF
13 WHEN YOU MET WITH HIM?

14

15 **UNDERSHERIFF PAUL TANAKA:** ON OCCASION, I WOULD SAY THAT IF A
16 SUGGESTION WERE MADE THAT -- BECAUSE THAT WAS THE PURPOSE OF
17 THAT PREMEETING, THEY CALLED IT, IS TO GO AROUND THE ROOM AND
18 TO ASK WHAT IS IT YOU INTEND TO BRING UP TO THE SHERIFF?
19 BECAUSE THE SHERIFF ALWAYS DOES A ROUND TABLE. AND SOMETIMES
20 PEOPLE WERE TOLD "DON'T BRING THAT UP." AND IT WASN'T BECAUSE
21 IT WAS HIDING SOMETHING FROM THE SHERIFF. IT MIGHT HAVE JUST
22 BEEN SOMETHING THAT AT THE TIME THE CHAIRPERSON FELT WAS MAYBE
23 NOT THE BEST USE OF THE SHERIFF'S TIME.

24

1 **HON. ROBERT BONNER:** THERE'S AN OLD SAYING IN LAW ENFORCEMENT,
2 AT LEAST I RECALL IT FROM HAVING RUN A FEW LAW ENFORCEMENT
3 ORGANIZATIONS MYSELF, AND IT IS THAT "BAD NEWS IS NOT LIKE
4 FINE WINE; IT DOES NOT GET BETTER WITH AGE." HAVE YOU HEARD
5 THAT ONE?

6
7 **UNDERSHERIFF PAUL TANAKA:** NO, BUT CERTAINLY CAN RELATE TO
8 THAT.

9
10 **HON. ROBERT BONNER:** WELL, WHAT I'M TRYING TO GET AT HERE --
11 FIRST OF ALL, I GUESS TWO QUESTIONS. ONE IS NOT ONLY WHY THE
12 SHERIFF DIDN'T KNOW THAT THERE WAS A PERVASIVE USE OF FORCE --
13 PERVASIVE USE OF FORCE ISSUES WITHIN THE JAIL SYSTEM AT THE
14 MEN'S CENTRAL JAIL IF NO PLACE ELSE. WHY THAT WASN'T BROUGHT
15 TO YOUR ATTENTION AND WHY IT WASN'T BROUGHT TO HIS ATTENTION?
16 WHY WERE YOU AND THE SHERIFF CAUGHT BY SURPRISE? WHY WERE YOU
17 NOT -- LET ME JUST ASK YOU. I'LL ASK THE SHERIFF WHEN WE HEAR
18 FROM HIM. WHY WEREN'T YOU AWARE EARLIER THAT THERE WAS A USE
19 OF FORCE ISSUE WITH RESPECT TO MEN'S CENTRAL JAIL?

20
21 **UNDERSHERIFF PAUL TANAKA:** I CAN'T ANSWER THAT, JUDGE BONNER.
22 AS I MENTIONED EARLIER, I DON'T MAKE THE DECISION TO STOP NEWS
23 BELOW ME. THAT DECISION IS MADE BY SOMEBODY ELSE IN THE CHAIN
24 OF COMMAND. AND IF THE PERSON DECIDES NOT TO MOVE IT FORWARD

1 AND I DON'T KNOW IT EXISTS, I CAN'T CONTROL WHETHER OR NOT OR
2 HOW THEY CAME TO THEIR DECISION.

3

4 **HON. ROBERT BONNER:** AND THAT'S EXACTLY WHAT I'M TRYING TO GET
5 AT HERE. I'LL PUT IT TO YOU. IS THERE A CULTURE WITHIN THE
6 SHERIFF'S DEPARTMENT WHICH IS TO HIDE BAD NEWS FROM HIGHER UPS
7 IN THE CHAIN OF COMMAND?

8

9 **UNDERSHERIFF PAUL TANAKA:** I WOULD NOT CLASSIFY THAT AS SUCH,
10 JUDGE. I WOULD SAY THAT THERE IS STILL THE PREVAILING
11 MENTALITY THAT IS BRED INTO YOU AT THE TIME YOU GO THROUGH THE
12 ACADEMY. WHEN A PROBLEM COMES TO YOUR ATTENTION, TRY TO
13 RESOLVE IT AT THE LOWEST LEVEL POSSIBLE. AND I BELIEVE THAT
14 MOST PEOPLE TRY TO DO THAT. IT'S NOT THAT THEY DON'T WANT TO
15 PUT THE BAD NEWS ASIDE HERE AND LET IT AGE LIKE BAD WINE; THEY
16 WANT TO TRY TO RESOLVE IT SO THAT THEY DON'T HAVE TO BRING BAD
17 NEWS THAT'S UNRESOLVED OR CERTAINLY WITHOUT A SOLUTIONS. DOES
18 IT OCCUR? I'M SURE IT DOES. OF COURSE IT DOES. BUT AS A MATTER
19 OF ROUTINE PRACTICE? I DON'T BELIEVE SO. AND I CERTAINLY HOPE
20 NOT.

21

22 **HON. ROBERT BONNER:** WELL LET'S TALK ABOUT JUST BRIEFLY ABOUT
23 THE ROTATION PLAN OF CAPTAIN CLARK BECAUSE CAPTAIN CLARK, IN
24 PART, PROPOSED THE ROTATION PLAN BECAUSE CAPTAIN CLARK, WHO
25 DID HAVE COMMAND RESPONSIBILITY FOR MEN'S CENTRAL JAIL -- IN

1 PART THE REASON WAS THERE WAS A USE OF FORCE ISSUE. AND HE PUT
2 FORWARD A ROTATION PLAN THAT YOU, IN ESSENCE, RESCINDED; DID
3 YOU NOT? LET ME JUST ASK THAT. DID YOU, IN FACT, RESCIND
4 CAPTAIN CLARK'S ROTATION PLAN?

5

6 **UNDERSHERIFF PAUL TANAKA:** YES, I ASKED HIM TO FIND ANOTHER
7 ALTERNATIVE.

8

9 **HON. ROBERT BONNER:** WELL, NO. DID YOU VETO OR RESCIND CAPTAIN
10 CLARK'S ROTATION PLAN? IT WAS SUPPOSED TO GO --

11

12 **UNDERSHERIFF PAUL TANAKA:** YOUR HONOR, YES.

13

14 **HON. ROBERT BONNER:** IN 2006 IT DID NOT GO INTO EFFECT.
15 SOMETHING HAPPENED TO IT. DID YOU RESCIND HIS ROTATION PLAN?

16

17 **UNDERSHERIFF PAUL TANAKA:** I DID.

18

19 **HON. ROBERT BONNER:** ALL RIGHT. AND YOU WERE AN ASSISTANT
20 SHERIFF AT THE TIME IF I'M NOT MISTAKEN, CORRECT?

21

22 **UNDERSHERIFF PAUL TANAKA:** YES, YOUR HONOR.

23

24 **HON. ROBERT BONNER:** I'M NOT CLEAR FROM YOUR TESTIMONY. YOU
25 WEREN'T ABLE TO RECALL CERTAIN THINGS, BUT LET ME ASK IT

1 AGAIN. DID YOU DISCUSS WITH CAPTAIN CLARK THAT YOU WERE GOING
2 TO MEET WITH THE LINE DEPUTIES AT MEN'S CENTRAL JAIL BEFORE
3 YOU HAD THAT MEETING?

4

5 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER.

6

7 **HON. ROBERT BONNER:** YOU DO REMEMBER TALKING TO HIM AND HIS
8 COMMAND STAFF AFTER THE MEETING WITH THE DEPUTIES. YOU
9 REMEMBER THAT MEETING, DON'T YOU?

10

11 **UNDERSHERIFF PAUL TANAKA:** YES, SIR.

12

13 **HON. ROBERT BONNER:** IS IT FAIR TO SAY YOU DIDN'T KNOW WHY
14 CAPTAIN CLARK HAD PROPOSED HIS PLAN, THE ROTATION PLAN, WHEN
15 YOU RESCINDED IT?

16

17 **UNDERSHERIFF PAUL TANAKA:** WELL WHAT WAS COMMUNICATED TO ME WAS
18 THAT THERE WERE A HANDFUL OF PROBLEM DEPUTIES. THAT WAS THE
19 REASON FOR THE IMPLEMENTATION OF THE ROTATION PLAN WAS.

20

21 **HON. ROBERT BONNER:** WELL, YOU THOUGHT IT INCLUDED SHIFT
22 CHANGES, DID YOU NOT?

23

24 **UNDERSHERIFF PAUL TANAKA:** OH, I'M SORRY, YES.

25

1 **HON. ROBERT BONNER:** DID YOU BELIEVE IT?

2

3 **UNDERSHERIFF PAUL TANAKA:** YES, THAT IT INCLUDED THE CHANGING
4 OF WORK ASSIGNMENTS AND SHIFTS, CORRECT.

5

6 **HON. ROBERT BONNER:** AND YOU WERE WRONG, WEREN'T YOU? BECAUSE
7 IT DIDN'T INCLUDE SHIFT CHANGES. YOU KNOW THAT NOW, DON'T YOU?

8

9 **UNDERSHERIFF PAUL TANAKA:** BASED ON THE WRITTEN DOCUMENTS, IT
10 CERTAINLY CONTRADICTS WHAT I REMEMBER.

11

12 **HON. ROBERT BONNER:** SO, YOU SAID -- I THINK YOU'VE SAID THAT
13 THE LOS ANGELES SHERIFF'S DEPARTMENT HAS A CHAIN OF COMMAND,
14 CORRECT?

15

16 **UNDERSHERIFF PAUL TANAKA:** YES.

17

18 **HON. ROBERT BONNER:** IN FACT YOU SAID NO ONE SHOULD BE CONFUSED
19 ABOUT THE CHAIN OF COMMAND, IF I HEARD YOUR TESTIMONY
20 CORRECTLY. AND, YET, DON'T YOU THINK, IN TERMS OF WHAT YOU DID
21 TO UNDERCUT AND UNDERMINE CAPTAIN CLARK IN RESCINDING HIS
22 ROTATION PLAN, THAT THAT UNDERMINED THE CHAIN OF COMMAND OF
23 THE SHERIFF'S DEPARTMENT?

24

1 **UNDERSHERIFF PAUL TANAKA:** WHEN I REFER TO CHAIN OF COMMAND,
2 AND I WAS VERY EMPHATIC, ANYBODY THAT WAS AT THE RANK OF
3 CAPTAIN AND ABOVE SHOULD HAVE NO CONFUSION ABOUT CHAIN OF
4 COMMAND. THAT'S WHAT I REFERRED TO. AND AS FAR AS DID I
5 UNDERMINE HIS AUTHORITY AT THE, AT THE TIME, YOUR HONOR? I WAS
6 DOING WHAT I BELIEVED WAS NECESSARY. I HAD A UNIT THAT HAD 600
7 OR 700 SWORN PERSONNEL AND OTHER EMPLOYEES, AND IT WAS A UNIT
8 THAT WAS IN COMPLETE DISARRAY. FOR 200, 1/3 OF THE UNIT TO
9 SEND YOU A LETTER IS A SIGNAL OF DISTRESS. AND I HAVE AN
10 OBLIGATION TO LOOK INTO THAT MATTER AND TO ADDRESS IT. AND
11 WHAT MY BELIEF WAS THE ROOT OF THAT DISTRESS WAS, THAT THEY
12 WERE GOING TO BE ROTATED AND CYCLED EVERY TWO MONTHS TO
13 DIFFERENT SHIFTS. AND SO I PUT A STOP TO IT AND I ASKED THE
14 CAPTAIN TO COME UP WITH ANOTHER ALTERNATIVE BECAUSE THE ONLY
15 THING THAT WAS TOLD TO ME IS THAT I HAVE A HANDFUL OF PROBLEM
16 DEPUTIES. NO DEPUTY CLIQUES, NO DEPUTY GANGS, NO EXCESSIVE USE
17 OF -- EXCESSIVE USE OF FORCE, NONE OF THAT WAS EVER MENTIONED
18 TO ME.

19

20 **HON. ROBERT BONNER:** SO YOU NOW KNOW THAT THE FACT YOU GOT 200
21 EMAILS FROM DEPUTIES AT MEN'S CENTRAL JAIL WAS PRECIPITATED BY
22 AN EMAIL TO ALL THE DEPUTIES SAYING THAT THEY SHOULD SEND YOU
23 AN EMAIL, RIGHT? IT'S NOT QUITE AS DRAMATIC AS 200 DEPUTIES
24 INDEPENDENTLY DECIDING TO WRITE AN EMAIL TO THEIR -- TO THE

1 ASSISTANT SHERIFF? AM I RIGHT? JUST LOOKING BACK AT IT? OR AM
2 I MISREADING THAT?

3

4 **UNDERSHERIFF PAUL TANAKA:** I DIDN'T APPRECIATE IT THEN, I STILL
5 DON'T. THE FACT OF BEING ENCOURAGED BY ONE PERSON TO SEND ME
6 THESE MASS EMAILS OF ISSUES; BUT AT THE SAME TIME, AS I
7 MENTIONED, THE SHERIFF HAS MADE IT VERY CLEAR, WE LISTEN TO
8 EVERYBODY. AND IF THAT MEANS YOU PERSONALLY GO DOWN THERE, AS
9 HE HAS ORDERED ON MORE THAN ONE OCCASION, YOU, PERSONALLY,
10 PAUL, GO DOWN THERE AND INSPECT IT YOURSELF AND FIX IT. THAT'S
11 HIS WAY OF FLATTENING OUT BUREAUCRACY. HE DOES NOT -- IT
12 CAUSED A LOT OF DISCOMFORT WHEN HE FIRST BECAME SHERIFF
13 BECAUSE WE WEREN'T USED TO DEALING OUTSIDE OF OUR ESTABLISHED
14 CHAIN OF COMMAND.

15

16 **HON. ROBERT BONNER:** SO, AS A RESULT OF SHERIFF BACA COMING IN,
17 IT IS NOW THE POLICY, NOW THE PRACTICE OF THE SHERIFF'S
18 DEPARTMENT TO ESSENTIALLY UNDERMINE, UNDERCUT A CAPTAIN --
19 UNDERMINE, UNDERCUT A CAPTAIN OF RESCINDING HIS ORDER BEFORE
20 YOU EVEN TALKED TO HIM BEFORE YOU KNEW WHAT HIS ROTATION PLAN
21 WAS?

22

23 **UNDERSHERIFF PAUL TANAKA:** NO. IT IS NOT THE POLICY OF THE
24 SHERIFF TO UNDERMINE ANYBODY NOR IS IT THE PRACTICE OF THIS
25 ORGANIZATION OR MYSELF. I DON'T CONSIDER ANYTHING THAT I'VE

1 EVER DONE IN THIS ROLE OR ANY OTHER AS UNDERMINING THE COMMAND
2 OF ANYBODY. THE ONLY THING I'VE EVER DONE IS IN THE BEST
3 INTEREST OF THIS ORGANIZATION. AND IN THAT PARTICULAR CASE, I
4 WAS NOT UNDERMINING HIM. WHAT HE TOLD ME WAS I HAVE A HANDFUL
5 OF PROBLEM DEPUTIES. THEN YOU FIND ANOTHER WAY TO DEAL WITH
6 THEM AND DON'T MASS PUNISH 700 OTHER PEOPLE IN ORDER TO
7 ACCOMPLISH THIS BECAUSE YOU DON'T WANT TO DEAL WITH THOSE
8 FIVE. THAT WAS IT. THAT WAS THE DISCUSSION.

9

10 **HON. ROBERT BONNER:** LET ME ASK YOU. HAVE CLIQUES PERIODICALLY
11 BEEN AN ISSUE OF CONCERN WITHIN THE SHERIFF'S DEPARTMENT?

12

13 **UNDERSHERIFF PAUL TANAKA:** YES.

14

15 **HON. ROBERT BONNER:** WHY IS IT A CONCERN?

16

17 **UNDERSHERIFF PAUL TANAKA:** IF YOU HAVE A GROUP OF INDIVIDUALS
18 THAT WEAR THIS BADGE AND THIS UNIFORM, AND THEY ARE GATHERING
19 TO -- AND THEY OPERATE IN THEIR OWN MANNER -- THAT IS
20 INCONSISTENT WITH THE LAWS OF THE LAND, THE EXPECTATIONS OF
21 SOCIETY AND OUR CORE VALUES, THEN THAT'S A BIG CONCERN. AND
22 THERE'S NO PLACE IN THIS ORGANIZATION FOR THOSE FOLKS.

23

24 **HON. ROBERT BONNER:** YOU AGREE THAT AT SOME POINT YOU LEARNED
25 THAT THERE -- PUT IT THIS WAY -- WOULD YOU AGREE THAT THERE

1 WAS AN UNHEALTHY SUBCULTURE AROUND THE 2,000 AND 3,000 BOYS AT
2 THE MEN'S CENTRAL JAIL?

3

4 **UNDERSHERIFF PAUL TANAKA:** NOW 2,000 IS SOMETHING THAT I'VE
5 HEARD FAIRLY RECENTLY. 3,000 WAS BROUGHT TO MY ATTENTION AS A
6 PROBLEM SUBCULTURE AFTER THE QUIET CANNON INCIDENT IN DECEMBER
7 OF 2010, I BELIEVE.

8

9 **HON. ROBERT BONNER:** SO YOU WERE NOT AWARE OF CLIQUES OF THE
10 3,000 BOYS OR THE 2,000 BOYS BEFORE THE QUIET CANNON INCIDENT
11 IN THE DECEMBER OF, CHRISTMAS PARTY DECEMBER OF 2010?

12

13 **UNDERSHERIFF PAUL TANAKA:** UNFORTUNATELY, I WAS NOT.

14

15 **HON. ROBERT BONNER:** DO YOU USE COMSTAT AT THE SHERIFF'S
16 DEPARTMENT AS A MANAGEMENT TOOL?

17

18 **UNDERSHERIFF PAUL TANAKA:** WE HAVE A PROCESS THAT'S NOT
19 REFERRED TO AS COMSTAT BUT WE DO HAVE A PROCESS THAT EVALUATES
20 TRENDS.

21

22 **HON. ROBERT BONNER:** AND WHO LEADS THAT IN TERMS OF THE CALLING
23 TO TASK OF THE CAPTAINS AND THE CHIEFS AND SO FORTH THAT ARE
24 RESPONSIBLE FOR THE VARIOUS COMMANDS? WHO LEADS THE COMSTAT
25 PROCESS AT THE SHERIFF'S DEPARTMENT?

1

2 **UNDERSHERIFF PAUL TANAKA:** YOUR HONOR, IT'S LED BY THE DIVISION
3 CHIEFS. THEIR RESPONSIBILITY IS TO CONDUCT REGULARLY SCHEDULED
4 INSPECTIONS AND AUDITS AND COMSTAT-LIKE PRACTICES FOR EACH ONE
5 OF THEIR COMMANDS.

6

7 **HON. ROBERT BONNER:** SO THE CHIEF THAT HAS OVERALL
8 RESPONSIBILITY FOR CUSTODY IN THE COUNTY JAIL SYSTEM WOULD USE
9 A COMSTAT PROCESS WITH RESPECT TO HIS SUBORDINATES?

10

11 **UNDERSHERIFF PAUL TANAKA:** YES, TO BE ABLE TO TRACK THE
12 ACTIVITIES OF EACH PARTICULAR JAIL FACILITY.

13

14 **HON. ROBERT BONNER:** AND WHEN DID THE COMSTAT PROCESS -- WHEN
15 WAS IT PUT INTO EFFECT AT THE SHERIFF'S DEPARTMENT?

16

17 **UNDERSHERIFF PAUL TANAKA:** WELL WE'VE HAD A PROCESS THAT IS --
18 AGAIN, IT'S NOT CALLED COMSTAT IN OUR ORGANIZATION, BUT WE'VE
19 HAD A PROCESS THAT'S SIMILAR. IT'S BEEN IN PLACE FOR A LONG
20 TIME. I MEAN, THE FIRST TIME I CAN REMEMBER IT, I BELIEVE I
21 WAS A LIEUTENANT GOING BACK PROBABLY 15 YEARS.

22

23 **HON. ROBERT BONNER:** I GUESS THAT'S MY QUESTION. IF YOU HAD
24 COMSTAT, YOU HAD THE CHEIF THAT OVERSAW CUSTODY AND YOU WERE

1 THE ASSISTANT SHERIFF TO WHOM I BELIEVE HE WOULD HAVE
2 REPORTED.

3

4 **UNDERSHERIFF PAUL TANAKA:** THAT'S CORRECT.

5

6 **HON. ROBERT BONNER:** HOW COULD HE DO A COMSTAT PROCESS AND NOT
7 UNDERSTAND OR HAVE SOME MANAGEMENT REPORT THAT WOULD SHOW HIM
8 THE TREND LINES WITH RESPECT TO, FOR EXAMPLE, I THINK, LOOK,
9 AN IMPORTANT POTENTIAL ISSUE, WHICH IS THE USE OF FORCE WITHIN
10 THE COUNTY JAIL SYSTEM? AND I MEAN USE OF FORCE BY DEPUTIES.
11 HOW COULD HE EVEN DO A COMSTAT IF HE DIDN'T HAVE THAT KIND OF
12 DATA? MAYBE I'M BEGGING THE QUESTION. DID -- WAS THERE A USE
13 OF FORCE TREND LINE MANAGEMENT REPORT THAT WAS GENERATED,
14 LET'S SAY, AT THE TIME YOU WERE THE ASSISTANT SHERIFF THAT
15 OVERSAW THE CUSTODY OPERATIONS OF THE SHERIFF'S DEPARTMENT?

16

17 **UNDERSHERIFF PAUL TANAKA:** YOUR HONOR, I DON'T REMEMBER EVER
18 HAVING ANYTHING SENT UP TO MY OFFICE IN THAT REGARD.

19

20 **HON. ROBERT BONNER:** I KNOW FROM YOUR TESTIMONY YOU DIDN'T SEE
21 ONE. I'M JUST ASKING YOU: DO YOU KNOW WHETHER THERE WAS ONE?
22 THAT IS TO SAY, A MANAGEMENT REPORT THAT WOULD TRACK DATA THAT
23 WOULD SHOW TREND LINES WITH RESPECT TO USE OF FORCE IN THE
24 COUNTY JAIL?

25

1 **UNDERSHERIFF PAUL TANAKA:** I DO NOT KNOW.

2

3 **HON. ROBERT BONNER:** IS THERE ONE NOW?

4

5 **UNDERSHERIFF PAUL TANAKA:** THERE IS A -- THEY ARE TRACKING
6 FORCE. I BELIEVE THEY TRACK FORCE NOW ON A DAILY BASIS AT EACH
7 UNIT.

8

9 **HON. ROBERT BONNER:** LET ME ASK -- I JUST HAVE ONE MORE
10 QUESTION. YOU TALKED ABOUT -- YOU KNOW ONE OF THE ISSUES IS
11 THAT AT CERTAIN PERIODS OF TIME, NEW DEPUTIES -- AND THEY ALL
12 GET ASSIGNED APPARENTLY TO CUSTODY AFTER THEY COME OUT OF THE
13 BASIC TRAINING ACADEMY. BUT RIGHT NOW WE'RE TOLD THAT THE
14 AVERAGE TOUR OF DUTY OF A NEW DEPUTY THAT'S ASSIGNED TO
15 CUSTODY IS SEVEN YEARS. FIRST OF ALL, DO YOU AGREE WITH THAT?
16 IS IT SEVEN YEARS ON AVERAGE FOR A DEPUTY THAT'S ASSIGNED TO
17 CUSTODY GETS ASSIGNED OUT TO PATROL?

18

19 **UNDERSHERIFF PAUL TANAKA:** SIR, I'M SORRY FOR SOUNDING LIKE I
20 DON'T KNOW WHAT I'M TALKING ABOUT, BUT I DON'T KNOW WHAT THE
21 CURRENT STAY, AVERAGE STAY IN CUSTODY IS. AS I MENTIONED
22 EARLIER, IT FLUCTUATES. WHEN I WENT TO CUSTODY, THE AVERAGE
23 STAY WAS A YEAR, SIX MONTHS TO 18 MONTHS. AND THAT WAS IN
24 1982. AND OVER A PERIOD OF TIME, WE'VE HAD THE AVERAGE STAY BE
25 LESS THAN SIX MONTHS AND THEN WE'VE HAD THEM FIVE TO SEVEN

1 YEARS. SO IF WE'RE IN THAT PERIOD RIGHT NOW, THEN -- I DON'T
2 KNOW. I CAN'T ANSWER THAT.

3

4 **HON. ROBERT BONNER:** ALL RIGHT. LET ME JUST ASK YOU AS A
5 MANAGER, AND I'M LOOKING OUT FOR RECOMMENDATIONS FROM YOU, BUT
6 IS THERE ANY WAY, FROM A MANAGEMENT POINT OF VIEW, THAT YOU
7 COULD LIMIT, LET'S SAY, THE TOUR OF DUTY FOR NEW DEPUTIES THAT
8 ARE ASSIGNED TO CUSTODY, LET'S SAY, TO THREE YEARS? IS THERE
9 ANY WAY TO DO THAT? I MEAN IT'S NOT BEING DONE, BUT COULD YOU
10 DO IT?

11

12 **UNDERSHERIFF PAUL TANAKA:** WELL, ANYTHING CAN BE DONE. I DON'T
13 MEAN TO SOUND FLIPPANT. BUT ANYTHING CAN BE DONE. BUT IT TAKES
14 THE AGREEMENT OF A LOT OF FOLKS. YOU HAVE UNION ISSUES. NOW,
15 THE POLICY HAS BEEN IMPLEMENTED BY THE SHERIFF RECENTLY THAT
16 THE POLICY OF WHERE YOU ABSOLUTELY HAVE TO GO TO PATROL WHEN
17 YOUR NUMBER IS CALLED. THAT POLICY HAS BEEN RESCINDED BY THE
18 SHERIFF. SO IF YOU'RE A CUSTODY DEPUTY AND YOU'VE GONE THERE
19 DIRECTLY OUT OF THE ACADEMY AND YOU DESIRE, LIKE WHEN I CAME
20 ON, THAT YOU DON'T WANT TO LEAVE CUSTODY, THEN YOU CAN STAY
21 THERE FOR AS LONG AS YOU LIKE. NOW, THIS, THEN, ALLOWS THOSE
22 WHO WANT TO GO, TO PATROL. THE POOL THEN IS A LITTLE SMALLER,
23 AND SO YOU'RE ABLE TO TURN OVER THAT A LOT QUICKER. ANOTHER
24 ISSUE IS OUR ABILITY TO HIRE, IF WE HAVE THE RESOURCES TO
25 HIRE. AND WE'VE GONE THROUGH PERIODS IF MY CAREER WHERE

1 THERE'S BEEN NO HIRING. AND AS A RESULT, IF THERE IS NO
2 HIRING, THERE'S NOBODY NEW GOING INTO THE JAILS, THERE'S NO
3 MOVEMENT, AND THEN YOU BASICALLY HAVE A LOCKDOWN OF THE
4 SYSTEM. AND SHORT OF GETTING EVERYONE TO AGREE THAT, HEY,
5 LISTEN, AFTER FIVE YEARS IN PATROL, AFTER WORKING THESE
6 SPECIALIZED UNITS, AFTER DEVELOPING ALL THIS EXPERTISE, CAN
7 YOU GO BACK AND DO SOME TIME IN THE JAIL SO THAT WE CAN
8 RELEASE THESE OTHER FOLKS OUT? I DON'T KNOW IF WE'LL EVER BE
9 ABLE TO CLIMB THAT MOUNTAIN.

10

11 **HON. ROBERT BONNER:** ALL RIGHT. I THINK I HAVE THE LAST
12 QUESTION. BUT JUST ONE FURTHER ONE. AND THAT IS, TO HIS
13 CREDIT, SHERIFF BACA HAS INSTITUTED A NUMBER OF REFORMS AND
14 CERTAINLY GOTTEN PERSONALLY INVOLVED IN THE USE OF FORCE ISSUE
15 AT THE COUNTY JAIL SYSTEM. AND THERE HAVE BEEN SOME, I THINK,
16 SOME IMPORTANT REFORMS THAT HAVE BEEN IMPLEMENTED. YOU ALLUDED
17 TO ONE OR TWO OF THEM. BUT IN YOUR VIEW, IS THERE A CULTURE
18 WITHIN THE SHERIFF'S DEPARTMENT, PARTICULARLY WITHIN MEN'S
19 CENTRAL JAIL THAT ENCOURAGES THE USE OF FORCE?

20

21 **UNDERSHERIFF PAUL TANAKA:** WELL IT CERTAINLY -- AS A RESULT OF
22 THIS INVESTIGATIVE PROCESS -- AND I'M NOT JUST TALKING ABOUT
23 THIS COMMISSION BUT THROUGH THE SHERIFF'S INVOLVEMENT WITH THE
24 COMMANDER'S TASKFORCE AND HAVING PEOPLE LOOK A LITTLE DEEPER

1 THAN MIGHT HAVE BEEN DONE IN THE PAST -- THAT WE HAD A
2 PROBLEM.

3

4 **HON. ROBERT BONNER:** I HAVE NOTHING FURTHER.

5

6 **HON. DICKRAN M. TEVRIZIAN:** DID HE HAVE -- DID HE. THIS IS DICK
7 TEVRIZIAN. I WANT TO FOLLOW-UP ON JUDGE BONNER. I WAS
8 ASTOUNDED WHEN YOU INFORMED THE COMMISSION THAT YOU WERE NOT
9 AWARE OF THE MAGNITUDE OF THE EXCESSIVE -- EXCESSIVE FORCE
10 ISSUES AT MEN'S CENTRAL JAIL AT COUNTY JAIL. HOW MANY TIMES,
11 WHEN YOU WERE THE ASSISTANT SHERIFF IN CHARGE MUCH CUSTODY,
12 WOULD YOU GO DOWN AND ACTUALLY WALK MEN'S CENTRAL JAIL OR EVEN
13 TWIN TOWERS IF IT WAS IN EXISTENCE AT THAT POINT?

14

15 **UNDERSHERIFF PAUL TANAKA:** PERIODICALLY. I DON'T KNOW IF I
16 COULD PLACE A NUMBER ON IT IN THE 2-1/2 YEARS, BUT I DID MAKE
17 PERIODIC VISITS TO THE VARIOUS JAIL FACILITIES, WHICH INCLUDED
18 MEN'S CENTRAL JAIL.

19

20 **HON. DICKRAN M. TEVRIZIAN:** WOULDN'T YOU HAVE MEETINGS WITH
21 YOUR COMMAND STAFF AND THE DEPUTIES IN WHICH THE SUBJECT
22 MATTER WAS MENTIONED?

23

24 **UNDERSHERIFF PAUL TANAKA:** YES, YOUR HONOR, I DID. AND I WILL.
25 AS I THINK I MIGHT HAVE ALLUDED TO -- AND CERTAINLY FROM YOUR

1 PERSPECTIVE I CAN UNDERSTAND YOUR ASTONISHMENT AT THE FACT
2 THAT I WOULDN'T KNOW ABOUT THAT, BUT I HAD NUMEROUS
3 CONVERSATIONS WITH THE JAIL COMMAND STAFF, INCLUDING SOME THAT
4 HAVE COME BEFORE THIS COMMISSION. AND WITH THE EXCEPTION OF
5 THE TIME THAT THE LIEUTENANTS BROUGHT TO MY ATTENTION THE
6 PROBLEM WITH FORCE ISOLATED TO A PARTICULAR FUNCTION WITHIN
7 MEN'S CENTRAL JAIL, NOT A SINGLE CAPTAIN, COMMANDER OR CHIEF
8 EVER TOLD ME, OR EVEN GAVE ME A SLIGHT INDICATION, THAT THEY
9 WERE HAVING A PROBLEM WITH USE OF FORCE.

10

11 **HON. DICKRAN M. TEVRIZIAN:** WHEN I WAS A YOUNG MUNICIPAL COURT
12 JUDGE, ONE OF THE FIRST ASSIGNMENTS I HAD WAS TO OPEN UP THE
13 BAUCHET STREET ARRAIGNMENT FACILITY. NO PLACES YOU COULD GO
14 EAT AROUND THAT AREA, SO I USED TO WALK THROUGH THE TUNNEL AND
15 GET INTO MEN'S CENTRAL JAIL AND THEY USED TO HAVE THIS AGED
16 AREA IN THE MIDDLE THAT I'D GO EAT WITH SOME OF THE DEPUTIES.
17 AND I KNEW AT THAT TIME THAT THERE WERE PROBLEMS WITH MEN'S
18 CENTRAL JAIL WITH REGARD TO CONFLICTS BETWEEN INMATES AND
19 SHERIFF'S DEPUTIES. I MEAN IT WAS COMMON KNOWLEDGE. SO THAT'S
20 WHY I THINK IT'S VERY PUZZLING FOR ME TO SIT HERE ACROSS FROM
21 THE DAIS AND HEAR THIS FOR THE FIRST TIME THAT THIS THING
22 SURFACED. LET ME ASK IT THIS WAY. THE ACLU, MERRICK BOBB AND
23 MICHAEL GENNACO WERE ON SITE THERE FOR MANY YEARS. I BELIEVE
24 THEY WERE ON SITE WHEN YOU WERE THE ASSISTANT SHERIFF AND ALSO
25 NOW THAT YOU'RE THE UNDERSHERIFF. HAVE YOU EVER HAD ANY

1 DISCUSSIONS WITH THEM REGARDING THE ISSUES THAT THIS
2 COMMISSION HAS BEEN FORMED TO INVESTIGATE AND MAKE
3 RECOMMENDATIONS?

4

5 **UNDERSHERIFF PAUL TANAKA:** YES.

6

7 **HON. DICKRAN M. TEVRIZIAN:** WHAT DID THEY TELL YOU ABOUT THIS
8 USE OF FORCE?

9

10 **UNDERSHERIFF PAUL TANAKA:** WELL, THEY'VE EXPRESSED THEIR
11 CONCERN. AND IT HAS BEEN EXPRESSED IN THEIR REPORTS. AND I
12 WOULD SAY THAT IN SOME INSTANCES, WE'VE DONE A GOOD JOB IN
13 BEING RESPONSIVE TO CONCERNS THAT HAVE BEEN EXPRESSED BY
14 EITHER OF THE O.I.R., THE ACLU OR MERRICK BOBB. I WOULD SAY,
15 IN SOME INSTANCES, WE HAVE BEEN LESS THAN RESPONSIVE PRIOR TO
16 THIS.

17

18 **HON. DICKRAN M. TEVRIZIAN:** BUT I MEAN WITH ALL OF THESE ON
19 SITE EVALUATIONS BEING DONE BY THESE OUTSIDE AGENCIES, WITH
20 ALL OF THE PROCEDURES PUT IN PLACE BY YOUR DEPARTMENT EVEN
21 BEFORE YOU WERE EVEN THERE -- I MEAN, IT SEEMS TO ME THAT, YOU
22 KNOW, EVERYBODY BURIED THEIR HEAD IN THE SAND WITH REGARD TO
23 THIS ISSUE. SO IT'S VERY HARD FOR A RATIONAL PERSON TO
24 UNDERSTAND THIS.

25

1 **UNDERSHERIFF PAUL TANAKA:** I CAN'T ARGUE WITH YOU. YOU KNOW, WE
2 PUT POLICIES IN PLACE. WE HOPE THAT THEY'RE APPROPRIATE. WE
3 HOPE THAT THEY WILL PREVENT THIS CONDUCT. BUT WE'RE NOT ALWAYS
4 SUCCESSFUL. AND WHAT THIS PROCESS AND THIS SITUATION THAT
5 WE'RE IN HAS DONE, HAS FORCED US TO REALLY LOOK MUCH HARDER AT
6 OUR SUPERVISION, MAKE SURE THEY'RE NOT PART OF THE PROBLEM, TO
7 MAKE SURE THEY'RE NOT SHIRKING THEIR DUTIES, TO MAKE SURE THAT
8 THEY RECOGNIZE THE GREAT RESPONSIBILITY THAT'S ON THEIR
9 SHOULDERS TO ENSURE THAT OUR YOUNG FOLKS MAKE IT THROUGH A
10 SUCCESSFUL 30-YEAR CAREER. YOU WOULD THINK YOU GIVE SOMEBODY A
11 BADGE AND THEY'RE A NATURALLY RESPONSIBLE PERSON, BUT IT
12 DOESN'T ALWAYS WORK THAT WAY. AND THAT'S WHY WE HAVE THE
13 DIFFERENT RANKS TO TRY TO ADDRESS THIS. AND OBVIOUSLY THAT'S
14 SOMETHING THAT WE ARE WORKING ON.

15

16 **HON. DICKRAN M. TEVRIZIAN:** MR. DEIXLER -- THIS MORNING WHEN HE
17 WAS EXAMINING YOU, HE BROUGHT OUT THE FACT THAT YOU WERE A
18 C.P.A. HE ALSO BROUGHT OUT THE FACT THAT THERE WERE
19 UNCOMPLETED OR INCOMPLETED REPORTS OF INVESTIGATIONS INTO USE
20 OF FORCE. WHY WASN'T THERE A TRACKING SYSTEM DEVELOPED SO
21 THAT, SIMILAR TO AN ACCOUNTS RECEIVABLE, YOU WOULD HAVE AN
22 ACCOUNTS RECEIVABLE, YOU KNOW, USE OF FORCE REPORT SO THAT YOU
23 KNEW WHEN THE REPORT WAS SIGNED AND THE INVESTIGATION WAS
24 SIGNED AND YOU WOULD HAVE THAT TO FIND OUT WHEN IT WAS
25 COMPLETED SO THAT THERE WOULD BE SOME KIND OF ACCOUNTABILITY.

1

2 **UNDERSHERIFF PAUL TANAKA:** YES, SIR, YOU'RE RIGHT. I CAN'T
3 ARGUE WITH IT. BUT THE PROCESS, THOUGH, IS ONLY AS GOOD AS THE
4 PEOPLE WHO OPERATE THEM. PEOPLE LET THINGS FALL THROUGH THE
5 CRACKS OR THEY ARE NOT FULFILLING ALL OF THEIR
6 RESPONSIBILITIES, AND WE MAY NEVER KNOW. YOU JUST ASSUME THAT
7 EVERYTHING IS FLOWING AND OCCURRING IN AN APPROPRIATE AND
8 TIMELY MANNER. AND, YOU KNOW, SOMETIMES IT DOESN'T.

9

10 **HON. DICKRAN M. TEVRIZIAN:** LET ME ASK IT THIS WAY. I DON'T
11 MEAN TO EMBARRASS YOU. I JUST WANT TO ASK THE QUESTION. YOU'RE
12 AN ELECTED OFFICIAL AS I BELIEVE A REPRESENTATIVE OF THE CITY
13 OF GARDENA, ON THE CITY COUNCIL, THE MAYOR, YOU'RE ALSO THE
14 UNDERSHERIFF OF LOS ANGELES COUNTY. YOU'RE A C.P.A. I DON'T
15 KNOW IF YOU HAVE A PRACTICE OR DON'T HAVE A PRACTICE, BUT
16 THAT'S -- BEING THE UNDERSHERIFF IS ALMOST A 24-HOUR JOB.
17 BECAUSE YOU'RE ONE HEART BEAT AWAY FROM ASSUMING THE COMMAND
18 ON AN INTERIM BASIS OF THE SHERIFF OF L.A. COUNTY., DO YOU
19 THINK THAT AS THE UNDERSHERIFF OF THIS COUNTY THAT YOU HAVE
20 TOO MUCH ON YOUR PLATE?

21

22 **UNDERSHERIFF PAUL TANAKA:** NO, SIR. AND I'M NOT ENGAGED IN THE
23 ACCOUNTING BUSINESS AT THIS TIME. THE AMOUNT OF TIME THAT MY
24 OTHER POSITION REQUIRES IS MINIMAL AT THIS PARTICULAR TIME. IF
25 I THOUGHT THAT -- THERE'S NEVER BEEN A CONFLICT IN JOBS, SIR.

1 IF I EVER THOUGHT THERE WAS ONE, THERE WOULDN'T BE ONE BECAUSE
2 I WOULD WALK AWAY FROM THE OTHER.

3

4 **HON. DICKRAN M. TEVRIZIAN:** I DIDN'T ASK ABOUT A CONFLICT.
5 MEANING 100 PERCENT OF YOUR TIME TO BEING THE UNDERSHERIFF OF
6 THIS COUNTY.

7

8 **UNDERSHERIFF PAUL TANAKA:** THAT'S WHAT I MEANT. A CONFLICT IN
9 TIME, MEANING I DIDN'T HAVE ENOUGH TIME?

10

11 **HON. DICKRAN M. TEVRIZIAN:** THE OTHER TWO AREAS -- THE OTHER
12 TWO AREAS THAT I'M CONCERNED ABOUT IS WHETHER OR NOT THE
13 ANTIQUATED FACILITIES AT MEN'S CENTRAL JAIL -- YOU THINK THAT,
14 THAT CONTRIBUTES TO THE VIOLENCE AND THE USE OF FORCE BASED
15 UPON THE FRUSTRATION OF, NOT ONLY THE SHERIFF'S DEPUTIES, BUT
16 OF THE INMATES?

17

18 **UNDERSHERIFF PAUL TANAKA:** I WORKED THERE FOR ABOUT 16-1/2
19 MONTHS IN 1982 TO 1983. AND IT IS A DIFFICULT FACILITY. AND
20 I'M NOT MAKING ANY EXCUSES. YOU WALK DOWN A ROW. IF YOU DON'T
21 GO PAST THE GATE, YOU CAN'T SEE BEYOND CELL 2. SO CELL 3, ALL
22 THE WAY DOWN THE ROW TO 26. IT'S VERY CHALLENGING TO BE ABLE
23 TO MAINTAIN APPROPRIATE SECURITY IN THAT KIND OF SETTING. AND
24 IT IS A MUCH TOUGHER FACILITY TO WORK AT AND TO BE HOUSED IN
25 AS OPPOSED TO, SAY, A TWIN TOWERS OR ONE OF THE NEWER

1 FACILITIES. I'VE SEEN MDC, THE METROPOLITAN DETENTION CENTER.
2 I'VE SEEN THE TWIN TOWERS. THEY'RE VERY SIMILAR IN DESIGN
3 BECAUSE YOU CAN SIT OUTSIDE AND LOOK AT THE PRISONERS THROUGH
4 GLASS AND THROUGH WINDOWS. BUT THE FACILITIES ARE MUCH BETTER
5 TO HOUSE PEOPLE IN MDC, WHICH IS A FEDERAL FACILITY, AND TWIN
6 TOWERS, WHICH IS A COUNTY FACILITY.

7

8 **HON. DICKRAN M. TEVRIZIAN:** BUT YOU'RE GOING TO GET A BIG
9 INFLUX OF THESE A.B.109 COMMITMENTS. YOU KNOW, THESE STATE
10 COMMITMENTS THAT ARE BEING SERVED IN THE COUNTY FACILITIES.
11 THIS IS A COMMENT MORE THAN A QUESTION. BUT I SEE A MAJOR
12 PROBLEM DEVELOPING WHEN YOU MIX STATE-TYPE PRISONERS AND
13 COUNTY-TYPE PRISONERS IN ANTIQUATED FACILITY LIKE MEN'S
14 CENTRAL JAIL. I'D LIKE YOU TO COMMENT VERY BRIEFLY ON THAT.

15

16 **UNDERSHERIFF PAUL TANAKA:** THERE'S A WHOLE HOST OF CHALLENGES
17 WITH HOUSING PEOPLE IN A COUNTY JAIL WHO SHOULD BE HOUSED IN
18 STATE PRISON. WE'RE NOT DESIGNED TO HOUSE PEOPLE FOR 25 YEARS.
19 BUT WE HAVE PEOPLE IN OUR SYSTEM THAT ARE GOING TO BE WITH US
20 PROBABLY FOR THAT LONG AND MAYBE EVEN LONGER, AS LONG AS THEY
21 QUALIFY AS A NON-SERIOUS, NONSEXUAL AND NONVIOLENT. I BELIEVE
22 THAT THE SHERIFF WILL BE IN A MUCH BETTER POSITION TO ADDRESS
23 THIS ISSUE. HE'S GOT A MASTER JAIL PLAN THAT INVOLVES PUTTING
24 THE WHAT WOULD HAVE BEEN STATE PRISONERS INTO PARTICULAR
25 FACILITIES THAT ARE MORE CONDUCTIVE TO HOUSING THOSE TYPE OF

1 INMATES. A MASTER JAIL PLAN THAT'S GOING TO DEAL WITH THE
2 INFLUX, THE POPULATION GROWTH, ET CETERA. OF COURSE, THERE'S
3 ALWAYS THAT BIG ISSUE CALLED MONEY. BUT I KNOW THAT THE
4 SHERIFF HAS BEEN WORKING ON THE MASTER JAIL PLAN FOR YEARS. HE
5 HAS ADAPTED IT AS THE SITUATION HAS CHANGED WITH THIS A.B.109
6 RE-ALIGNMENT. BUT YOU ARE CORRECT. IT IS -- MEN'S CENTRAL JAIL
7 AT THE END OF THE DAY IS A VERY DIFFICULT FACILITY AND I THINK
8 EVERYBODY RECOGNIZES THAT: PEOPLE THAT WORK THERE, THE PEOPLE
9 THAT ARE HOUSED THERE, THE SHERIFF, MEMBERS OF THE BOARD OF
10 SUPERVISORS. IT'S A LOT OF MONEY TO TEAR DOWN A FACILITY AND
11 TO BUILD ONE THAT IS BETTER.

12

13 **HON. DICKRAN M. TEVRIZIAN:** THE PROBLEM THAT WE HAVE HERE IS
14 THE COUNTY KEEPS PAYING OUT IN SETTLEMENTS OR JUDICIAL
15 VERDICTS SIGNIFICANT AMOUNTS OF MONEY WITH REGARD TO ACCIDENTS
16 THAT HAPPENED AT THE MEN'S CENTRAL JAIL OR INCIDENTS INVOLVING
17 WHY THIS COMMISSION WAS FORMED TO INVESTIGATE. SO SOMETHING
18 HAS TO BE DONE THERE.

19

20 **UNDERSHERIFF PAUL TANAKA:** I AGREE, SIR.

21

22 **HON. DICKRAN M. TEVRIZIAN:** LET ME ASK THIS LAST QUESTION. AND
23 THAT IS, WHEN I WAS FIRST PUT ON THIS COMMISSION, I RECEIVED A
24 LOT OF ANONYMOUS CORRESPONDENCE. ALL OF THEM WERE REALLY
25 DIRECTED AT YOU AS THE UNDERSHERIFF. IS IT UNION ACTIVITY? IS

1 IT PERSONAL ISSUES THAT YOU HAVE WITH THE BOARD STAFF AND
2 COMMAND STAFF AND DEPUTIES, THAT YOU BECAME THE FOCAL POINT OF
3 THIS CORRESPONDENCE?

4

5 **UNDERSHERIFF PAUL TANAKA:** I WOULD PROBABLY SAY THAT IT'S
6 CERTAINLY NOT A SANCTIONED UNION ACTIVITY. I WOULD SUGGEST
7 THAT BASED ON MY KNOWLEDGE OF WHO SOME OF THE AUTHORS ARE OF
8 ANONYMOUS COMPLAINTS, THEY FLOAT ALL OVER.

9

10 **HON. DICKRAN M. TEVRIZIAN:** I DON'T KNOW. PEOPLE HAVE CERTAIN
11 PHRASES THAT ARE UNIQUE TO THEM WHEN THEY WRITE THEM. IT'S NOT
12 HARD TO IDENTIFY WHO CERTAIN INDIVIDUALS ARE.

13

14 **UNDERSHERIFF PAUL TANAKA:** YOU KNOW, IT'S NOT LIMITED TO THE
15 SHERIFF'S DEPARTMENT OR TO GOVERNMENT. IT APPLIES IN ALL WALKS
16 OF LIFE. THERE ARE PEOPLE THAT MAYBE DON'T GET TO WHERE THEY
17 BELIEVE THEY SHOULD AND I'M AN EASY TARGET. I UNDERSTAND THAT.
18 IT'S MY POSITION. I DO HAVE A LOT OF AUTHORITY. THE ONLY
19 AUTHORITY THAT I HAVE IS THAT WHICH IS GIVEN TO ME BY SHERIFF
20 BACA. AND I EXERCISE THAT IN THE MANNER IN WHICH HE ALLOWS ME
21 TO. AND THAT IS IT.

22

23 **HON. DICKRAN M. TEVRIZIAN:** THE COMMON THEME, THOUGH, OF THE
24 CORRESPONDENCE IS BASICALLY THAT IF YOU'RE NOT ONE OF TANAKA'S
25 GUYS, YOU RECEIVE DISPARATE TREATMENT WITHIN THE ORGANIZATION.

1

2 **UNDERSHERIFF PAUL TANAKA:** SIR, THAT'S A PERSONAL OPINION. IF
3 YOU TAKE A LOOK AROUND THE ORGANIZATION, MOST OF THE COMMAND
4 STAFF, MOST OF THE LIEUTENANTS I MAY OR MAY NOT HAVE EVER
5 WORKED WITH, IN SOME CASES NEVER MET. AND I CERTAINLY DON'T
6 CONTROL MANY STRINGS OR HAVE ANY AUTHORITY OTHER THAN WHAT THE
7 SHERIFF PROVIDES TO ME AND ALLOWS ME TO OPERATE WITH. SO FOR
8 PEOPLE TO DEVELOP THE OPINION THAT IF YOU'RE NOT WITH ME, THEN
9 YOU'RE NOT IN THE CAR, THAT'S A FRUSTRATION THAT IS CREATED BY
10 THEMSELVES. I DON'T KNOW HOW ELSE TO ADDRESS THAT.

11

12 HON. LOURDES BAIRD, CHAIR: MR. MORENO?

13

14 **HON. CARLOS R. MORENO:** THANK YOU, MADAME CHAIR. I JUST HAVE
15 THREE QUESTIONS THAT I WANT TO QUESTION YOU ABOUT AND AT LEAST
16 GET YOUR THOUGHTS ABOUT. ONE OF THEM IS A FOLLOWUP ON JUDGE
17 BONNER'S QUESTION CONCERNING INTERNAL AFFAIRS. SOMETIMES THE
18 LEVEL OF DETAIL CONTAINED IN A STATEMENT THAT WE'VE HEARD
19 LENDS ITSELF TO A RING OF TRUTH. AND THE STATEMENT THAT WE'VE
20 HEARD WITH RESPECT TO INTERNAL AFFAIRS WAS A COMMENT ALLEGEDLY
21 MADE BY YOU. AND I JUST WANT TO KNOW IF THIS IS SOMETHING THAT
22 YOU'VE SAID OR DIDN'T SAY OR JUST SIMPLY DON'T REMEMBER. THE
23 FULL STATEMENT AS I RECALL WAS THAT YOU SAID TO A GROUP OF
24 DEPUTIES THAT "LAPD HAD 200 PLUS INTERNAL AFFAIRS
25 INVESTIGATORS. THE SHERIFF'S DEPARTMENT HAD 44, 45. AND THAT

1 WAS 44 TOO MANY." IS THAT A STATEMENT THAT YOU REMEMBER MAKING
2 OR DIDN'T SAY OR JUST DON'T HAVE ANY COMMENT ON THAT?

3

4 **UNDERSHERIFF PAUL TANAKA:** OH NO, JUSTICE MORENO. I HAVE A
5 COMMENT ON IT. I DON'T RECALL MAKING THAT STATEMENT AND I'VE
6 NEVER FELT THAT WAY, SO THERE'S NO WAY TO -- IN FACT, THAT'S A
7 UNIT THAT IS FAR UNDERSTAFFED. AS A MATTER OF FACT, AS I'VE
8 INDICATED, THE ONLY DIFFICULTIES THAT I HAD WITH THAT UNIT WAS
9 THE PROCESS. IT WAS NEVER WITH THE SIZE OR THE PERSONNEL. OR
10 THEIR EXISTENCE.

11

12 **HON. CARLOS R. MORENO:** OR THE NUMBER OF INVESTIGATORS THAT
13 LAPD HAD?

14

15 **UNDERSHERIFF PAUL TANAKA:** I DON'T KNOW HOW MANY INVESTIGATORS
16 INTERNAL AFFAIRS LAPD HAS.

17

18 **HON. CARLOS R. MORENO:** THE SECOND AREA CONCERNS USE OF FORCE.
19 AND IT'S COME TO LIGHT THAT WITH RESPECT TO THE DOCUMENTS THAT
20 HAVE BEEN SHOWN TO YOU AND IN PRIOR TESTIMONY THAT THERE WERE
21 A NUMBER OF USE OF FORCE REPORTS THAT WERE STUCK IN DRAWERS OR
22 DIDN'T REACH THE APPROPRIATE LEVEL WITHIN THE COMMAND STAFF.
23 AND IT SEEMS TO ME THAT THAT'S A PROBLEM OF SUPERVISION AND
24 ACCOUNTABILITY AND SO FORTH. BUT I'M WONDERING IF YOU'RE ALSO
25 AWARE THAT IN ONE SENSE A FRAUD HAS BEEN COMMITTED ON COURTS

1 THAT, DOWN THE LINE IN THE COURSE OF DISCOVERY IN CRIMINAL
2 CASES COMMONLY KNOWN AS PITCHESS DISCOVERY OR BRADY'S
3 DISCOVERY, THAT I KNOW AT LEAST TWO OF MY COLLEAGUES HERE SAT
4 ON THE STATE COURT, AS I HAVE, AND WE'VE CONDUCTED -- I KNOW
5 I'VE CONDUCTED SCORES OF PERSONNEL FILE REVIEWS IN CONNECTION
6 WITH PITCHESS DISCOVERY. WE HAD REPRESENTATIONS FROM COUNTY
7 COUNSEL OR FROM CITY ATTORNEYS IN THE CASE OF LAPD THAT THESE
8 FILES WERE ACCURATE AND THAT EITHER NO COMPLAINTS WERE FOUND
9 OR NONE WERE SUSTAINED OR THEY WERE UNFOUNDED. AND I JUST WANT
10 YOUR THOUGHTS AS TO WHETHER OR NOT YOU HAVE A FULL
11 APPRECIATION OF THE FACT THAT THE REPORTS OF EXCESSIVE USE OF
12 FORCE MADE AT THE COUNTY JAILS ARE NOT KEPT IN ANY SORT OF
13 SYSTEMIC ORDER, DO NOT MAKE IT INTO DEPUTY FILES, WHETHER
14 THESE ARE LEGITIMATE OR NOT LEGITIMATE COMPLAINTS, AND THAT
15 ULTIMATELY COURTS LIKE MYSELF AND JUDGE BAIRD AND JUDGE
16 TEVRIZIAN RELIED ON THE REPRESENTATIONS OF COUNSEL AND
17 SOMETIMES ITS REPRESENTATIVES -- POLICE REPRESENTATIVES THAT
18 THERE WERE NO HITS IN THESE FILES. DO YOU HAVE ANY THOUGHTS
19 ABOUT WHAT I WOULD CONSIDER TO BE A FRAUD HAVING BEEN
20 COMMITTED ON THE COURTS?

21

22 **UNDERSHERIFF PAUL TANAKA:** JUSTICE MORENO, YOU HAVE -- LAPSES
23 IN SUCH A PROCESS AS YOU DESCRIBED IS UNACCEPTABLE AND VERY
24 DISTURBING.

25

1 **HON. CARLOS R. MORENO:** IT'S ALSO UNCONSTITUTIONAL, WOULDN'T
2 YOU AGREE, UNDER BRADY?

3

4 **UNDERSHERIFF PAUL TANAKA:** YES, THERE'S PROBLEMS. AND HOPEFULLY
5 THROUGH THE IMPLEMENTATION OF -- AT THE SHERIFF'S DIRECTION,
6 THE NEW PROCESS, IT'S VERY CLOSELY SUPERVISED BY COMMANDERS,
7 THAT WE WILL NEVER HAVE TO ADDRESS THIS PROBLEM AGAIN. IT IS A
8 PROBLEM.

9

10 **HON. CARLOS R. MORENO:** MY LAST QUESTION REALLY DEALS WITH THE
11 EXISTENCE OF THE CLIQUES WITHIN THE SHERIFF'S DEPARTMENT. WE
12 HEARD THE TESTIMONY HERE WITH RESPECT TO THE 2,000 AND 3,000
13 UNITS. WE'VE ALSO HEARD TESTIMONY ABOUT AFFILIATION BEING
14 SYMBOLIZED BY TATTOOS AND SO FORTH. YOU KNOW, I WAS A JUDGE IN
15 COMPTON FOR ABOUT SEVEN YEARS BACK IN THE LATE '80S, EARLY
16 '90S, AND HAD TRIALS INVOLVING LYNWOOD SHERIFF'S DEPUTIES AND
17 CARSON, PARAMOUNT AND SO FORTH. AND THIS IS NOT NEWS TO ME
18 BECAUSE EVEN BACK THEN I HAD TRIALS INVOLVING ALLEGED
19 MEMBERSHIP IN A GROUP CALLED THE VIKINGS. I SAW TATTOOS WITH
20 RESPECT TO THAT ON ANKLES. CAN YOU TELL ME WHAT YOU KNOW ABOUT
21 THAT KIND OF ORGANIZATION EITHER THEN, NOW OR IN EXISTENCE AT
22 THE COUNTY JAIL? IS THAT AN ORGANIZATION, THE VIKINGS, THAT
23 YOU'RE FAMILIAR WITH IN ANY WAY?

24

1 **UNDERSHERIFF PAUL TANAKA:** YES, JUSTICE MORENO, I AM FAMILIAR
2 WITH THE VIKINGS. I DON'T CONSIDER IT TO BE AN ORGANIZATION OF
3 SORTS.

4

5 **HON. CARLOS R. MORENO:** IS IT A SPORTS TEAM?

6

7 **UNDERSHERIFF PAUL TANAKA:** WELL, WHEN I WAS ASSIGNED TO LYNWOOD
8 STATION IN THE MID TO LATE 80S --

9

10 **HON. CARLOS R. MORENO:** THAT'S WHEN I WAS A JUDGE.

11

12 **UNDERSHERIFF PAUL TANAKA:** THAT WAS OUR STATION MASCOT, AS ALL
13 THE STATIONS HAD. AND IT WAS NOT ANYTHING SINISTER THAT HAS
14 SINCE -- SINISTER THAT HAS SINCE FORMED INTO AT THAT PERIOD OF
15 TIME. IT WASN'T ANYTHING AT THAT TIME. THERE WAS NO PROCESS.
16 THERE WAS NO SECRETIVE. THERE WAS NO SPECIAL CODE TO CONDUCT
17 OURSELF IN A CERTAIN WAY. IT WAS JUST THE SYMBOL OF THE
18 STATION AT THAT PARTICULAR TIME.

19

20 **HON. CARLOS R. MORENO:** AND IS THAT SOMETHING THAT IS
21 SANCTIONED BY SHERIFF'S POLICY OR PROTOCOL?

22

23 **UNDERSHERIFF PAUL TANAKA:** I'M SORRY?

24

1 **HON. CARLOS R. MORENO:** IS IT SOMETHING THAT'S SANCTIONED
2 WITHIN POLICY?

3

4 **UNDERSHERIFF PAUL TANAKA:** NO, CERTAINLY IT'S NOT SANCTIONED.
5 THE SHERIFF HAS MADE IT CLEAR FOR AS LONG AS I'VE KNOWN HIM HE
6 DOESN'T APPROVE OF TATTOOS IN ANY SHAPE OR FORM AND IN
7 PARTICULAR WHEN IT SIGNIFIES GROUPS THAT SEPARATE THEMSELVES
8 FROM THE ORGANIZATION. AND I'VE HEARD HIM LOUD AND CLEAR ON
9 MANY OCCASIONS.

10

11 **HON. CARLOS R. MORENO:** AND IT CERTAINLY WOULDN'T BE SANCTIONED
12 TO HAVE A TATTOO -- I DON'T KNOW WHAT YOU WOULD CALL IT,
13 TATTOOED, ENGRAVED, WHATEVER, TO SYMBOLIZE A CERTAIN MILESTONE
14 IN A DEPUTY'S CAREER IN THE JAIL, THAT HE PARTICIPATED IN A
15 CERTAIN ABILITY OF VIOLENCE?

16

17 **UNDERSHERIFF PAUL TANAKA:** THAT WOULD BE VERY INAPPROPRIATE.

18

19 **HON. CARLOS R. MORENO:** YOU DON'T KNOW IF THAT HAS ACTUALLY
20 OCCURRED?

21

22 **UNDERSHERIFF PAUL TANAKA:** NO, I DON'T.

23

24 **HON. CARLOS R. MORENO:** BECAUSE I DO THINK WE DID HEAR
25 TESTIMONY WITH RESPECT TO THAT.

1

2 **UNDERSHERIFF PAUL TANAKA:** I HOPE THAT IT'S NOT TRUE, BUT I
3 CAN'T SAY FOR SURE.

4

5 **HON. CARLOS R. MORENO:** I HAVE NOTHING FURTHER, MADAME CHAIR.
6 MS. KRINSKY, DOES COMMISSIONER BUSANSKY HAVE QUESTIONS THAT
7 ARE STILL LEFT THAT HASN'T BEEN COVERED?

8

9 **MIRIAM A. KRINSKY:** HE DID HAVE A COUPLE OF AREAS THAT HE WAS
10 DEEPLY CONCERNED ABOUT." I WILL TRY TO BE BRIEF BECAUSE I KNOW
11 THAT OUR COMMISSIONERS HAVE GONE THROUGH A LONG LITANY. I KNOW
12 YOU'VE BEEN HERE, MR. TANAKA, A LONG TIME. YOU INDICATED WHEN
13 YOU WERE ASKED ABOUT THE ROTATIONS, AND YOU TOLD US A NUMBER
14 OF TIMES OVER THAT NO ONE TOLD YOU ABOUT EXCESSIVE FORCE, THAT
15 WHEN CAPTAIN CLARK WAS TELLING YOU ABOUT THE REASON FOR THE
16 ROTATIONS, THAT HE SAID THAT THERE WERE "PROBLEMS WITH
17 DEPUTIES" OR "PROBLEM DEPUTIES" BUT THAT HE NEVER REFERENCED
18 FORCE. IS THAT YOUR TESTIMONY?

19

20 **UNDERSHERIFF PAUL TANAKA:** THAT'S CORRECT.

21

22 **MIRIAM A. KRINSKY:** AND I BELIEVE MR. DEIXLER ASKED YOU: DOES
23 IT SURPRISE YOU WITH THAT IN MIND TO LEARN THAT NUMEROUS TIMES
24 WHEN HE TESTIFIED UNDER OATH IN HIS DEPOSITION, THAT CAPTAIN
25 CLARK SAID EXACTLY THE OPPOSITE? NAMELY, THAT THE REASON HE

1 IMPLEMENTED THE ROTATIONS WAS TO ADDRESS FORCE ISSUES? THAT'S
2 SURPRISING TO YOU GIVEN THE FACT THAT YOU INDICATED THAT HE
3 NEVER SAID THAT TO YOU?

4

5 **UNDERSHERIFF PAUL TANAKA:** I DON'T KNOW IF I'M SURPRISED.
6 THAT'S HIS RECOLLECTION AND THAT'S MINE. IT WAS NEVER ABOUT
7 FORCE.

8

9 **MIRIAM A. KRINSKY:** WHEN HE SAID THAT HE "HAD PROBLEMS,"
10 QUOTE/UNQUOTE WITH DEPUTIES, DID YOU EVER ASK HIM WHAT
11 "PROBLEMS" MEANT? IT COULD HAVE BEEN ANYTHING, CORRECT?

12

13 **UNDERSHERIFF PAUL TANAKA:** YES. HE SAID HE HAD A HANDFUL OF
14 PROBLEM DEPUTIES, IS MY RECOLLECTION.

15

16 **MIRIAM A. KRINSKY:** DID YOU EVER ASK HIM, WHEN YOU SAY
17 "PROBLEM" DEPUTIES, WHAT DOES THAT MEAN?

18

19 **UNDERSHERIFF PAUL TANAKA:** I DID NOT ASK HIM THAT QUESTION.

20

21 **MIRIAM A. KRINSKY:** DO YOU AGREE THAT MIGHT HAVE BEEN HELPFUL
22 TO ASK HIM THAT? AND HAD HE TOLD YOU THERE WERE PROBLEMS WITH
23 FORCE THAT MIGHT HAVE BEEN USEFUL INFORMATION TO KNOW?

24 **UNDERSHERIFF PAUL TANAKA:** IT COULD HAVE BEEN IF I WOULD HAVE
25 ASKED THAT QUESTION.

1

2 **MIRIAM A. KRINSKY:** IT WAS ALSO YOUR TESTIMONY THAT IN YOUR 2-
3 1/2 YEARS AS ASSISTANT SHERIFF, YOU NEVER HEARD FROM ANYBODY,
4 FROM ANY SOURCE AT ALL, ABOUT PROBLEMS WITH FORCE IN THE
5 JAILS; CORRECT?

6

7 **UNDERSHERIFF PAUL TANAKA:** THAT IS CORRECT.

8

9 **MIRIAM A. KRINSKY:** AND I BELIEVE THAT IT WAS JUDGE BONNER WHO
10 ASKED -- JUDGE BONNER WHO ASKED YOU ABOUT STATISTICS OR
11 COMPILATIONS. ARE YOU AWARE OF SCIF REPORTS?

12

13 **UNDERSHERIFF PAUL TANAKA:** I AM AWARE OF -- AND I DON'T KNOW
14 WHAT THEY'RE CALLING THEM, DIFFERENT DIVISIONS DO DIFFERENT
15 THINGS. IT'S VERY POSSIBLE.

16

17 **MIRIAM A. KRINSKY:** SO ARE YOU AWARE THAT THERE WERE REPORTS
18 FOR CUSTODY. SPECIFICALLY, SCIF REPORTS THAT TRACKED TREND
19 LINES FOR USE OF FORCE, SIGNIFICANT USE OF FORCE, INJURIES TO
20 INMATES AND A VARIETY OF OTHER AREAS THAT RELATED TO THESE
21 EXACT ISSUES?

22

23 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER WHICH PARTICULAR
24 REPORTS WERE IN FORCE.

25

1 **MIRIAM A. KRINSKY:** YOU DON'T REMEMBER? AS ASSISTANT SHERIFF OF
2 CUSTODY AT THAT TIME, YOU DON'T REMEMBER SEEING A SINGLE
3 REPORT THAT TRACKED EXACTLY THE KIND OF THING THAT JUDGE
4 BONNER WAS ASKING YOU ABOUT?

5

6 **UNDERSHERIFF PAUL TANAKA:** I DON'T RECALL RECEIVING ANY OF
7 THOSE KIND OF REPORTS.

8

9 **MIRIAM A. KRINSKY:** AND YOU DON'T RECALL EITHER READING ANY OF
10 THE REPORTS BY MERRICK BOBB, MIKE GENNACO OR THE ACLU DURING
11 ANY OF THIS PERIOD OF TIME THAT SIMILARLY IDENTIFIED CONCERNS
12 ABOUT USE OF FORCE AND EXCESSIVE USE OF FORCE IN THE JAILS?

13

14 **UNDERSHERIFF PAUL TANAKA:** I HAVE READ THE REPORTS PUT OUT BY
15 THOSE FOLKS. AND AS I MENTIONED EARLIER, WE WERE RESPONSIVE TO
16 SOME OF THE SUGGESTIONS AND WE WERE VERY SLOW TO RESPOND IN
17 OTHERS.

18

19 **MIRIAM A. KRINSKY:** THAT'S NOT QUITE WHAT I'M ASKING. DURING
20 THE PERIOD OF TIME THAT YOU TOLD US THAT NO ONE CONVEYED TO
21 YOU ANY INFORMATION AT ALL ABOUT CONCERNS WITH EXCESSIVE USE
22 OF FORCE IN THE JAILS, DURING THAT EXACT PERIOD OF TIME, ARE
23 YOU TELLING US THAT YOU WEREN'T FAMILIAR WITH THE YEARS' WORTH
24 OF REPORTS BY MERRICK BOBB AND THE REPORTS BY MIKE GENNACO

1 THAT IDENTIFIED CONCERNS WITH PROBLEMS IN THE JAIL REGARDING
2 USE OF FORCE BY DEPUTIES?

3

4 **UNDERSHERIFF PAUL TANAKA:** YOU KNOW, I DON'T HAVE -- I DON'T
5 REMEMBER.

6

7 **MIRIAM A. KRINSKY:** OKAY.

8

9 **UNDERSHERIFF PAUL TANAKA:** THE REPORT GOES TO ME AND IT GOES TO
10 THE UNIT OR THE DIVISION THAT IT CONCERNS. THAT'S GENERALLY
11 WHAT HAPPENS, BUT I DON'T HAVE SPECIFIC RECALL OF THAT.

12

13 **MIRIAM A. KRINSKY:** I THINK YOU INDICATED, AS WELL, THAT YOU
14 DIDN'T HAVE ANY RECALL OR ANY KNOWLEDGE OF THE MEMORANDUM BY
15 MARK McCORKLE, THAT IT ONLY CAME TO YOUR ATTENTION, I THINK
16 YOU SAID, A COUPLE MONTHS AGO IN 2012, IS THAT CORRECT?
17 SOMETIME IN RECENT MONTHS?

18

19 **UNDERSHERIFF PAUL TANAKA:** CORRECT.

20

21 **MIRIAM A. KRINSKY:** IN 2012?

22

23 **UNDERSHERIFF PAUL TANAKA:** I'M ASSUMING. IT WAS RECENTLY.

24

25 **MIRIAM A. KRINSKY:** OKAY. IN THE LAST COUPLE MONTHS? RECENTLY?

1

2 **UNDERSHERIFF PAUL TANAKA:** RECENTLY.

3

4 **MIRIAM A. KRINSKY:** OKAY. SO WHEN A FRONT PAGE L.A. TIMES
5 ARTICLE RAN ON THAT MEMO AND THE OTHER MEMOS THAT MR. DEIXLER
6 ASKED YOU ABOUT IN OCTOBER OF 2011, IS IT YOUR TESTIMONY THAT
7 YOU MADE NO INQUIRIES TO TRY TO IDENTIFY THOSE MEMOS, READ
8 THEM OR DETERMINE THE NATURE OF THE CONCERNS REFLECTED IN THE
9 MEMOS?

10

11 **UNDERSHERIFF PAUL TANAKA:** OKAY. NOW I'M AWARE OF THAT. SHOWS
12 YOU HOW TIME FLIES, THAT OCTOBER 2011 THAT ARTICLE CAME OUT.
13 AND IF I RECALL IN THAT ARTICLE, IT DID NOT IDENTIFY WHO HAD
14 AUTHORED IT. AND IF I RECALL CORRECTLY -- AND I'M NOT TOTALLY
15 SURE, BUT I BELIEVE I ASKED TO SEE THE MEMO.

16

17 **MIRIAM A. KRINSKY:** WOULD IT SURPRISE YOU TO LEARN THAT IN FACT
18 THE ARTICLE DID REFERENCE MARK McCORKLE?

19

20 **UNDERSHERIFF PAUL TANAKA:** OKAY. THEN MY MEMORY IS --

21

22 **MIRIAM A. KRINSKY:** JUST DON'T RECALL?

23

24 **UNDERSHERIFF PAUL TANAKA:** -- NOT THAT WELL.

25

1 **MIRIAM A. KRINSKY:** OKAY. YOU INDICATED IN RESPONSE TO ONE OF
2 THE COMMISSIONER'S QUESTIONS THAT YOU CAN'T CONTROL WHEN
3 SOMEONE DECIDES TO STOP NEWS, THAT'S OUT OF YOUR HANDS? AND I
4 THINK YOU INDICATED, AS WELL, THAT THERE MAY WELL HAVE BEEN
5 MULTIPLE PEOPLE, CAPTAINS OR COMMANDERS WHO STOPPED NEWS FROM
6 GETTING TO YOU.

7

8 **UNDERSHERIFF PAUL TANAKA:** WHO STOPPED? I'M SORRY.

9

10 **MIRIAM A. KRINSKY:** WHO STOPPED THIS KIND OF NEWS FROM GETTING
11 TO YOU.

12

13 **UNDERSHERIFF PAUL TANAKA:** WELL NOT NECESSARILY IN A NEGATIVE
14 SENSE. BUT IF THEY THOUGHT THAT THEY COULD ADDRESS THE ISSUE -

15 -

16

17 **MIRIAM A. KRINSKY:** YOU SAID NOT A SINGLE CAPTAIN, COMMANDER OR
18 CHIEF SAID THERE WAS A PROBLEM WITH USE OF FORCE.

19

20 **UNDERSHERIFF PAUL TANAKA:** THAT'S CORRECT. I DID SAY THAT.

21

22 **MIRIAM A. KRINSKY:** AND THAT WOULD INCLUDE COMMANDER OLMSTED,
23 IS THAT CORRECT?

24

25 **UNDERSHERIFF PAUL TANAKA:** YES.

1

2 **MIRIAM A. KRINSKY:** SO IT'S YOUR TESTIMONY THAT COMMANDER
3 OLMSTED NEVER TOLD YOU THAT THERE WAS A PROBLEM WITH EXCESSIVE
4 FORCE IN THE JAILS?

5

6 **UNDERSHERIFF PAUL TANAKA:** THAT IS CORRECT.

7

8 **MIRIAM A. KRINSKY:** WOULD IT SURPRISE YOU TO LEARN THAT WHEN HE
9 TESTIFIED BEFORE US THAT COMMANDER OLMSTED REMEMBERED IN GREAT
10 DETAIL HAVING GONE TO ASSISTANT SHERIFF CAVANAUGH WITH ABOUT 2
11 TO 3 INCHES OF DOCUMENTATION? THAT AFTER ABOUT AN HOUR AND A
12 HALF OR A TWO-HOUR CONVERSATION WITH MR. CAVANAUGH AND ALL THE
13 ISSUES THAT WERE OCCURRING OVER THERE -- FORCE, SIGNIFICANT
14 FORCE, THE BEATINGS THAT WERE OCCURRING, THE HIGH SPIKE OF
15 BROKEN BONES GOING ON AT MEN'S CENTRAL JAIL -- "MR. CAVANAUGH
16 SAID, 'THERE'S NOTHING I CAN DO.' I LOOKED AT HIM AND I SAID
17 WHY NOT? AND THEN HE SAID, 'EVERY TIME I HAVE A
18 DISAGREEMENT,' MR. CAVANAUGH SAID, 'WITH MR. TANAKA, MR.
19 TANAKA GOES TO MR. WALDIE, MR. WALDIE ALWAYS SIDES WITH MR.
20 TANAKA. NOW IT'S TWO AGAINST ONE AND I NEVER GET ANYTHING.'"
21 AND THEN HE SAYS, WOULD IT SURPRISE YOU TO LEARN, THAT SHORTLY
22 AFTER THAT MEETING, HE GOT A CALL FROM YOUR OFFICE TO SET A
23 MEETING UP. ARE YOU TELLING US YOU DON'T RECALL ANY MEETING
24 WITH COMMANDER OLMSTED PERSONALLY IN REGARD TO THESE ISSUES?

25

1 **UNDERSHERIFF PAUL TANAKA:** NO, YOU DIDN'T ASK ME THAT QUESTION.
2 NOW FIRST OF ALL, I CANNOT -- I CAN'T SAY WHAT COMMANDER
3 OLMSTED SAYS THAT HE SAID TO ASSISTANT SHERIFF CAVANAUGH. I
4 CAN TELL YOU THAT I DID MEET WITH COMMANDER OLMSTED, BUT IT
5 WAS NOT FOR THE REASONS OF WHAT YOU'RE DISCUSSING RIGHT NOW.

6
7 **MIRIAM A. KRINSKY:** SO YOU'RE SAYING WHEN YOU MET WITH
8 COMMANDER OLMSTED THAT NOTHING ABOUT EXCESSIVE USE OF FORCE
9 CAME UP? IS THAT YOUR TESTIMONY?

10

11 **UNDERSHERIFF PAUL TANAKA:** THAT IS ABSOLUTELY CORRECT.

12

13 **MIRIAM A. KRINSKY:** WOULD IT SURPRISE YOU TO LEARN THAT
14 COMMANDER OLMSTED SAID THAT A WEEK OR SO LATER, "I GOT A CALL
15 FROM MR. TANAKA'S OFFICE KNOWING THAT I WAS GOING TO HAVE A
16 MEETING WITH MR. TANAKA, I BROUGHT MY 3-INCH STACK OF
17 INFORMATION THAT I BROUGHT TO MR. CAVANAUGH SO THAT I COULD
18 TALK TO MR. TANAKA ABOUT SOME OF THE PROBLEMS. I WENT INTO MR.
19 TANAKA'S OFFICE, HE POINTED A FINGER, RAISED HIS VOICE AT ME
20 AND SAID 'WHAT THE HELL IS GOING ON AT MEN'S CENTRAL JAIL? ARE
21 YOU THE PROBLEM OR IS DAN CRUZ THE PROBLEM? I'M GOING GET TO
22 THE BOTTOM OF THIS?'" DOES THAT REFRESH YOUR RECOLLECTION IN
23 TERMS OF ACTUALLY HAVING MET WITH COMMANDER OLMSTED AND HIS
24 BRINGING IN A STACK OF MATERIALS TO DISCUSS WITH YOU?

25

1 **UNDERSHERIFF PAUL TANAKA:** THAT'S A FICTIONAL ACCOUNT OF WHAT
2 OCCURRED.

3

4 **MIRIAM A. KRINSKY:** SO WHEN COMMANDER OLMSTED SAID "I SAID I
5 GOT A STACK OF INFORMATION, FORCE IS OUT OF CONTROL, THERE'S
6 ISSUES THAT NEED TO BE ADDRESSED DOWN THERE, I GO INTO THE
7 SAME THING I TOLD MR. CAVANAUGH" THAT'S ALSO A FICTIONAL
8 ACCOUNT?

9

10 **UNDERSHERIFF PAUL TANAKA:** ABSOLUTELY. HE NEVER BROUGHT TO MY
11 ATTENTION ANYTHING, ANY PROBLEMS TO DO WITH MEN'S CENTRAL
12 JAIL. AND I'M THE ONE THAT INITIATED THE REQUEST TO MEET WITH
13 HIM BECAUSE I HAD HEARD ABOUT A VERY DETRIMENTAL RELATIONSHIP
14 THAT HAD DEVELOPED BETWEEN AT THAT TIME COMMANDER OLMSTED AND
15 CAPTAIN CRUZ.

16

17 **MIRIAM A. KRINSKY:** AND IT'S YOUR TESTIMONY THAT, WHEN THAT
18 DETRIMENTAL RELATIONSHIP WAS BEING DISCUSSED, THAT NOTHING
19 CAME OUT FROM COMMANDER OLMSTED ABOUT CONCERNS WITH EXCESSIVE
20 USE OF FORCE IN THE JAILS? IS THAT YOUR TESTIMONY?

21

22 **UNDERSHERIFF PAUL TANAKA:** ABSOLUTELY.

23

1 **MIRIAM A. KRINSKY:** AND IS IT ALSO YOUR RECOLLECTION THAT AFTER
2 THAT MEETING WITH COMMANDER OLMSTED THAT YOU SENT DUANE HARRIS
3 DOWN TO THE JAIL TO TRY TO DETERMINE WHAT WAS GOING ON?
4

5 **UNDERSHERIFF PAUL TANAKA:** THAT'S NOT QUITE THE INSTANCE OF
6 EVENTS. I DID MEET WITH COMMANDER OLMSTED. I DID TRY TO FIND
7 OUT WHAT THE PROBLEM WAS. HE DIDN'T HAVE ANYTHING TO SAY OTHER
8 THAN HE WAS JUST HAVING DIFFICULTY WITH CAPTAIN CRUZ. NOT... I
9 SPOKE TO HIM. I SPOKE TO HIM AND SAID YOU NEED TO MAKE THIS
10 WORK. YOU NEED TO NOT MICROMANAGE HIM BUT YOU NEED TO MAKE
11 THIS WORK. I THEN SPOKE TO CAPTAIN CRUZ ON EITHER ONE OR TWO
12 OCCASIONS AND SAID REGARDLESS OF WHAT YOUR FEELINGS ARE FOR
13 COMMANDER OLMSTED, AT THE END OF THE DAY, EVEN IF YOU DON'T
14 LIKE HIM, HE'S STILL YOUR COMMANDER AND YOU HAVE TO FOLLOW HIS
15 ORDERS. THOSE WERE THE DISCUSSIONS. THEN AS TIME PROGRESSED,
16 IT BECAME EVIDENT THAT THESE TWO MEN COULD NOT GET ALONG. THEY
17 COULD NOT PUT ASIDE THEIR PERSONAL DIFFERENCES IN THE INTEREST
18 OF THE ORGANIZATION. SO, EXCUSE ME, I ASKED BOTH OF THEM, I
19 HAVE AN AIDE HERE WHO'S GOT A LOT OF TIME OFF. BOTH OF YOU
20 KNOW LIEUTENANT HARRIS, THEN-LIEUTENANT HARRIS. WHAT WOULD YOU
21 THINK -- BECAUSE THEY HAD AN OPERATIONS LIEUTENANT WHO WAS
22 GOING TO BE TRANSFERRING OUT -- IF WE MOVED LIEUTENANT HARRIS
23 INTO THE NUMBER 2 SEAT THERE TO SEE IF HE CAN HELP YOU WORK
24 OUT YOUR DIFFERENCES? THEY BOTH -- BOTH COMMANDER OLMSTED AND
25 CAPTAIN CRUZ HAD A TREMENDOUS AMOUNT OF RESPECT FOR DUANE

1 HARRIS -- THEY BOTH SAID READILY, YES. HE WENT IN THERE AND
2 AFTER A FEW MONTHS I ASKED THEN-LIEUTENANT HARRIS A SIMPLE
3 QUESTION: WHAT IS YOUR REPORT ON THIS RELATIONSHIP? HE SAID
4 50/50. DAN CRUZ IS HARD-HEADED AND BOB OLMSTED IS AN
5 EXPLETIVE.

6

7 **MIRIAM A. KRINSKY:** SO MR. TANAKA, IF I CAN JUST TRY TO
8 UNDERSTAND THIS -- SO IT SOUNDS LIKE YOU HAD NUMEROUS
9 CONVERSATIONS WITH BOB OLMSTED DURING THIS TIME FRAME ABOUT
10 CONCERNS AND THINGS THAT WERE GOING ON IN THE JAIL, BUT IT'S
11 YOUR TESTIMONY THAT, OVER THE COURSE OF THOSE CONVERSATIONS,
12 BOB OLMSTED, LIEUTENANT HARRIS, NEITHER OF THEM, ASSISTANT
13 SHERIFF CAVANAUGH, NONE OF THEM SAID A WORD TO YOU ABOUT
14 CONCERNS WITH EXCESSIVE FORCE IN THE JAIL; IS THAT YOUR
15 TESTIMONY?

16

17 **UNDERSHERIFF PAUL TANAKA:** COMMANDER OLMSTED AND I DID NOT HAVE
18 NUMEROUS CONVERSATIONS. WE HAD VERY FEW. BUT --

19

20 **MIRIAM A. KRINSKY:** YOU HAD MORE THAN ONE CONVERSATION.

21

22 **UNDERSHERIFF PAUL TANAKA:** YES.

23

24 **MIRIAM A. KRINSKY:** AND NOTHING WAS SAID BY HIM OR ANYONE ELSE?

25

1 **UNDERSHERIFF PAUL TANAKA:** THAT IS CORRECT. WHAT YOU SAID ABOUT
2 YOUR PREVIOUS STATEMENT IS ABSOLUTELY CORRECT.

3

4 **MIRIAM A. KRINSKY:** OKAY. LAST AREA. YOU TALKED ABOUT YOUR
5 VISIT TO THE CENTURY STATION AND CAPTAIN ROLLER'S MEMORANDUM
6 THAT WAS SENT AFTER THAT EXPRESSED CONCERNS ABOUT STATEMENTS
7 THAT HAD BEEN MADE. ARE YOU AWARE THAT VERY SHORTLY AFTER THAT
8 MEMO CAPTAIN ROLLER WAS TRANSFERRED FROM THE CENTRAL STATION?

9

10 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER THE TIME FRAME OF
11 WHEN HE WAS TRANSFERRED. BUT I KNOW HE WAS TRANSFERRED FROM
12 CENTURY STATION.

13

14 **MIRIAM A. KRINSKY:** WOULD IT SURPRISE YOU THAT IT WAS VERY
15 SHORTLY AFTER THAT MEMO AND WHILE HE WAS AWAY ON VACATION?

16

17 **UNDERSHERIFF PAUL TANAKA:** NO.

18

19 **MIRIAM A. KRINSKY:** IT WOULD NOT SURPRISE YOU TO LEARN THAT?

20

21 **UNDERSHERIFF PAUL TANAKA:** NO.

22

23 **MIRIAM A. KRINSKY:** AND YOU ALSO INDICATED YOU HAD NO
24 RECOLLECTION ABOUT EXACTLY WHEN CAPTAIN CLARK WAS TOLD THAT HE
25 WAS TO BE TRANSFERRED FROM MEN'S CENTRAL JAIL SHORTLY AFTER

1 YOUR VISIT THERE AND AFTER THE ROTATION MEMO HAD BEEN
2 SCRAPPED?

3

4 **UNDERSHERIFF PAUL TANAKA:** I DON'T REMEMBER WHEN.

5

6 **MIRIAM A. KRINSKY:** WOULD IT SURPRISE YOU TO LEARN, OR DOES IT
7 REFRESH YOUR RECOLLECTION, THAT CAPTAIN CLARK TESTIFIED UNDER
8 OATH THAT TWO DAYS AFTER YOU HAD COME AND HAD THE MEETING WITH
9 THE SUPERVISORS, YOU TOLD HIM THAT HE WAS GOING TO BE
10 TRANSFERRED OUT OF MEN'S CENTRAL JAIL AND HE ASKED YOU NOT TO
11 TRANSFER HIM? AND IT WAS ONLY AFTER THAT CONVERSATION THAT AN
12 AGREEMENT WAS REACHED THAT YOU WOULD WAIT BEFORE HE WAS
13 TRANSFERRED?

14

15 **UNDERSHERIFF PAUL TANAKA:** THAT'S POSSIBLE. I DON'T REMEMBER
16 THE CONVERSATION. BUT THAT COULD HAVE OCCURRED.

17

18 **HON. LOURDES BAIRD, CHAIR:** MR. DROOYAN?

19

20 **RICHARD E. DROOYAN:** NO QUESTIONS.

21

22 **HON. LOURDES BAIRD, CHAIR:** ANY REDIRECT?

23

24 **BERT DEIXLER:** NO QUESTIONS, THANK YOU.

25

1 **HON. LOURDES BAIRD, CHAIR:** I THINK WE'RE FINISHED FOR THE
2 MORNING. THANK YOU VERY MUCH, UNDERSHERIFF TANAKA. I KNOW IT'S
3 BEEN LONG. WE ALL APPRECIATE YOUR TESTIMONY.

4

5 **UNDERSHERIFF PAUL TANAKA:** THANK YOU. HONORABLE JUDGE --
6 HONORABLE JUDGE BAIRD, CERTAINLY MR. DROOYAN AND MR. DEIXLER
7 THANK YOU FOR THE OPPORTUNITY TO BE BEFORE YOU THIS MORNING.

8

9 **HON. LOURDES BAIRD, CHAIR:** YOU'RE WELCOME. VERY WELL. HAVE --
10 WE WILL BREAK FOR LUNCH.

11

12 **SPEAKER:** SO WE DO HAVE ONE SET UP PER THE USUAL PROCESS OF
13 COMMISSIONERS NOT CONGREGATING, GROUPS OF ANY MORE THAN THREE,
14 AND, AGAIN, JUST A REMINDER THAT WE HAVE IT SET UP IN BACK FOR
15 COMMISSION MEMBERS AS WELL AS COMMISSION STAFF AND OUR
16 COMMISSION VOLUNTEERS.

17

18 **HON. LOURDES BAIRD, CHAIR:** ALL RIGHT. THANK YOU VERY MUCH. HOW
19 LONG DO YOU THINK WE CAN TAKE REASONABLY SO WE CAN ACCOMMODATE
20 THE SHERIFF?

21

22 **SPEAKER:** THE SHERIFF WAS GOING TO BE HERE AT 1. I'M NOT SURE
23 IF HE'S HERE. (OFF MIC COMMENTS). OKAY. IT WILL BE A SHORT
24 LUNCH. LET'S CALL IT 25 MINUTES? THANK YOU VERY MUCH. WE'RE
25 RECESSED.

1

2 **HON. LOURDES BAIRD, CHAIR:** THIS MEETING IS NOW AGAIN IN ORDER.
3 THE MEETING IS IN ORDER, PLEASE, COULD WE JUST HAVE SILENCE IN
4 THE ROOM? THANK YOU VERY MUCH. SHERIFF BACA? THERE YOU ARE.
5 PLEASE COME FORWARD AND TAKE A SEAT, SHERIFF BACA. PLEASE BE
6 SEATED. FIRST OF ALL, I'D LIKE TO WELCOME YOU, SHERIFF BACA.
7 AND IF WE COULD PLEASE HAVE QUIET. THANK YOU. I ALSO AGAIN
8 WANT TO REMIND THE COMMISSIONERS, I THINK YOU ALREADY KNOW,
9 THAT YOU'RE HOLDING YOUR QUESTIONS UNTIL AFTER THE DIRECT
10 EXAMINATION OF SHERIFF BACA'S COMPLETED. MR. DROOYAN?

11

12 **RICHARD E. DROOYAN:** THANK YOU.

13

14 **HON. LOURDES BAIRD, CHAIR:** YOU CAN GO FORWARD NOW.

15

16 **RICHARD E. DROOYAN:** I UNDERSTAND, SHERIFF BACA, THAT YOU WOULD
17 LIKE TO MAKE A BRIEF STATEMENT TO THE COMMISSION.

18

19 **SHERIFF LEE BACA:** THANK YOU. YES. GOOD AFTERNOON. THANK YOU
20 VERY MUCH FOR COMING TOGETHER AS A COMMISSION AND ASSISTING
21 THE SHERIFF'S DEPARTMENT IN IMPROVING A VARIETY OF AREAS,
22 PARTICULARLY WITHIN THE LOS ANGELES COUNTY JAIL SYSTEM. LET ME
23 START BY SAYING UNDOUBTEDLY EACH AND EVERY ONE OF US IN THIS
24 ROOM HAVE HAD SOME EXPERIENCE WHEN IT COMES TO PUBLIC SERVICE.
25 AND I THINK THAT THE KEY THING IS THAT PROBLEMS OF ANY KIND,

1 WHETHER HERE OR ANY OTHER LEVEL OF LIFE, NONE OF US CAN CHANGE
2 THE PAST. WE CERTAINLY CAN DO A LOT ABOUT THE FUTURE. AND I'M
3 HOPEFUL THAT, IN THAT SPIRIT, YOU'LL SEE ALL THE THINGS THAT
4 HAVE BEEN DONE SINCE THE ACLU CLOSE TO A YEAR OR SO AGO
5 BROUGHT TO LIGHT SOME SIGNIFICANT CONCERNS OF THEIRS. I WAS
6 PLEASED THAT THEY PUT THEM IN THE FORM OF ALLEGATIONS AS
7 OPPOSED TO FACTS. AND I'M SOMEONE WHO BELIEVES THAT WHEN YOU
8 HAVE ALLEGATIONS, YOU DEAL WITH THEM AND INVESTIGATE THEM AND
9 COME TO A FIRM CONCLUSION ONE WAY OR THE OTHER AS TO WHETHER
10 THEY ARE TRUTHFUL OR NOT. SO I'VE SUPPORTED THIS COMMISSION.
11 THIS COMMISSION WAS NOT PURELY BORNE OUT OF THE BOARD OF
12 SUPERVISORS. IT WAS IN CONSULTATION WITH ME IN TERMS OF
13 WHETHER IT SHOULD BE A COMMISSION. AND I BELIEVE A COMMISSION
14 OF THIS NATURE IS VERY IMPORTANT. I ALSO HAVE ROUTINELY, SINCE
15 I WAS ELECTED IN 1998, INVITED THE PUBLIC AS WELL AS VARIOUS
16 CIVIL RIGHTS GROUPS, INCLUDING THE ACLU TO COME INTO THE
17 JAILS, TO ASSIST ME IN ANY WAY THEY FEEL THAT THEY CAN
18 CONTRIBUTE AND THAT THIS IS NOT A CLOSED SYSTEM. IT'S
19 VIRTUALLY ONE THAT THE PUBLIC OWNS, AND I AM THE STEWARD THAT
20 THE PUBLIC HAS ELECTED, AS YOU KNOW. WHEN THE INCIDENTS
21 EMERGED, I CONVENED WHAT I CONSIDER AN IMPORTANT TASKFORCE,
22 THE COMMANDERS' MANAGEMENT TASKFORCE. YOU HEARD ABOUT THEM AND
23 YOU TALKED TO THEM AND THEY'VE GIVEN YOU A SERIES OF
24 DOCUMENTS. THIS IS WHY I THINK, WHEN I GET A PROBLEM AS BIG AS
25 THE ONE THE ACLU PRESENTED TO ME, MY THEORY OF THIS IS THE

1 BUREAUCRACY WILL WORK WELL WHEN EVERYTHING'S GOING WELL. BUT
2 WHEN THINGS ARE NOT GOING WELL I THINK BUREAUCRACY HAS ITS
3 LIMITS AND THEREFORE I NEEDED COMMAND-LEVEL PEOPLE TO DIRECTLY
4 REPORT TO ME. AND BYPASS THAT CHAIN OF COMMAND FOR THE SAKE OF
5 GETTING IMMEDIATE FEEDBACK AND GOING INTO CORRECTIVE ACTIONS
6 IMMEDIATELY THAT I DON'T HAVE TIME FOR FIVE MONTHS OF STUDY,
7 TWO MONTHS OF STUDY, THREE MONTHS OF STUDY. I ONLY HAVE TIME
8 TO SAY THIS IS WHAT I WANT DONE. AND I DON'T NEED
9 INTERPRETERS. I COULD SPEAK FOR MYSELF. SO THIS IS WHY THE
10 COMMANDERS' TASKFORCE WAS FORMED. I JUST BELIEVE THAT THE KEY
11 HERE, AND THAT ONCE THE ACLU DROPPED ALL THESE COMPLAINTS ON
12 ME, I FORMED THE TASKFORCE AND THE INTERNAL CRIMINAL BUREAU TO
13 INVESTIGATE EVERY ALLEGATION OF MISCONDUCT. OF COURSE THE
14 TASKFORCE WAS IN THE MIDDLE OF CHANGE AND IN THAT REGARD I HAD
15 TWO JOBS: ONE, INVESTIGATE THE COMPLAINTS. TWO, WHAT CAN YOU
16 DO BETTER IN THE SYSTEM THAT ALLOWS FOR APPROPRIATE CHANGE? SO
17 THE HUNDRED PLUS ALLEGATIONS WERE TOP PRIORITY, BUT HOW DO WE
18 DEAL WITH THE PROBLEMS OF INMATE/DEPUTY RELATIONS? AND WHAT
19 ARE SOME OF THE THINGS THAT I COULD DO TO MAKE THINGS BETTER?
20 THERE'S THREE THINGS: POLICY CHANGE, SUPERVISION, AND
21 TRAINING. AND IN THIS REGARD, MY BELIEF HAS ALWAYS BEEN THAT
22 PENAL INSTITUTIONS, LOCAL COUNTY JAILS, SHOULD BE LEARNING
23 OPPORTUNITIES FOR PEOPLE WHO ARE INCARCERATED. SO EDUCATION-
24 BASED INCARCERATION BECAME A VERY BIG PRIORITY OF MINE, OF
25 WHICH I PUSH HARDER IN VIEW OF THESE ALLEGATIONS. WHY? WHEN

1 YOU ANALYZE FORCE IN AND OF ITSELF, THIS IS NOT A SIMPLE
2 EVERYONE'S EITHER A GOOD GUY OR A BAD GUY. THE LOSERS IN FORCE
3 ARE ON BOTH SIDES OF THE TABLE. THE INMATES WILL LOSE IN A
4 FORCE SITUATION, SO WILL DEPUTIES LOSE IN A FORCE SITUATION.
5 IT'S JUST A MATTER OF WHAT THE CONCERNS ARE THAT LEAD TO FORCE
6 THAT IS THE MOST IMPORTANT THING. AND SO AS A RESULT,
7 INVESTIGATING THE CASES TEACHES US THINGS WE HAVE LEARNED A
8 LOT IN TERMS OF OUR OWN INTERNAL CONVERSATIONS WITH MANAGEMENT
9 AND DEPUTIES AND INMATES. AND AS A RESULT, WE'VE GOTTEN TO THE
10 POINT WHERE WE'RE ABLE TO ASSESS OUR OWN PERFORMANCE WITH THE
11 INTEREST OF ALWAYS BEING BETTER AND YET WHEN WE LOOK AT CASES
12 SPECIFIC, WE'RE FINDING OUT THAT MANY OF THE CASES IN TERMS OF
13 THE FACTS ARE NOT HOLDING UP. AND THAT'S NOT UNCOMMON WHEN IT
14 COMES TO COMPLAINTS OF VARIOUS TYPES IN NOT ONLY THE JAIL
15 ENVIRONMENT BUT EVEN IN REGARDS TO OUR COMMUNITY MEMBERS AT
16 LARGE COMPLAINING ABOUT CERTAIN THINGS THAT THEY BELIEVED WERE
17 WRONG BY NOT ONLY THE SHERIFF'S DEPARTMENT BUT OTHER LAW
18 ENFORCEMENT AGENCIES. BUT IN ADDING ON TO THIS IDEA OF
19 TRANSPARENCY, WE HAVE MR. MERRICK BOBB WHO ASSISTS US AND THEN
20 WE HAVE THE OFFICE OF INDEPENDENT REVIEW, OF WHICH HE BECAME A
21 VIABLE PART, BOTH A VIABLE PART OF THE EXAMINATION OF THE
22 PRACTICES WITHIN THE SHERIFF'S DEPARTMENT. NOW, THE OFFICE OF
23 INDEPENDENT REVIEW IS COMPRISED OF CIVIL RIGHTS ATTORNEYS.
24 NOW, I CALLED ON THIS ORGANIZATION. IT WASN'T BROUGHT TO ME BY
25 ANY INCIDENT. IT WAS, QUITE FRANKLY, AN IDEA THAT EMERGED WHEN

1 I WAS REVIEWING THE RAMPART REPORT THAT SOME OF YOU MIGHT BE
2 FAMILIAR WITH. AND IN YOUR OWN ASSESSMENT, WHAT'S WRONG WITH
3 THE INTERNAL CULTURE OF ANY BIG AGENCY IS THAT WE NEED SOME
4 EYES AND EARS OF THE PUBLIC'S POINT OF VIEW AND THE LEGAL
5 POINT OF VIEW TO OVERLOOK THESE INVESTIGATIONS THAT WE DO ON A
6 CRIMINAL LEVEL OR ADMINISTRATIVE LEVEL. SO FOR THE LAST 11
7 YEARS, THE OFFICE OF INDEPENDENT REVIEW HAS LOOKED AT
8 EVERYTHING WE DO FROM AN INVESTIGATIVE STANDPOINT FOR QUALITY
9 CONTROL. SO IN THAT RESPECT, THE OIR IS VERY FAMILIAR WITH THE
10 FACT THAT MANY OF THE ACLU ALLEGATIONS ARE NOT HOLDING UP TO
11 THE FACTS THAT THEY ALLEGE. AND THAT'S NOT SOMETHING THAT I'M
12 NECESSARILY BEING CRITICAL OF, BUT WHEN SOMETHING IS NOT
13 RIGHT, WE NEED TO HEAR ABOUT IT RIGHT AWAY. WE CAN'T WAIT
14 ANOTHER SIX, SEVEN, EIGHT, NINE MONTHS BECAUSE WITNESSES GET
15 OUT OF JAIL. WE'D GO DOWN AND CHASE THEM DOWN IN A VARIETY OF
16 THE PARTS OF THE COUNTRY. AND IT'S JUST NOT GOOD BUSINESS. AND
17 IN THE SPIRIT OF OUR PARTNERSHIP WITH THE ACLU, MY ONLY
18 CRITICISM AND CONCERN IS GIVE US TIMELY INFORMATION SO WE CAN
19 GET ONTO IT RIGHT AWAY. BUT, NOW, LET'S JUST GO OVER WHAT IS
20 THE ISSUE HERE. IN MY OPINION, WHAT'S INTERESTING IS THAT
21 DEPUTIES WILL DO WHATEVER OUR POLICY REQUIRES. THEY WILL ALSO
22 DO WHATEVER OUR TRAINING OFFERS THEM. AND THEY'LL ALSO RESPOND
23 TO SUPERVISION IF THERE'S ENOUGH OF IT. BUT WHAT'S INTERESTING
24 ABOUT THOSE POINTS IS THAT WHEN YOU LOOK AT WHAT IS THE
25 DYNAMIC OF FORCE AND WHY DOES IT HAPPEN? IT STILL WILL

1 ATTRIBUTE ITSELF TO WHAT ARE THE APPROPRIATE SOCIAL OR
2 SOCIETAL INTERACTIONS BETWEEN DEPUTIES AND INMATES? AND YOUNG
3 DEPUTIES IN PARTICULAR ARE STILL FORMING THEIR CAREER. AND THE
4 QUESTION IS: WHAT ARE WE DOING IN MANAGEMENT TO ASSURE THEM
5 THAT THEIR JOB IS MORE THAN JUST A SECURITY JOB, THAT IT'S A
6 JOB THAT REQUIRES THEM TO INTERACT WITH INMATES WITHIN THE
7 CORE VALUES OF THE SHERIFF'S DEPARTMENT, THAT THE PEOPLE WHO
8 ARE INCARCERATED HAVE CERTAIN CONSTITUTIONAL RIGHTS. AND THAT
9 IF YOU WANT TO BEST MANAGE AN INMATE POPULATION, YOU MUST USE
10 LEADERSHIP SKILLS THAT ARE NONANTAGONISTIC, THAT YOU HAVE
11 PEOPLE IN THE JAIL SYSTEM WHO ESSENTIALLY ALREADY HAVE THREE
12 PHENOMENONS. THEY COME IN WITH A HIGH DEGREE OF DEPRESSION.
13 THEY COME IN WITH A HIGH LEVEL OF STRESS. AND THEY COME IN
14 WITH A CERTAIN DEGREE OF ANXIETY. AND THIS IS WHY WE SPENT \$18
15 MILLION IN PSYCHOTROPIC DRUGS, BECAUSE THEY LITERALLY HAVE
16 BEEN DIAGNOSED AS NEEDING THEM, AND A LOT OF IT IS FOR THE
17 SAKE OF TRANQUILIZING, FOR A LARGE EXTENT, OF THE POPULATION
18 THAT TAKES THE DRUGS. SO WHAT WE'VE DONE HERE IS WE'VE TRIED
19 TO EXAMINE THE BUREAUCRACY FOR ITS SHORT SHORTCOMINGS. WE'VE
20 EXAMINED THE NEEDS OF THE DEPUTIES FOR WHATEVER SHORTCOMINGS
21 WE HAVE IN PROVIDING THEM THE PROPER DIRECTION. WE'VE DONE
22 TOWN HALL MEETINGS WITH THE INMATES. I MYSELF HAVE CONDUCTED
23 SEVERAL OF THEM. WE'VE LOOKED INTO WHAT OUR POLICIES ARE. THE
24 DATA THAT I HAVE GIVEN YOU -- SORRY I GAVE IT TO YOU SO LATE
25 IN THE PROCESS, BUT I WANTED YOU TO GET IT NOW SO YOU CAN

1 REVIEW IT -- ESTABLISHES THAT WE CAN, IN FACT, IMPROVE IN A
2 CERTAIN AMOUNT OF OUR AREAS OF PERFORMANCE. BUT I ALSO THINK
3 THAT THE INMATES THEMSELVES HAVE A GREAT ROLE TO PLAY WHEN IT
4 COMES TO VIOLENCE. ONCE THEY UNDERSTAND THAT THEIR PURPOSE IS,
5 IN JAIL, IS TO IMPROVE THEMSELVES THROUGH EDUCATIONAL
6 PROGRAMS, WE HAVE FOUND THAT THEY HAVE NOT ONLY RESPONDED
7 POSITIVELY BUT THEY ARE ALSO A PART OF THE TUTORING AND EVEN
8 TEACHING PROCESS. YOU SAY THAT'S NOT WHY WE'RE HERE, WE'RE NOT
9 NECESSARILY HERE TO HEAR THIS, BUT, YES, YOU ARE. BECAUSE THE
10 JAILS, IN AND OF THEMSELVES, WITHOUT EDUCATIONAL
11 OPPORTUNITIES, ARE GOING TO CONTINUALLY HOUSE PEOPLE WHO ARE
12 DEPRESSED, FULL OF ANXIETY AND ULTIMATELY ARE DIFFICULT TO
13 MANAGE BECAUSE IT'S NOT A PLEASANT EXPERIENCE TO LIVE INSIDE A
14 COUNTY JAIL SYSTEM. AND THEREFORE WHAT WE'RE TRYING TO DO --
15 AND WE ARE THE FIRST JAIL IN THE NATION TO HAVE A FORCE
16 PREVENTION POLICY. AND IF THE DEPUTY PEER GROUP IS REINFORCING
17 MASS FEAR OF INMATES, EVERYONE ON THE DEPUTY'S SIDE IS GOING
18 TO BE ON A LITTLE BIT OF A TENSE LEVEL. SO WHAT WE'RE TRYING
19 TO ESTABLISH HERE IS SEVERAL THINGS. FORCE PREVENTION MEANS:
20 AM I AUTHORIZED TO NOT USE FORCE IN THE EVENT AN INCIDENT
21 STARTS TO EMERGE? WELL THE TRUTH IS, WE NEVER AUTHORIZED THE
22 NONUSE OF FORCE AND SO, THEREFORE, NOW WE ARE AUTHORIZING THE
23 NONUSE OF FORCE, WHICH ALLOWS THE DEPUTIES WHO MAY NOT WANT TO
24 USE FORCE TO NOT BELIEVE THAT THEY HAVE TO USE FORCE IF
25 THERE'S AN INCIDENT GOING ON WITH A FELLOW INMATE. IT'S A

1 JUDGMENT CALL. AND SO TEACHING DEPUTIES TO ESTABLISH
2 PERCEPTIBLE SKILLS, THERE'S THREE DEPUTIES HANDLING ONE INMATE
3 IN A FORCE MATTER, IT MAY NOT REQUIRE A FOURTH, FIFTH OR SIXTH
4 DEPUTY. AND THEN THE ANALYSIS PART, WHICH FACTORS INTO THIS,
5 WHEN YOU LOOK AT OUR FORCE -- AND YOU'RE GOING TO SEE IT IN
6 THE BOOK, COMPARED TO NEW YORK AND CHICAGO, WE ARE THE
7 CHAMPIONS IN TERMS OF THE LESS AMOUNT OF FORCE. AND I KNOW
8 THERE'S BEEN SOME PARITY OF ANALYSIS BEING TALKED ABOUT,
9 CERTAINLY IN THE OFFICE OF INDEPENDENT REVIEW AND MR. MERRICK
10 BOBB, BUT MY PRIDE AND MY GOAL FOR THE FUTURE IS: HOW CAN WE
11 REDUCE DOWN TO WE'RE NOT HAVING TO USE ANY FORCE?
12 UNFORTUNATELY THE "ANY" POLICY OR NO FORCE AT ALL POLICY MAY
13 NOT HAPPEN BECAUSE 1/3 OF OUR FORCE IS BREAKING UP FIGHTS
14 BETWEEN INMATES. AND THAT'S NOT FACTORING INTO THE ACLU'S
15 MINDSET, BUT I'M HERE TO REPORT TO THEM, AS WELL. I CONSIDER
16 THIS AN OPEN FORUM. AND THAT THEY UNDERSTAND A THIRD OF OUR
17 FORCE IS INMATE-ON-INMATE AND WE'RE THE ONLY VEHICLE THAT'S
18 GOING TO BREAK IT UP. AND THEN THE OTHER PART OF IT, OF
19 COURSE, IS THE SITUATIONAL FORCE WHEN YOU HAVE PEOPLE WHO ARE
20 VERY DIFFICULT TO MANAGE AND THEN WE DECIDE WE'RE GOING TO
21 MOVE YOU TO ANOTHER PLACE AND THEY DON'T WANT TO GO, THEN WE
22 END UP HAVING TO MOVE THEM TO THIS OTHER PLACE BY SOME DEGREE
23 OF FORCE. INTERESTINGLY ENOUGH, WHEN YOU ASK THE DEPUTIES, HOW
24 CAN WE PREVENT FORCE? THEY'LL TELL YOU. IN THE EARLIER
25 TESTIMONY, THE UNDERSHERIFF, WHAT WAS FASCINATING IS THAT WE

1 FOUND OUT ABOUT THE VULNERABILITY ABOUT FORCE IS WHY DID YOU
2 DO IT? WHY THE DEPUTIES, THIS WANT -- THE TWIN TOWERS AND SEND
3 THEM BACK TO THE OLD LOCKUPS IN THE CENTRAL JAIL, THEY DIDN'T
4 WANT TO GO BACK. AND THEY'RE IN AND WALKING TOWARD THE OLD
5 LOCKUPS THEY WOULD START THE RESISTANCE PROCESS, SO THE DEPUTY
6 WOULD START TO TAKE THEM BACK, I GUESS WE HAVE TO TAKE THEM
7 BACK. WE DECIDED WHY TAKE THEM BACK TO THE OLD PLACE THEY
8 DON'T WANT TO GO THERE, SEND THEM SOME PLACE ELSE IN THE
9 SYSTEM. THAT'S SOMETHING THE DEPUTY DIDN'T HAVE THE POWER TO
10 DO, BUT NOW THEY DO HAVE THAT POWER. AND SO THE MENTAL
11 EVALUATION TEAM MEMBERS, IT WAS THE DEPUTIES THAT SAID WE'RE
12 NOT SPECIALISTS IN DEALING WITH MENTAL, WE DON'T KNOW ALL
13 THOSE SKILLS. WHY DON'T YOU BRING BACK THE MENTAL EVALUATION
14 TEAMS AND LET THEM MOVE THE MENTAL INMATES? AND SO WE HAVE A
15 POLICY NOW THAT ALLOWS THAT. AND NOW LET ME GET INTO SOME OF
16 THE THINGS THAT YOU'VE HEARD. NOW, WHEN YOU DEAL WITH
17 COMMANDERS THAT HAVE BEEN RETIRED AND SO FORTH, AND I'LL REFER
18 TO BOB OLMSTED, THE QUESTION OF BOB OLMSTED'S VERACITY ABOUT
19 THINGS I DON'T DOUBT FOR ONE MINUTE. AND I THINK THAT IT'S
20 COMMONLY KNOWN THROUGHOUT THE DEPARTMENT THAT I HAVE HIGH
21 REGARD FOR COMMANDER OLMSTED BECAUSE I WAS THE ONE THAT FOUND
22 HIM IN TERMS OF HIS EXCELLENCE AND PROMOTED HIM TO CAPTAIN AND
23 PROMOTED HIM TO COMMANDER. BUT I THINK THAT WHEN WE LOOKED AT
24 THIS, WE FOUND OUT THAT THE PROBLEMS THAT ARE BEING ASCRIBED
25 IN THE COUNTY JAIL SYSTEM WERE REALLY AT THE MEN'S CENTRAL

1 JAIL. THEY WEREN'T IN A SYSTEM-WIDE CONTEXT. SO NOW I'M ASKING
2 TO FOCUS ON THE OLD CENTRAL JAIL, IF YOU MAY, IF YOU COULD,
3 AND LOOK AT THE PROBLEMS THERE THAT WE'VE HAD TO ADDRESS. AND
4 IT WAS REALLY A CONFLICT BETWEEN COMMANDER OLMSTED AND CAPTAIN
5 CRUZ. AND THESE THINGS WILL HAPPEN WHERE SOMEBODY WANTS ONE
6 THING AND ANOTHER IS NOT AGREEING WITH IT. NOW, BECAUSE I'M
7 ULTIMATELY RESPONSIBLE FOR EVERYTHING THAT OCCURS IN THE JAIL,
8 AND WHY CERTAIN CAPTAINS ARE LESS EFFECTIVE THAN OTHERS, EVEN
9 THOUGH THERE WERE JAIL FACILITIES ELSEWHERE THAT WERE WORKING
10 VERY WELL, I THINK THIS IS TIME FOR SOMEONE LIKE ME TO GET
11 INVOLVED. AS YOU KNOW, IN REPEAT INTERVIEWS WITH THE STAFF,
12 COMMANDER OLMSTED AND CAPTAIN CRUZ REVEALED THE PERSONALITY
13 CONFLICTS WERE RATHER SEVERE. YET WHEN I WENT THERE ON A
14 COUPLE OF OCCASIONS, NONE OF THAT MANIFESTED, EVEN WHEN THE
15 TWO OF THEM WERE WORKING TOGETHER. THERE WAS NO EVIDENCE OF
16 THESE CONFLICTS. NONETHELESS, IT'S USUALLY IMPORTANT FOR ME TO
17 SAY TO ANYBODY: IF WE FOLLOW THE CORE VALUES OF THE SHERIFF'S
18 DEPARTMENT, WE WILL FIND COMMON GROUND ON ANY PROBLEM. BUT I
19 SENSE HERE THAT THERE WAS SOME FRUSTRATION ON BOTH PARTS OF
20 THE INDIVIDUALS IN DEBATE WITH EACH OTHER. NOW INTERESTINGLY,
21 YOU INTERVIEWED ASSISTANT SHERIFF TANAKA EXTENSIVELY ABOUT
22 SOME OF THE THINGS RELATIVE TO THE JAIL, BUT IT WAS ACTUALLY
23 ASSISTANT SHERIFF CAVANAUGH THAT WAS IN CHARGE OF THE JAILS AT
24 THE TIME OF THE HEIGHTENING OF ALL THIS USE OF FORCE BUSINESS.
25 AND IN THAT REGARD, I'VE HAD SOME PRIVATE CONVERSATIONS WITH

1 ALL THE ASSISTANT SHERIFFS AND THEN, OF COURSE, THE PRIOR
2 UNDERSHERIFF AND OUR CURRENT UNDERSHERIFF. AND WHAT'S
3 FASCINATING HERE IS THAT, IRRESPECTIVE OF WHAT I DON'T KNOW,
4 THE BATTLES BETWEEN THE TWO COMMAND OFFICIALS, CRUZ AND
5 OLMSTED WERE WELL KNOWN BY ASSISTANT SHERIFF CAVANAUGH. AND I
6 HIGHLY RECOMMEND AND I'VE ASKED FOR IN WRITING FOR WHAT HE DID
7 AND WHAT HE DIDN'T DO. AND SO I HAVE A MEMORANDUM TO THAT
8 EFFECT, BUT IT'S A PERSONNEL MATTER. BUT I JUST WANT YOU TO
9 KNOW THAT THIS IS A PROBLEM THAT'S ENDEMIC OF EVERYONE IN THE
10 CHAIN OF COMMAND THINKING THAT THINGS ARE GOING ACCORDING TO
11 THE BOOK. DISPUTES ARE HAPPENING BUT THEY'RE NOT AT A LEVEL
12 THAT THEY ARE THEY'RE IRRECONCILABLE, BUT YET THEY'RE SOMEWHAT
13 BEING THRUST UPON US HERE, MEANING ME AND YOU TOGETHER AS THE
14 CAUSAL EFFECT OF THE USE OF FORCE AND CLIQUES. AND WHAT I'M
15 SAYING IS WHAT'S PROBLEMATIC HERE IS THAT EVERYONE'S TO BLAME
16 AND I'LL TAKE THE BLAME FOR EVERYONE BECAUSE OF MY POSITION AS
17 THE SHERIFF. BUT I'M INVOLVED IN THIS JAIL OPERATION LIKE NO
18 CHIEF OR NO COMMAND PERSON HAS EVER BEEN INVOLVED. I WAS IN
19 COMMAND OF THREE JAILS IN MY EARLIER PART OF MY CAREER. I WAS
20 THE CHIEF OVER THE REGION OF SEVEN SHERIFF'S STATIONS, SPECIAL
21 ENFORCEMENT BUREAU AND GANG ENFORCEMENT UNITS. I WAS CAPTAIN
22 IN NORWALK. SO I KNOW THE SYSTEM. I KNOW THE POLICY. AND I
23 KNOW HOW TO WRITE POLICY. AND SO I'VE WRITTEN SEVERAL POLICIES
24 HERE THAT ARE CRITICAL TO YOUR COMMISSION. I APPOINTED PAUL
25 TANAKA AS THE UNDERSHERIFF BECAUSE HE'S UNIQUELY QUALIFIED FOR

1 THIS POSITION. YOU GO THROUGH TWO RECESSIONS AND YOU'RE LOSING
2 HUNDREDS OF MILLIONS OF DOLLARS FOR THE PUBLIC SERVICE
3 MISSION, YOU DO NEED A C.P.A. I'VE HAD NON C.P.A. FINANCIAL
4 OFFICERS, THEY DO A TERRIFIC JOB. BUT WHEN IT COMES TO THE
5 HARD TIMES, THEY DON'T DO A TERRIFIC JOB. AND WHEN WE RAN THE
6 BUDGET OVER 25 MILLION AND I TOLD THE BOARD OF SUPERVISORS I
7 WAS GOING TO PAY BACK THE 25 MILLION IN THE NEXT FISCAL YEAR.
8 I'M THE ONLY DEPARTMENT THAT EVER RAN OVER THEIR BUDGET AND
9 PAID IT BACK. SO THERE'S A LOT OF THINGS THAT MR. TANAKA IS
10 ABLE TO DO THAT HE PROBABLY DOESN'T GET ENOUGH CREDIT FOR.
11 WHEN IT COMES DOWN TO THE SO-CALLED VALUES AND STANDARDS OF
12 THE DEPARTMENTS, WHICH I HAVE CHERISHED AND I HELPED WRITE, I
13 DON'T BELIEVE IN TALKING ABOUT THINGS IN A WAY THAT CONFUSES
14 THE DEPUTIES OR CONFUSES ANYBODY. I DON'T BELIEVE IN THIS
15 RHETORIC ABOUT A GRAY AREA AND ALL THAT. I THINK THAT CONFUSES
16 SOME PEOPLE. I DON'T BELIEVE IN TALKING ABOUT THE ORGANIZATION
17 IN TERMS OF WHAT ITS PROBLEMS ARE RELATIVE TO INTERNAL AFFAIRS
18 OR ANYTHING LIKE THIS BECAUSE IT CONFUSES THINGS. NOW, THOSE
19 ARE CONVERSATIONS THAT ASSISTANT SHERIFF OR UNDERSHERIFF
20 TANAKA'S TALKED ABOUT THAT CLEARLY ESTABLISH THAT HE HAS NO
21 MALICE INTENT. HE DOESN'T TRY TO ENCOURAGE PEOPLE TO CROSS
22 OVER LINES AND SO FORTH AND SO ON. AND SO WHEN I LOOK AT THIS,
23 WHAT I'M TRYING TO CONCLUDE HERE IS THAT WE HAVE TO MOVE
24 FORWARD AS AN ORGANIZATION. WE HAVE TO REALIZE THAT NO ONE IS
25 PERFECT. AND MY MANTRA IS WE CAN ALWAYS DO BETTER. WHEN I

1 BELIEVE THAT MY COMMAND STAFF ARE DOING THEIR BEST, IT DOESN'T
2 MEAN THEY CAN'T DO BETTER, IN THE END, MY INVOLVEMENT IS
3 CRITICAL TO UNIFYING THE ORGANIZATION I WISH THAT WE COULD
4 HAVE DONE THINGS DIFFERENTLY IN THE DEBATE BETWEEN MR. OLMSTED
5 AND MR. CRUZ. BUT I HAD A MEETING WITH MR. OLMSTED ABOUT THREE
6 MONTHS BEFORE HE RETIRED. HE CAME TO MY OFFICE AND TOLD ME
7 ABOUT HIS PERSONAL DIFFICULTIES AT HOME, WHICH I EMPATHIZE
8 WITH. BUT NOT ONCE, UNTIL AFTER THE QUIET CANNON INCIDENT, DID
9 ANYONE, INCLUDING HIM, COME TO ME AND SAY WHEN HE HAD THAT
10 CHANCE: THESE ARE THE PROBLEMS THAT I SEE IN THE JAIL. I
11 THINK, IN EFFECT, WHAT HAPPENED IS THAT MR. OLMSTED TRUSTED
12 THE CHAIN OF COMMAND. BUT AT THE SAME TIME, THE CHAIN OF
13 COMMAND, IN MANY RESPECTS, LET ME DOWN. AND SO YOU CAN GET ME
14 ONCE, BUT YOU'RE NOT GOING TO GET ME TWICE. AND SO I KNOW
15 THERE'S SOME SENSITIVITIES ABOUT CHAIN OF COMMAND, BUT LET ME
16 TELL YOU, COMMISSIONERS, WHEN IT COMES TO MY POSITION, THERE
17 IS NO CHAIN OF COMMAND. IF I WALK IN THAT PLACE AND SAY YOU
18 OPEN UP THAT GATE RIGHT THERE AND YOU GET THAT INMATE OUT
19 THERE, THEY BETTER DO IT. I'M NOT ASKING CAPTAINS'
20 PERMISSIONS, CHIEFS' PERMISSIONS, ASSISTANT SHERIFFS'
21 PERMISSION OR UNDERSHERIFFS' PERMISSION TO DO ANYTHING I'M
22 OBLIGATED TO DO. WHEN THIS DEPARTMENT FORMED IN 1850, THERE
23 WAS ONLY TWO RANKS: SHERIFF AND DEPUTY SHERIFF. AND I'M THE
24 SHERIFF. AND EVERYBODY ELSE IS A DEPUTY SHERIFF WHEN I WANT
25 SOMETHING DONE. AND THAT'S WHERE WE ARE RIGHT NOW. I THANK YOU

1 VERY MUCH FOR LISTENING TO ME. AND AS I SAID IN MY OPENING
2 COMMENTS, WE CAN FIX THE FUTURE BUT NOT THE PAST. [APPLAUSE.]

3

4 **HON. LOURDES BAIRD, CHAIR:** MR. DROOYAN?

5

6 **RICHARD E. DROOYAN:** SHERIFF, THANK YOU FOR YOUR STATEMENT. LET
7 ME FIRST PUBLICLY THANK YOU AND THE SHERIFF'S DEPARTMENT FOR
8 YOUR COOPERATION WITH OUR INVESTIGATION. WE'VE IMPOSED UPON
9 MANY OF YOUR DEPUTIES, YOUR COMMANDER'S MANAGEMENT TASKFORCE -
10 - YOU PERSONALLY YOU HAVE ALWAYS BEEN RESPONSIVE. YOU'VE BEEN
11 GRACIOUS. AND WE GREATLY APPRECIATE THAT. WE ALSO GREATLY
12 APPRECIATE THAT YOU PERSONALLY HAVE ENCOURAGED MEMBERS TO COME
13 FORWARD AND TO TALK TO US AND TO TESTIFY PUBLICLY SO I WANT TO
14 THANK YOU VERY MUCH FOR THAT.

15

16 **SHERIFF LEE BACA:** YOU'RE WELCOME.

17

18 **RICHARD E. DROOYAN:** AND I THINK WE ALL AGREE WITH YOU,
19 SHERIFF, THAT WE DO WANT TO GO FORWARD. YOU CAN'T CHANGE THE
20 PAST BUT YOU CAN CHANGE THE FUTURE. YOU CAN IMPACT THE FUTURE.
21 AND I THINK EVERYBODY HERE AGREES WITH THAT. I DO THINK,
22 HOWEVER, YOU NEED TO LOOK AT THE PAST TO IDENTIFY WHAT THE
23 PROBLEMS WERE SO THAT HISTORY DOESN'T REPEAT ITSELF.

24

25 **SHERIFF LEE BACA:** CORRECT.

1

2 **RICHARD E. DROOYAN:** AND I ALSO HEAR FROM WHAT YOU JUST SAID IN
3 YOUR LAST REMARKS THAT -- AND FROM WHAT I OBSERVED FROM THE
4 TIME THAT WE'VE BEEN DOING OUR INVESTIGATION, YOUR PERSONAL
5 ENGAGEMENT AND PERSONAL INVOLVEMENT IN THIS, THAT HAS HAD A
6 SIGNIFICANT IMPACT ON THE OPERATIONS OF THE JAILS SINCE
7 OCTOBER OF LAST YEAR. BUT I DO WANT TO GO BACK A LITTLE BIT
8 BEFORE. AND I WANT TO ASK YOU A LITTLE BIT ABOUT YOUR PERSONAL
9 INVOLVEMENT PRIOR TO OCTOBER OF 2011. IN A LOS ANGELES TIMES
10 ARTICLE, TAB 13 IN YOUR BOOK, IT'S THE BLACK BOOK NEXT TO YOU,
11 SHERIFF, YOU WERE QUOTED AS SAYING, "I WASN'T IGNORING THE
12 JAILS." IN FACT YOU CAN LOOK UP THERE IF YOU WANT. IT MIGHT BE
13 EVEN EASIER. "I JUST DIDN'T KNOW. PEOPLE CAN SAY WHAT THE HELL
14 KIND OF LEADER IS THAT? THE TRUTH IS I SHOULD HAVE KNOWN, SO
15 NOW I DO KNOW.". SHERIFF, WOULD YOU SUMMARIZE FOR US WHAT WERE
16 THE ISSUES THAT YOU WERE NOT AWARE OF AND THAT YOU DID LEARN
17 IN OCTOBER OR FALL OF LAST YEAR THAT, AS YOU SAY IN THE LOS
18 ANGELES TIMES ARTICLE, YOU NOW DO KNOW?

19

20 **SHERIFF LEE BACA:** YES, I CAN ANSWER THAT. FIRST, THE DEPUTIES
21 THAT WORKED THE L.A. COUNTY JAIL ARE SOME OF THE FINEST PEOPLE
22 THAT WE HAVE IN LAW ENFORCEMENT, NOT ONLY IN THIS NATION BUT
23 IN MY OPINION WORLDWIDE. WHEN THEY ARE ASKED TO DO SERIOUS
24 WORK IN THE JAILS, WHICH IT'S ALL SERIOUS, AND YET EXPOSE TO
25 FORCE CHALLENGES AND THAT WE DON'T HAVE A CLEAN UNDERSTANDING

1 OR CLEAR UNDERSTANDING AS TO WHAT DOES THAT REALLY MEAN FOR
2 THEM? AND THE QUESTION, THEN, WHEN YOU ANSWER IT IS: I DON'T
3 HAVE A DEPUTY THAT I'M AWARE OF THAT LIKES TO GET INVOLVED IN
4 FORCE ANY MORE THAN THOSE LIKE TO GET INVOLVED IN SHOOTINGS.
5 THEY DON'T. IT IS ALMOST AN OUT-OF-BODY TYPE EXPERIENCE FOR
6 MANY OF THEM WHEN THEY'RE INVOLVED IN FORCE ACTIVITIES. SO I
7 WANT TO KNOW WHAT CAUSES IT. SO THAT BECAME MY FIRST POINT OF
8 ACTION. WHAT IS CAUSING THE USE OF FORCE? YOU CAN'T KNOW THAT
9 UNLESS YOU MEET WITH DEPUTIES. SO I MET WITH 25 AT A TIME
10 AROUND THE TABLE. THEY TOLD ME EACH ONE THEIR FORCE
11 EXPERIENCE. AND THEN THEY GOT INTO THE QUESTION OF WELL HOW
12 COULD WE HAVE PREVENTED THIS? AND THEN WE CAME UP WITH THE
13 ANSWERS RELATIVE TO THE PILL LINE AND TO THE MENTALLY ILL
14 DECLASSIFICATION OF INMATES AND SENDING THEM BACK TO THE
15 LOCKUPS. SO THERE BECAME THAT WISDOM. THEN YOU GO TO THE NEXT
16 PHASE: HOW MANY PEOPLE ARE WILLING -- WELL HOW MANY PEOPLE ARE
17 WILLING TO LISTEN TO INMATES DIRECTLY? WITH REGARD TO MY
18 INSTRUCTIONS, I'VE ALWAYS TOLD THE TWO DIVISION CHIEFS, AND
19 NOW I ONLY HAVE ONE, SO I GOT ONE TO BLAME IF IT GOES WRONG,
20 BUT THEN TWO, I SAID YOU HAVE TO "OUT ACLU THE ACLU." IF
21 THEY'RE ABLE TO FIND OUT ALL THESE THINGS THAT WE'RE IN NEED
22 OF IN THE WAY OF IMPROVING, YOU GOT TO FIND IT OUT, AS WELL,
23 AND FIND IT OUT BEFORE THEY DO FOR THE SAKE OF PROACTIVE
24 LEADERSHIP. AND OF COURSE I GET A CERTAIN RESPONSE THAT'S
25 POSITIVE. BUT I DIDN'T GET ANY RESULTS ON THE BOTTOM LINE,

1 MEANING WHERE THE DEPUTIES ARE AND WHERE THE INMATES ARE. THIS
2 WHOLE ACTIONABLE ACTIVITY ON LEADERSHIP IS ON THE LINE. IT IS
3 NOT AT THE CAPTAIN'S OFFICE PRIMARILY, ALTHOUGH IT CAN BE
4 CHANGED AT THE CAPTAIN'S OFFICE. THE CAPTAIN CAN'T BE THERE
5 24/7. IT'S IN THE SERGEANT'S HANDS, IT'S IN THE DEPUTY'S HANDS
6 BUT IT'S ALSO IN MY HANDS.

7

8 **RICHARD E. DROOYAN:** YOU SAY THAT WHAT YOU REALLY LEARNED LAST
9 FALL IS THAT THE DEPUTIES DIDN'T REALLY UNDERSTAND WHAT THE
10 FORCE POLICIES WERE?

11

12 **SHERIFF LEE BACA:** THEY UNDERSTOOD THE POLICIES. THEY DIDN'T
13 HAVE ANYONE ASKING THEM WHAT I WAS ASKING, AS TO HOW CAN WE
14 PREVENT THE USE OF FORCE? THAT'S A LEADERSHIP VACUUM THAT I AM
15 PARTIALLY TO BLAME FOR, OKAY. BUT WHEN I GET IN THERE, YOU
16 KNOW, UNFORTUNATELY I'M THE GUY WITH THE MOST EXPERIENCE ON
17 THE DEPARTMENT, OKAY? SO IT'S BEEN -- I'VE BEEN DOWN ROADS
18 LIKE THIS MANY TIMES WHERE THERE'S A BIG CHALLENGE. IT ISN'T
19 COMPREHENSIBLY ADDRESSED. MY STRATEGY IS TO COMPREHENSIBLY
20 ADDRESS IT. AND TO LISTEN TO THE DEPUTIES WHERE THEIR
21 VULNERABILITIES ARE.

22

23 **RICHARD E. DROOYAN:** WHAT I HEAR YOU SAYING IS, PRIOR TO LAST
24 YEAR THERE WAS NO COMPREHENSIVE EFFORT ON THE PART OF THE

1 DEPARTMENT TO ANALYZE THE USE OF FORCE, ASSESS IT AND TO COME
2 UP WITH STRATEGIES TO REDUCE USE OF FORCE?

3

4 **SHERIFF LEE BACA:** NOT EXACTLY BECAUSE THE JOHNSON MEMO AND THE
5 OLMSTED MEMOS WERE THE EFFORT TO START THE PROCESS. THE THING
6 THAT I MAY ADD TO THIS EQUATION IS THAT COMMANDERS HAVE THE
7 POWER TO ACT WITHOUT PERMISSION IN TERMS OF THEIR SUPERIORS.
8 BUT IN THIS CASE, ONE COMMANDER WAS BEING THWARTED BY A
9 CAPTAIN. AND THAT CAUSED FOR A GAP IN EFFECTIVE LEADERSHIP
10 BECAUSE THAT COMMANDER WASN'T BEING PAID HEED TO. I HAPPEN TO
11 BELIEVE THAT OLMSTED IS DOING THE RIGHT THING. BUT CRUZ WAS
12 NOT. I'M THE ONE WHO RELIEVED CRUZ OF COMMAND. I WASN'T GOING
13 TO HAVE A CAPTAIN TELL A COMMANDER HE AIN'T GOING TO DO
14 SOMETHING. AND THEREIN THE SPECIFICITY, IN ANSWER TO YOUR
15 QUESTION, IS WHAT I'M GIVING YOU. THAT THE ANALYSIS OF
16 COMMUNICATION, WHEREVER IT IS IN A SYSTEM, WILL LEAD TO THE
17 ANSWERS AS TO HOW TO FILL THE GAP. AND I DON'T NEED THE CHAIN
18 OF COMMAND TO TELL ME WHERE THE GAPS ARE IF I'M GETTING
19 INVOLVED RIGHT ON THE LINE LEVEL, WHICH THIS IS WHAT IT TOOK.

20

21

22

23 **RICHARD E. DROOYAN:** DID IT TAKE YOU GETTING ON THE LINE LEVEL
24 BECAUSE YOU FELT THAT THE LINE OF COMMAND HAD LET YOU DOWN?

25

1 **SHERIFF LEE BACA:** ABSOLUTELY. AND I SAY THAT TO THE CHIEFS IN
2 THE MEETING. I'M NOT TRYING TO BE PUSHED BACK FROM THE DOCK. I
3 MEAN IF YOU CAN'T ANALYZE THESE THINGS, THEN I'M GOING TO
4 ANALYZE THEM. AND I'M GOING TO PUT COMMANDERS IN THERE WHO I
5 KNOW WILL ALSO DO THE ANALYTICS. AND THEN WE'RE GOING TO COME
6 UP WITH BETTER POLICY, BETTER SUPERVISION RECOMMENDATIONS, AND
7 WE'RE ALSO GOING TO COME UP WITH BETTER TRAINING.

8

9 **RICHARD E. DROOYAN:** THE L.A. TIMES ARTICLE ALSO SAYS THAT YOU
10 FELT THAT YOUR SUBORDINATES HAD "INSULATED YOU FROM BAD NEWS."
11 WHO WERE THOSE SUBORDINATES AND WHAT WERE THE BAD NEWS THEY
12 WERE INSULATING YOU FROM?

13

14 **SHERIFF LEE BACA:** FIRST OF ALL, BAD NEWS IS AN EVERYDAY
15 EXPERIENCE IN LAW ENFORCEMENT. LAW ENFORCEMENT IS NOT ALL
16 ABOUT EVERYTHING GOES WELL. IT'S A VERY, VERY UNIQUE
17 PROFESSION WHERE PEOPLE'S PROBLEMS ARE OUR PROBLEMS. THE
18 PUBLIC'S PROBLEMS ARE OUR PROBLEMS. AND SO WE'RE CONSTANTLY IN
19 THE SWIRL OF HELPING THE PUBLIC. BUT BECAUSE WE DO IT, I THINK
20 SO PROACTIVELY, AND WE ARE CAPABLE OF DOING IT VERY
21 PROACTIVELY IN THE JAILS. THERE IS A GAP BETWEEN HOW WE SERVE
22 THE PUBLIC IN THE RADIO CARS AND THE COMMUNITIES AND THEN THEY
23 GOT THIS COMMUNITY INSIDE THE JAIL. WELL NOW WE'RE CLOSING THE
24 GAP IN THE JAIL BECAUSE JAIL CELLS ARE COMMUNITIES. INMATES IN
25 VARIOUS HOUSING AREAS ARE COMMUNITIES. AND SO WE'RE CHANGING

1 OUR LANGUAGE AND WE'RE OPENING UP FURTHER DOORS WHERE PEOPLE
2 CAN SAY TO US, INMATES IN PARTICULAR, "I NEED A BIGGER BAR OF
3 SOAP." WHEN INMATES TELL ME I NEED A BIGGER BAR OF SOAP, WHEN
4 THEY SAY THEY COULD USE ANOTHER TOOTHBRUSH, MOST OF THEIR
5 COMPLAINTS ARE NOT ABOUT FORCE. IN FACT, YOU FIND FOR EVERY
6 1,000 INMATES, YOU'LL FIND ONE SAY SOMETHING ABOUT FORCE. BUT
7 MOST OF THEM SAY ABOUT QUALITY OF LIFE ISSUES. AIR
8 CONDITIONING'S TOO COLD. NEED ANOTHER BLANKET. I DON'T GET TO
9 STAY IN THE SHOWER LONG ENOUGH AND I DON'T GET MY PHONE CALLS
10 LONG ENOUGH.

11

12 **RICHARD E. DROOYAN:** I DON'T DOUBT THAT THAT A LOT OF THE
13 INMATES ARE SERVICE-ORIENTED AS OPPOSED TO FORCE-ORIENTED. BUT
14 LET ME GO BACK TO MY QUESTION. LET'S GO BACK TO LAST OCTOBER
15 WHEN YOU WERE BEING INTERVIEWED BY THE L.A. TIMES AND YOU
16 INDICATED THAT YOUR SUBORDINATES HAD INSULATED YOU FROM BAD
17 NEWS. SO COULD YOU FOCUS ON WHAT WAS THE BAD NEWS YOU WERE
18 INSULATED FROM AND WHO WERE THE SUBORDINATES WHO WERE KEEPING
19 IT FROM YOU?

20

21 **SHERIFF LEE BACA:** BAD NEWS WAS INSULATED BY COMMANDER OLMSTED
22 AND JOHNSON. BURNS INDICATED TO ME HE HAD NOT SEEN THOSE
23 MEMOS. WHICH WHEN I TALKED TO COMMANDER OLMSTED HE SAID I
24 PROVIDED HIM THE MEMOS. AND WHAT'S UNFORTUNATE ABOUT WHAT I
25 BELIEVE IS THE WAY COMMANDER OLMSTED WAS TREATED IS THAT I

1 WOULD HAVE TAKEN COMMANDER OLMSTED'S COMMENTARY AND COMMANDER
2 JOHNSON'S COMMENTARY FOR FACE VALUE. AND THERE ARE NO DISPUTES
3 WITH THE CAPTAIN. AND I REMOVED THE CAPTAIN RIGHT THEN AND
4 THERE.

5

6 **RICHARD E. DROOYAN:** ULTIMATELY YOU MADE THE DECISION TO REMOVE
7 CAPTAIN CRUZ, I TAKE IT?

8

9 **SHERIFF LEE BACA:** AS SOON AS I GOT INTO THE DETAILS OF THE
10 MEMOS AND SOME CERTAIN OF THE OTHER ASPECTS OF WHAT WAS GOING
11 ON WITH THAT CHRISTMAS PARTY, THAT CHRISTMAS PARTY WAS REALLY
12 THE WAKEUP CALL. I DIDN'T SEE THE MEMOS UNTIL MONTHS LATER.
13 BUT THE CHRISTMAS PARTY WAS ENOUGH FOR ME.

14

15 **RICHARD E. DROOYAN:** WAS IT THE CHRISTMAS PARTY THAT ULTIMATELY
16 PRECIPITATED YOUR LOOKING AT THE USE OF FORCE IN MEN'S CENTRAL
17 JAIL THAT LED TO YOUR ULTIMATE DECISION TO REMOVE CAPTAIN
18 CRUZ?

19

20 **SHERIFF LEE BACA:** CORRECT.

21

22 **RICHARD E. DROOYAN:** JUST FROM AN INSTITUTIONAL STANDPOINT, WE
23 HEARD ABOUT THE EXECUTIVE PLANNING COMMITTEE. DID YOU HAVE --
24 PRIOR TO YOUR FORMATION OF YOUR TASKFORCE, DID YOU HAVE
25 ANYTHING IN PLACE INSTITUTIONALLY TO BRING TO YOUR ATTENTION

1 PROBLEMS IN THE JAILS? BECAUSE IT DOES APPEAR THAT ONCE
2 SOMETHING HAS YOUR PERSONAL ATTENTION, THINGS GET DONE. BUT
3 YOU NEED TO HAVE, IT SEEMS TO ME, SOME INSTITUTIONAL MECHANISM
4 TO INSURE THAT THAT INFORMATION DOES GET TO YOU. AND PRIOR TO
5 OCTOBER OF LAST YEAR, DID YOU HAVE THAT? WAS THE EXECUTIVE
6 PLANNING COMMITTEE DEFICIENT? OR DID YOU HAVE OTHER MEANS TO
7 MAKE SURE THAT YOU GOT THE INFORMATION YOU NEEDED TO BE ABLE
8 TO ADDRESS PROBLEMS OF FORCE IN THE JAILS?

9

10 **SHERIFF LEE BACA:** YES, I RECEIVED CERTAIN TYPES OF
11 INFORMATION. BUT IT'S LARGELY ANECDOTAL. SO WHAT I STARTED TO
12 DO IS BORE DOWN INTO THE DATA SOURCES. AND OF COURSE IN THAT
13 PROCESS IS WHEN I HAD A MEETING WITH CAPTAIN BORNMAN. AND I
14 WANTED TO GET INTO MORE OF WHAT I MAY NOT KNOW EVEN IF YOU'RE
15 USING STANDARD REPORTING MECHANISMS. AND AS SOON AS CAPTAIN
16 BORNMAN AND I HAD OUR PRIVATE CONVERSATION, IT WAS AN
17 INTERESTING ONE. AND I APPRECIATED THE FACT THAT HE WAS
18 ASSIGNED TO WORK ON FORCE REPORTS THAT WERE NOT FULLY ENTERED
19 INTO OUR SYSTEM, THEY WERE DONE BY THE DEPUTIES AND THE
20 SERGEANTS DID THEIR JOB BUT THE LIEUTENANTS AND THE CAPTAINS
21 WERE NOT DOING THEIR JOB. AND THERE'S A SERIES OF CAPTAINS
22 INVOLVED WITH NOT FINISHING THEIR ADMINISTRATIVE DUTIES
23 APPROPRIATELY. AND THAT INCLUDED OLMSTED AND CRUZ AND CLARK.
24 AND ALL OF THEM HAD A CERTAIN AMOUNT OF DELINQUENCY, ALL
25 RIGHT? SO THIS ISN'T ABOUT ONE PERSON THAT WE CAN PUT IT ONTO.

1 IT'S THE SYSTEM. IT'S THE IDEA THAT THE OPERATIONS PEOPLE
2 WITHIN COMMAND IN A JAIL, WE'LL SAY CJ IN THIS CASE, THE
3 SYSTEM BROKE DOWN.

4

5 **RICHARD E. DROOYAN:** YOU HAD COMMANDERS OVER YOUR CAPTAINS, YOU
6 HAVE CHIEFS OVER YOUR CAPTAINS, YOU HAVE ASSISTANT SHERIFFS
7 OVER YOUR CHEFTS AND THEN YOU HAVE AN UNDERSHERIFF. YOU HAVE
8 ALL OF THESE LAYERS. AND YET IT DOESN'T SEEM TO ME, FROM
9 HEARING YOU, THAT YOU HAD ANY SYSTEM IN PLACE WHERE YOU WERE
10 GETTING THE INFORMATION FROM ANY OF THESE PEOPLE IN THE CHAIN
11 OF COMMAND TO KNOW -- BE ABLE TO ADDRESS PROBLEMS THAT WERE
12 OCCURRING IN THE JAILS AS COMPARED TO WHAT YOU NOW HAVE WITH
13 YOUR COMMANDERS' MANAGEMENT TASKFORCE. I UNDERSTAND YOU MEET
14 WITH THEM WEEKLY, CORRECT?

15

16 **SHERIFF LEE BACA:** CORRECT.

17

18 **RICHARD E. DROOYAN:** BUT PRIOR TO OCTOBER OF LAST YEAR, YOU
19 DIDN'T HAVE ANY INSTITUTIONAL MECHANISM, AS FAR AS I CAN SEE.

20

21 **SHERIFF LEE BACA:** IT'S THE ASSISTANT SHERIFF THAT'S OVER THAT
22 SIDE OF THE DEPARTMENT. FOR THE MOST PART WAS ASSISTANT
23 SHERIFF CAVANAUGH. AND THEN IT'S OFF TO CHIEF BURNS OVER THE
24 CUSTODY OPERATIONS AND THEN IT'S CHIEF YIM OVER THE INMATES

1 SERVICES SIDE, WHICH IS THE CORRECTIONAL SIDE. THEY ARE THE
2 ACCOUNTABILITY. THEY ARE THE SYSTEM.

3

4 **RICHARD E. DROOYAN:** IN 2005/2006 THE ASSISTANT SHERIFF OVER
5 CUSTODY WAS MR. TANAKA, CORRECT?

6

7 **SHERIFF LEE BACA:** CORRECT.

8

9 **RICHARD E. DROOYAN:** THEN IT BECAME MR. CAVANAUGH?

10

11 **SHERIFF LEE BACA:** CORRECT.

12

13 **RICHARD E. DROOYAN:** WHEN CAVANAUGH BECAME ASSISTANT FOR
14 CUSTODY, TANAKA MOVED OVER.

15

16 **SHERIFF LEE BACA:** YES.

17

18 **RICHARD E. DROOYAN:** AND MR. CAVANAUGH MOVED OVER TO PATROL AND
19 THEN MR. RHAMBO BECAME THE ASSISTANT SHERIFF FOR CUSTODY,
20 CORRECT?

21

22 **SHERIFF LEE BACA:** CORRECT.

23

24 **RICHARD E. DROOYAN:** LET ME ASK YOU. I THINK MR. TANAKA SAID HE
25 HAD NO CUSTODY EXPERIENCE OTHER THAN WHEN HE BECAME A NEW

1 DEPUTY AND HE BECAME THE ASSISTANT SHERIFF FOR CUSTODY. DO YOU
2 KNOW WHAT PRIOR EXPERIENCE MR. CAVANAUGH HAD BEFORE HE BECAME
3 THE ASSISTANT SHERIFF FOR CUSTODY?

4

5 **SHERIFF LEE BACA:** NO, I DON'T.

6

7 **RICHARD E. DROOYAN:** I LOOKED AT HIS RESUME AND BIO. IT LOOKED
8 TO ME LIKE A 20-YEAR GAP FROM THE TIME THAT HE HAD BEEN IN THE
9 JAILS UNTIL THE TIME THAT HE BECAME THE ASSISTANT SHERIFF FOR
10 CUSTODY. DOES THAT SOUND ABOUT RIGHT?

11

12 **SHERIFF LEE BACA:** COULD BE. I DON'T KNOW.

13

14 **RICHARD E. DROOYAN:** AND SIMILARLY FOR MR. RHAMBO, I LOOKED AT
15 THAT SIMILAR QUESTION AND IT LOOKED LIKE HE HAD NOT BEEN IN
16 THE JAILS FOR ALMOST 14, 15 YEARS BEFORE HE BECAME THE
17 ASSISTANT SHERIFF FOR CUSTODY. DO YOU THINK YOU NEED ASSISTANT
18 SHERIFFS THAT HAVE MORE CUSTODY EXPERIENCE THAN THESE PEOPLE
19 HAD WHEN THEY BECAME ASSISTANT SHERIFFS IN ORDER TO FULLY KNOW
20 WHAT'S GOING ON IN YOUR JAILS?

21

22 **SHERIFF LEE BACA:** YES, THAT'S A GOOD IDEA. NOW, WHAT I'M ALSO
23 TRYING TO ESTABLISH IS THIS DUAL TRACK SYSTEM WHILE THERE
24 COULD BE THE GROWTH OF A PERSON PROMOTED FROM CAPTAIN TO

1 COMMANDER TO CHIEF TO ASSISTANT SHERIFF WITHIN A CUSTODY
2 BACKGROUND. AND THAT WILL COME IN ITS TIME.

3

4 **RICHARD E. DROOYAN:** I DO WANT TO TALK ABOUT THAT. I THINK
5 THAT'S IMPORTANT. BUT IT SOUNDS LIKE TO ME, CORRECT ME IF I'M
6 WRONG, SHERIFF. PRIOR TO THE COMMANDERS' MANAGEMENT TASKFORCE,
7 ALL OF WHOM ARE SITTING HERE IN THE FRONT ROW, IN LAST OCTOBER,
8 THAT YOU DID NOT REGULARLY MEET WITH YOUR ASSISTANT SHERIFF
9 FOR CUSTODY OR YOUR UNDERSHERIFF TO ADDRESS CUSTODY ISSUES PER
10 SE, IS THAT A FAIR STATEMENT?

11

12 **SHERIFF LEE BACA:** NO.

13

14 **RICHARD E. DROOYAN:** NOT A FAIR STATEMENT?

15

16 **SHERIFF LEE BACA:** NO.

17

18 **RICHARD E. DROOYAN:** HOW OFTEN DID YOU MET WITH YOUR ASSISTANT
19 SHERIFFS FOR CUSTODY TO GO OVER JAIL OPERATIONS?

20

21 **SHERIFF LEE BACA:** EVERY WEEK AND SOMETIMES EVERY DAY BECAUSE
22 WE'RE ALL ON THE SAME FLOOR IN MY OFFICE CONFIGURATION. AND
23 LET ME SAY THIS, IN THE LAST SEVEN YEARS, THE SHERIFF'S
24 DEPARTMENT HAS ENDURED A TREMENDOUS CUT OF ITS BUDGET WHEN IT
25 CAME TO OPERATIONS AND THE NET COUNTY COST DOLLARS WERE

1 REDUCED ON AN AVERAGE OF ABOUT 10 PERCENT. NOW, WHAT DOES THAT
2 MEAN WITH WHAT YOUR PRIORITIES THEN BECOMES WE WERE WORKING.
3 ASSISTANT SHERIFF CAVANAUGH WAS EXCELLENT WHEN IT CAME TO
4 WRAPPING UP FOR THE IDEA OF RE-ALIGNMENT. WE KNEW IT WAS
5 COMING AND WE HAD TO FIND BETTER ANSWERS TO ADJUST FOR THAT.
6 HE ALSO WAS INVOLVED WITH ASSISTING IN ESTABLISHING THE
7 EDUCATION-BASED INCARCERATION PROCESS. IT DIDN'T JUST APPEAR
8 BECAUSE OF ALL THIS VIOLENCE. IT WAS AN ETHOS I EXPECTED TO
9 HAPPEN WITH JAILS AND THE EFFECTIVE SPENDING OF TAXPAYER
10 DOLLARS. SO THE IDEA THAT WE WOULD EDUCATE PEOPLE IN THE JAILS
11 IS A MASSIVE TRANSFORMATION OF THE SYSTEM FAR MORE DIFFICULT
12 TO DO THAN GETTING A BETTER HANDLE ON FORCE. I THINK THAT
13 GETTING A HANDLE ON FORCE IS IMPORTANT, BUT IT'S NOT AS
14 DIFFICULT TO TRANSFORM THE CULTURE OF A JAIL ENTIRELY, WHICH
15 WILL REDUCE FORCE, BY THE WAY. THE COMPONENTS OF REDUCTION ARE
16 NOT JUST POLICY, TRAINING AND SUPERVISION AND THAT SORT OF
17 THING, IT'S ALSO THE FACT THAT THE CULTURE IS NOT AS IMPACTED
18 BY WHAT YOU CALL SECURITY-ONLY AND ONLY SECURITY. WHEN INMATES
19 ARE HAPPIER, THEY'RE LESS INVOLVED WITH FIGHTS. IN FACT, WE
20 HAD A DORM THAT GOT INTO A BIG FIGHT AND THEY WENT TO OUR
21 EDUCATION DORM ASKING THAT DORM TO RIOT AND FIGHT AND THEY
22 REFUSED TO. THEY LOCKED ARMS AND SAID WE'RE NOT FIGHTING. SO I
23 UNDERSTAND WHAT WERE THE GAPS IN THE SYSTEM. THE GAPS ARE
24 SIMPLE. PEOPLE THINK THINGS ARE GOING BETTER THAN THEY ARE.
25

1 **RICHARD E. DROOYAN:** I TAKE IT WHEN ASSISTANT SHERIFF CAVANAUGH
2 WAS THE ASSISTANT SHERIFF FOR CUSTODY, HE NEVER BROUGHT TO
3 YOUR ATTENTION ANY PROBLEMS WITH EXCESSIVE USE OF FORCE IN THE
4 JAILS, IS THAT CORRECT?

5

6 **SHERIFF LEE BACA:** NO. NEITHER DID BURNS, THE CHIEF.

7

8 **RICHARD E. DROOYAN:** SIMILARLY WHEN MR. TANAKA WAS THE
9 ASSISTANT SHERIFF FOR CUSTODY FROM 2005-2006 TIME PERIOD, HE
10 NEVER BROUGHT ANY ATTENTION TO YOUR PROBLEM ABOUT EXCESSIVE
11 FORCE IN THE JAILS, IS THAT CORRECT?

12

13 **SHERIFF LEE BACA:** THAT'S CORRECT.

14

15 **RICHARD E. DROOYAN:** I DO WANT TO TAKE A LOOK AT SOME OF THE
16 STATISTICS AND SOME OF THE STATISTICS THAT WE'RE GOING TO LOOK
17 AT ARE A CREDIT TO SOME OF THE CHANGES THAT YOU'VE MADE. IF
18 YOU WOULD TURN TO -- I AM GOING TO GO BACK IN HISTORY A LITTLE
19 BIT. IF YOU GO TO TAB 15, HARD TO READ UP THERE. THIS IS THE
20 USE OF FORCE STATISTICS THAT WE RECEIVED FROM THE DEPARTMENT
21 FROM THE FAST SYSTEM. AND YOU'LL NOTICE THAT THERE APPEARS TO
22 BE A VERY SIGNIFICANT SPIKE IN SIGNIFICANT USE OF FORCE,
23 SHERIFF, BETWEEN 2008 AND 2009 IN NOT ONLY MEN'S CENTRAL JAIL
24 BUT ALSO IN TWIN TOWERS. ACCORDING TO FAST DOCUMENT, IT SHOWS
25 171 SIGNIFICANT USE OF FORCE IN 2008. IT JUMPS TO 258 IN 2009

1 AND SIMILARLY WITH TWIN TOWERS, IT GOES FROM 150 TO 208. ALSO,
2 IF YOU TURN FOR A MOMENT TO TAB 16. AND THIS IS -- IT'S
3 CUSTODY OPERATIONS DIVISION REPORT. AND THIS ONE HAPPENS TO BE
4 FOR THE YEARS 2006-2009. IT'S DATED MAY 27, 2010 FROM CHIEF
5 BURNS. AND IF YOU FLIP OPEN THE FIRST PAGE, YOU SEE A
6 SIGNIFICANT JUMP IN THE -- SIGNIFICANT FORCE IN BOTH MEN'S
7 CENTRAL JAIL AND TWIN TOWERS CONSISTENT WITH THE FAST REPORT.
8 AND THEN IF YOU FLIP OPEN THE NEXT PAGE, WHICH IS THE BOTTOM
9 PAGE UP THERE, YOU SEE THE SIGNIFICANT JUMP IN VISIBLE INMATE
10 INJURIES IN BOTH MEN'S CENTRAL JAIL AND TWIN TOWERS. AND IT'S
11 MY UNDERSTANDING, SHERIFF, THAT THIS IS AN ANNUAL REPORT THAT
12 THE CUSTODY OPERATIONS CHIEF WOULD PREPARE. DID YOU SEE THIS
13 EVERY YEAR?

14

15 **SHERIFF LEE BACA:** YES. THIS REPORT, HOWEVER, AS YOU KNOW, IS
16 BACK TO MY POINT, THAT IS, IT IS AN ACCUMULATION OF FORCE
17 INCIDENTS. NOW WHAT'S ALSO IMPORTANT TO CONTRAST THIS WITH IS
18 THE DOCUMENT I PROVIDED YOU WITH, NEW YORK AND CHICAGO. NOW,
19 YOU CAN'T BRING THOSE TWO FACILITIES INTO MY PROBLEMS, BUT
20 THEY USE AS MUCH AS THREE TO FOUR TIMES MORE FORCE THAN WE DO.

21

22 **RICHARD E. DROOYAN:** BUT YOU'RE LOOKING AT THESE STATISTICS, IF
23 YOU'RE SEEING THESE, YOU'RE SEEING A SIGNIFICANT JUMP IN YOUR
24 FACILITIES IN SIGNIFICANT FORCE BOTH IN MEN'S CENTRAL JAIL AND
25 IN TWIN TOWERS. ARE YOU SAYING THAT BY MAY OF 2010 WHEN CHIEF

1 BURNS PREPARED THIS CUSTODY OPERATIONS DIVISION MEMO, YOU WERE
2 AWARE OF THAT SURGE THAT OCCURRED?

3

4 **SHERIFF LEE BACA:** I'M NOT SURE IF IT WAS THAT PERIOD OF TIME
5 BUT I HAVE SEEN THIS DOCUMENT IF THAT'S YOUR QUESTION.

6

7 **RICHARD E. DROOYAN:** MY UNDERSTANDING IS THIS COMES OUT EVERY
8 YEAR. DO YOU SEE THIS EVERY YEAR? OR SKIP WHAT WE WERE TALKING
9 ABOUT?

10

11 **SHERIFF LEE BACA:** IF THEY'RE PROVIDED TO ME, YES. IF THEY'RE
12 NOT, I WON'T.

13

14 **RICHARD E. DROOYAN:** DO YOU RECALL BACK IN THE 2008, 9, 10
15 PERIOD -- WERE YOU SEEING THIS ON A REGULAR BASIS?

16

17 **SHERIFF LEE BACA:** THIS IS AN ANNUAL REPORT FOR AN ANNUAL
18 RESULT. YOU CAN'T SEE THIS REGULARLY. YOU SEE IT ONCE A YEAR.

19

20 **RICHARD E. DROOYAN:** THAT'S WHAT I'M TALKING ABOUT. WHEN THIS
21 CAME OUT, DID YOU SEE IT?

22

23 **SHERIFF LEE BACA:** IN MY OPINION, I THINK I HAVE. NOW THE
24 QUESTION IS WHAT DID I DO ABOUT IT? IS THAT THE QUESTION?

25

1 **RICHARD E. DROOYAN:** WELL THE FIRST QUESTION BEFORE I GET TO
2 THE WHAT DID YOU DO ABOUT IT IS DID YOU NOTICE WHEN YOU GOT
3 THIS THAT THERE HAD BEEN THIS SIGNIFICANT INCREASE IN THE
4 SERIOUS USE OF FORCE BOTH IN MEN'S CENTRAL JAIL --

5

6 **SHERIFF LEE BACA:** IT DOESN'T INDICATE WHETHER IT'S, SORRY, LET
7 ME JUST BACK UP A MINUTE.

8

9 **RICHARD E. DROOYAN:** AS I READ THIS, SHERIFF, THIS BLUE BAR IS
10 THE 2009 ENTRY FOR OVER HERE AT MEN'S CENTRAL, HERE IS TWIN
11 TOWERS. AND DOWN HERE IS THIS BLUE BAR IS THE SIGNIFICANT
12 INMATE INJURIES FOR 2009 IN BOTH MCJ AND TWIN TOWERS. IF I'M
13 READING THIS CORRECTLY, YOU HAD A SIGNIFICANT SPIKE IN SERIOUS
14 USE OF FORCE IN BOTH THOSE INSTITUTIONS. INDEED, ACCORDING TO
15 THIS, INMATE INJURIES JUMPED FROM ROUGHLY 100 IN 2008 TO -- I
16 CAN'T READ THAT VERY WELL SO I'LL READ IT FROM HERE 190,
17 ALMOST DOUBLED IN A YEAR. AND MY QUESTION IS: WERE YOU AWARE
18 OF THAT EITHER IN 2009 WHEN IT WAS HAPPENING? OR DID YOU
19 BECOME AWARE OF IT BY MAY OF 2010 WHEN CHIEF BURNS PREPARED
20 THIS OPERATIONS DIVISION REPORT?

21

22 **SHERIFF LEE BACA:** BACK -- WELL LET ME SAY THIS. REPORTS OF
23 THIS NATURE ARE IMPORTANT IN THE -- AND THIS CERTAINLY DOES
24 REFLECT EXACTLY WHAT YOU SAID. NOW, MY COMMENTARY HAS BEEN
25 VERY CLEAR SINCE THE BEGINNING OF THIS TESTIMONY, AND THAT IS:

1 THIS IS AN IMPORTANT PIECE OF INFORMATION, BUT WHAT GOOD DOES
2 IT DO TO TALK ABOUT IT NOW THREE YEARS LATER WHEN I'M BUSY
3 TRYING TO DEAL WITH THE PROBLEM AND NOT DEAL WITH THE PAST?

4

5 **RICHARD E. DROOYAN:** BECAUSE I THINK I SAID AT THE OUTSET, WE
6 DO WANT TO FOCUS ON THE FUTURE. BUT IF YOU DON'T UNDERSTAND
7 THE PAST -- YOU MIGHT REPEAT?

8

9 **SHERIFF LEE BACA:** JUST ONE SECOND HERE.

10

11 **RICHARD E. DROOYAN:** GO AHEAD, PLEASE.

12

13 **SHERIFF LEE BACA:** I THINK I UNDERSTAND THE SERIOUSNESS OF
14 FORCE WHETHER IT'S IN THE PAST OR THE PRESENT OR THE FUTURE.
15 AND WE CAN LOOK AT A LOT OF CHARTS TO SAY WELL GEE, IF YOU SAW
16 THIS, WHY DIDN'T YOU JUST GO RIGHT INTO ACTION AND SO FORTH?
17 FORCE IS NOT AS EASY TO UNDERSTAND AS NUMBERS AND STATISTICS.
18 I'VE ASKED THIS OF MY DEPUTIES. BEFORE YOU USE FORCE IN THE
19 L.A. COUNTY JAIL, DID YOU EVER USE FORCE WHEN YOU WERE JUST
20 GROWING UP FIGHTING WITH SOMEBODY? MOST OF MY DEPUTIES HAVE
21 NEVER BEEN IN A FIGHT IN THEIR LIVES. THAT DOESN'T MEAN THAT
22 IT'S EXCUSABLE TO USE SIGNIFICANT FORCE. IT JUST MEANS THAT
23 THEY WILL USE WHATEVER THEY CAN IN THE WAY OF FORCE INCLUDING
24 SIGNIFICANT TO STOP A PROBLEM. AND IF THEY WERE HAVING MORE
25 PROBLEMS WITH THEIR INMATES, IT COULD GO BOTH WAYS, IT COULD

1 MEAN THAT THE INMATES ARE IN A GREATER STATE OF COMBATIVENESS
2 AND ANXIETY AND DEPRESSION AND STRESS. IT MAY HAVE NOTHING TO
3 DO WITH MISCONDUCT BY A DEPUTY.

4

5 **RICHARD E. DROOYAN:** I DON'T MEAN TO SUGGEST THAT.

6

7 **SHERIFF LEE BACA:** SO I'M LEAVING IT TO MY CHAIN OF COMMAND.
8 BACK TO THE CHAIN OF COMMAND. I DON'T HAVE MUCH OF A CHAIN OF
9 COMMAND ANYMORE BECAUSE OF MY COMMANDERS. BUT I TRUST MY
10 CHIEFS AND MY COMMANDERS, AND MY CAPTAINS IN THOSE JAILS
11 UNDERSTAND THE STATISTICS AS GOOD AS I -- IF NOT BETTER THAN I
12 -- BECAUSE THEY'RE THE ONES LIVING WITH THE PROBLEM. THEY'RE
13 THE ONES SUPPOSED TO ANALYZE EVERY INCIDENT OF FORCE TO SEE IF
14 IT'S APPROPRIATE OR NOT. THEY'RE THE ONES THAT ARE SUPPOSED TO
15 FOLLOW MY POLICY AS TO WHETHER OR NOT THAT FORCE WAS
16 APPROPRIATE AND REPORTED APPROPRIATELY. NOW FOR YOU TO ASK ME,
17 NOW LET'S GO BACK AND DEAL WITH 2009 STATISTICS THAT ARE
18 PROVIDED IN 2010. I'M ONE PERSON, AND I'VE GOT A DEPARTMENT
19 THAT IS FULL OF OPPORTUNITIES FOR MISTAKES.

20

21 **RICHARD E. DROOYAN:** WE'RE GOING TO LOOK AT SOME STATISTICS TO
22 SHOW THAT FORCE IS DOWN SINCE YOU FORMED THE COMMANDER
23 MANAGEMENT TASKFORCE. AND TO THE CREDIT OF THE DEPARTMENT. BUT
24 WHEN YOU -- SO YOU MEASURE THIS DEPARTMENT AND THE REPORT YOU

1 JUST GAVE US, I THINK, MEASURES SOME SUCCESS BY THE NUMBERS
2 AND BY THE FACT THAT YOU'VE BEEN ABLE TO --

3

4 **SHERIFF LEE BACA:** THAT ISN'T THE ONLY MEASUREMENT OF SUCCESS.

5

6 **RICHARD E. DROOYAN:** THE DEPARTMENT --

7

8 **SHERIFF LEE BACA:** IF IT IS JUSTIFIED, SIR, IT IS JUSTIFIED.
9 THE NATURE OF FORCE, AS I SAID TO YOU, IS ONE WHERE IF THE
10 DEPUTIES ARE DOING SOMETHING WRONG -- AND WE'VE FIRED FOLKS
11 FOR EXCESSIVE FORCE AND WE'VE ALSO FIRED THEM FOR LYING ABOUT
12 REASONABLE FORCE. SO WE'RE NOT IN A DISAGREEMENT ABOUT WHERE
13 WE SHOULD GO WITH THIS COMMISSION AND WHAT YOUR RECOMMENDATION
14 SHOULD BE. BUT I WON'T SAY WHAT THAT PHRASE IS, BUT WE'RE
15 LOOKING AT THE PAST HERE. AND MY ASSUMPTION IN LOOKING AT THIS
16 WAS IT WAS REASONABLE AND NECESSARY AND APPROPRIATE. AND THE
17 NUMBER COULD BE LIKE NEW YORK'S NUMBER AND IT COULD BE LIKE
18 EVEN COOK COUNTY'S NUMBER. BUT THAT'S THE ONLY OTHER
19 MEASUREMENTS THAT I CAN GO OFF OF WHEN IT COMES TO WHETHER OR
20 NOT I'VE GOT A BIG PROBLEM, BECAUSE EVEN WITH THE FIGURE HERE
21 OF 259, JUST GO TO NEW YORK'S AND FIND THE 2,000 FIGURE THERE
22 AND GO TO CHICAGO AND FIND ABOUT A 1,000 FIGURE. AND SO IT
23 ISN'T BASED ON JUST PURE NUMBERS. IT'S BASED ON WHETHER IT WAS
24 JUSTIFIED OR UNJUSTIFIED.

25

1 **RICHARD E. DROOYAN:** BUT WHEN YOU LOOK AT THIS, WOULDN'T YOU
2 SAY "I WANT TO KNOW WHAT IT IS THAT'S CAUSING THIS INCREASE?
3 THIS BIG SPIKE IN THE USE OF FORCE? IS IT BECAUSE WE'RE DOING
4 SOMETHING WRONG WITH OUR TRAINING? WE'RE DOING SOMETHING WRONG
5 WITH OUR SUPERVISION? WE'RE DOING SOMETHING WRONG WITH HOW
6 WE'RE APPROACHING THE - " WOULDN'T THAT SAY TO YOU -- "I AT
7 LEAST WANT TO KNOW WHAT THE PROBLEM WAS"?

8

9 **SHERIFF LEE BACA:** LET ME TELL YOU SOMETHING ABOUT THIS FORM.
10 THIS FORM IS NOT GOOD ENOUGH FOR ME. THAT'S WHY I'M GIVING YOU
11 THE OTHER FORM THAT WE'RE USING TODAY THAT YOU ALSO ALLUDED TO
12 AND IT'S IN YOUR PACKET. I WANT TO KNOW WHICH FACILITIES ARE
13 INCREASING IN THE USE OF FORCE.

14

15 **RICHARD E. DROOYAN:** THAT DOES TELL YOU THAT.

16

17 **SHERIFF LEE BACA:** IT DOES IN THE SENSE OF WHERE WE ARE HERE IN
18 THE PAST. BUT I WANT TO KNOW IT FOR THE FUTURE AND MORE SO. I
19 WANT IT TO BE ABLE TO DO WHAT YOU'RE SAYING SHOULD HAVE BEEN
20 DONE BACK THEN.

21

22 **RICHARD E. DROOYAN:** YOU WANT TO TRACK IT ON A DAILY AND WEEKLY
23 AND MONTHLY BASIS SO YOU KNOW WHAT'S HAPPENING ON A REAL TIME.

24

25 **SHERIFF LEE BACA:** CORRECT. IT'S JUST TOO LATE IN MY OPINION.

1

2 **RICHARD E. DROOYAN:** AND BACK IN THE TIME PERIOD PRIOR TO
3 OCTOBER 2011, YOU DIDN'T GET REALTIME DATA?

4

5 **SHERIFF LEE BACA:** NO.

6

7 **RICHARD E. DROOYAN:** IN FACT NOBODY IN THE DEPARTMENT WAS
8 REALLY TRACKING EITHER ON A DAILY, WEEKLY OR MONTHLY BASIS.

9

10 **SHERIFF LEE BACA:** WELL THEY MAY HAVE BUT IT WASN'T SURFACING
11 TO ME.

12

13 **RICHARD E. DROOYAN:** DIDN'T GET UP TO YOU?

14

15 **SHERIFF LEE BACA:** CORRECT. AND WHAT I WANT EXACTLY WHAT YOU'RE
16 SAYING THIS COULD HAVE DONE. I WANT TO SAY IT'S GOT TO BE
17 TIGHTER THAN THAT. YOU CAN'T HAVE THAT BIG OF A GAP IN
18 STATISTICAL ANALYSIS. IT'S JUST TOO MUCH TIME.

19

20 **RICHARD E. DROOYAN:** I DON'T THINK ANYBODY WOULD DISAGREE WITH
21 YOU, SHERIFF. BUT ALL I THINK WE'RE LOOKING AT IS, THIS IS THE
22 DATA YOU HAD AT THE TIME. THE QUESTION IS, WHEN YOU HAD THIS
23 DATA, DID IT RAISE ANY ISSUES FOR YOU AND, IF SO, BACK IN MAY
24 OF 2010, DID YOU DO ANYTHING?

25

1 **SHERIFF LEE BACA:** I JUST GAVE YOU MY ANSWER, SIR.

2

3 **RICHARD E. DROOYAN:** BUT AT SOME POINT YOU SAID YOU DID, THEN,
4 SEE THE McCORKLE JOHNSON AND SMITH MEMORANDUM, IS THAT
5 CORRECT?

6

7 **SHERIFF LEE BACA:** YES.

8

9 **RICHARD E. DROOYAN:** DO YOU RECALL WHEN IT IS YOU SAW THAT?

10

11 **SHERIFF LEE BACA:** I BELIEVE IT WAS MID-YEAR LAST YEAR
12 SOMETIME.

13

14 **RICHARD E. DROOYAN:** WE'LL COME BACK TO THAT. LET ME TURN TO,
15 FOR A MOMENT, THE LITIGATION COSTS. COULD YOU TURN TO TAB 17?
16 SHERIFF, THIS IS DATA THAT WE RECEIVED FROM THE COUNTY
17 COUNSEL'S OFFICE. IT IS THE SUMMARY OF NUMBER OF LAWSUITS AND
18 CLAIMS THAT WERE FILED IN EACH YEAR BETWEEN 2004 AND 2010. AND
19 IT SHOWS SETTLEMENT PAYMENTS THAT WERE PAID FOR THOSE CASES
20 THAT WERE FILED IN THOSE YEARS. IT ALSO SHOWS THE COUNTY'S
21 COST OF LITIGATION. FOR EXAMPLE, IT DOESN'T SHOW -- IT SHOWS
22 ONLY \$177,000 FOR THE YEAR 2010 EVEN THOUGH THERE WERE 39
23 CLAIMS OR LAWSUITS FILED BECAUSE MOST OF THOSE CASES HAVEN'T
24 BEEN RESOLVED. THIS CHART IS CATEGORIZED BY WHEN THE CLAIMS
25 WERE FILED.

1

2 **SHERIFF LEE BACA:** YOU KNOW JURORS THAT WILL GO FORWARD WITH
3 JUDGMENTS WHERE THE FACTS MAY BE A LITTLE SPLIT. IT COULD GO
4 ONE WAY OR THE OTHER. I WOULD HAVE TO KNOW WHETHER OR NOT THE
5 COUNTY COUNSEL SETTLED THESE CLAIMS WITHOUT GOING TO TRIAL
6 BEFORE I'D MAKE THE JUDGMENT ON THIS.

7

8 **RICHARD E. DROOYAN:** THESE ARE SETTLEMENTS. BUT MY QUESTION,
9 SIR, IS: DID YOU GET INFORMATION ABOUT THE SETTLEMENT OF
10 CLAIMS --

11

12 **SHERIFF LEE BACA:** LET ME SAY THIS. I DON'T NEED CLAIMS TO TELL
13 ME WHEN THERE'S A PROBLEM. I JUST NEED MY STAFF TO TELL ME.
14 AND IF MY STAFF DOESN'T TELL ME, THEN I ASSUME THE CLAIMS WERE
15 A PURPOSEFUL ENDEAVOR ON THE PART OF THE COUNTY TO SETTLE OR
16 EITHER TO GO TO TRIAL WITH. I GET WHAT YOU'RE TRYING TO
17 ESTABLISH HERE WITH THE BUILDING OF ALL THESE NEW POINTER
18 SYSTEMS. AND ALL I'M TRYING TO SAY TO YOU IS ALL I NEEDED TO
19 DO IS BE TOLD BY OLMSTED DIRECTLY WHEN HE HAD IT IN HIS FIRST
20 POINT OF BATTLE WITH ONE OF MY CHEFS AND ONE OF MY COMMANDERS
21 AND ONE OF MY ASSISTANT SHERIFFS, JUST COME TO ME AND TELL ME
22 WHAT YOUR PROBLEM IS BECAUSE DO YOU KNOW WHAT? ALL THE DATA IN
23 THE WORLD IS NOT GOING TO CHANGE THE SYSTEM. IT'S GOING TO BE
24 THE SUBSTANTIVE, CULTURAL DYNAMICS WITHIN THE SYSTEM THAT
25 CHANGES THE SYSTEM. FORCE IS NOT A VERY PREDICTABLE THING IN

1 CERTAIN AREAS. IT IS SOMETHING THAT YOU HAVE TO DEAL WITH IF
2 IT'S IN FRONT OF YOU AND IT'S GIVEN TO YOU. ALL I'M ASKING MY
3 DEPUTIES TO DO IS NOT INITIATE THE CONDITIONS FOR THE USE OF
4 FORCE. THAT IS THE BEST TOOL THAT WE CAN GIVE OUR DEPUTIES --
5 TOOL. NOW IF THEY'RE USING FORCE BECAUSE THEY HAVE TO USE
6 FORCE AND THEY STILL GET SUED FOR IT, THEN THOSE ARE THINGS
7 THAT ARE OUT OF MY CONTROL. BUT WHAT IS IN MY CONTROL IS WHAT
8 I'M TRYING TO GET ACROSS TODAY. COULD WE HAVE DONE A BETTER
9 JOB ANALYZING THESE DOCUMENTS? YES. COULD WE HAVE DONE A
10 BETTER JOB LOOKING AT THE FORCE CLAIMS THAT WERE SETTLED? YES.
11 CAN WE DO -- THAT DOESN'T CHANGE WHAT THE STRATEGY IS. THE
12 STRATEGY IS FOR ME TO GET IN FRONT OF THE PROBLEM BY TALKING
13 TO PEOPLE THAT ARE INVOLVED IN THE PROBLEM. AND I CAN TELL YOU
14 THAT THE LEGAL SYSTEM IS NOT INVOLVED IN THE PROBLEM WHEN THE
15 PROBLEM IS HAPPENING. IT IS PEOPLE WHO I HAVE ASSIGNED TO THAT
16 JAIL INCLUDING MYSELF. AND SO I HAVE ASSIGNED MYSELF TO BE THE
17 STEWARD OF THE JAIL. AND NOW EVERYTHING FORWARD IS GOING TO BE
18 BLAMING ME GOING FORWARD RIGHT ON SPOT. DID YOU READ THIS
19 REPORT? YES I DID. WHAT DID YOU DO THIS? WHAT WOULD YOU HAVE
20 DONE IF YOU READ IT BETTER? WELL I PROBABLY OUGHT TO GO BACK
21 TO SCHOOL SO I'LL READ IT BETTER. SO IT'S ALL ABOUT ME SAYING
22 TO YOU: WE KNOW WE SCREWED UP IN THE PAST. NOW, I'M A GUY THAT
23 SAYS LET'S JUST GO FORWARD FOR THE FUTURE. HERE'S COOPERATION
24 IN THE SYSTEM. I JUST NEED THIS COMMISSION TO UNDERSTAND THE
25 LIMITS OF DIGGING UP DIRT THAT DOESN'T HAVE ANYMORE WATER

1 GOING TO IT. I'M TRYING TO PUT WATER ON THE FUTURE AND I'M
2 TRYING TO GROW A BETTER FUTURE FOR THIS DEPARTMENT.

3

4 **RICHARD E. DROOYAN:** I HEAR YOU. THERE ARE GOING TO BE LAWSUITS
5 IN THE FUTURE. THERE'S ALWAYS GOING TO BE LAWSUITS, I
6 UNDERSTAND THAT. AND OBVIOUSLY ONE OF THE GOALS IS TO REDUCE
7 LAWSUITS AND REDUCE THE EXPOSURE OF THE COUNTY.

8

9 **SHERIFF LEE BACA:** CORRECT.

10

11 **RICHARD E. DROOYAN:** BUT IS THERE ANY MECHANISM THAT YOU HAD IN
12 PLACE OR THAT YOU HAVE IN PLACE NOW TO TAKE A PROPOSED
13 SETTLEMENT OR AN ACTUAL SETTLEMENT AND EVALUATE IT AND TO SEE
14 WHETHER OR NOT THERE WERE PROBLEMS WITH THE USE OF FORCE THAT
15 YOU NEED TO ADDRESS GOING FORWARD?

16

17 **SHERIFF LEE BACA:** THAT IS THE JOB OF OUR CIVIL LITIGATION
18 UNIT. I HAVE LAWYERS THERE, COUNTY COUNSEL. AND THEY'RE DOING
19 THE VERY THING THAT YOU'RE SAYING THAT I SHOULD DO. AND I
20 DON'T DISAGREE. I USED TO BE THE DEPARTMENT ADVOCATE OF THE
21 CIVIL SERVICE COMMISSION, SO I'M ACCUSTOMED TO ANALYZING
22 MYSELF. BUT IF I ANALYZE EVERY CASE THAT CAME ACROSS MY DESK,
23 THAT'S ALL I'D BE DOING. AND WHAT I'M TRYING TO DO IS TRUST MY
24 STAFF TO DO THE THINGS YOU'RE SAYING. DO I DO AND I DO TRUST
25 MY STAFF. LET ME SAY THIS ABOUT MANAGEMENT. I READ ENOUGH

1 ABOUT A LOT OF WHAT BEST PRACTICES ARE. AND I HAVE TO TRUST MY
2 STAFF UNTIL OTHERWISE PROVED, SO THERE'S A DIFFERENT
3 CONTRADICTION OF EVIDENCE. I TRUST MY STAFF IMPLICITLY WHEN IT
4 COMES TO CIVIL LIT THINGS. AND THE LAWYERS OF THIS COUNTY. AND
5 SO THIS IS REALLY MORE THEIR BUSINESS TO SAY TO ME: THIS IS A
6 LOSER.

7

8 **RICHARD E. DROOYAN:** THAT'S A DIFFERENT QUESTION. I HEAR WHAT
9 YOU'RE SAYING. I AGREE WITH YOU THAT THE LAWYERS HAVE TO GIVE
10 YOU AN ASSESSMENT OF THE LITIGATION RISKS AND THE
11 RECOMMENDATIONS WITH RESPECT TO SETTLEMENT. I'M TALKING ABOUT
12 A DIFFERENT QUESTION, WHICH IS: ONCE YOU'VE DETERMINED YOU
13 HAVE A CASE AND YOU LOOK AT IT AND THERE'S A POTENTIAL PAYOUT,
14 SIGNIFICANT POTENTIAL PAYOUT BECAUSE OF WHATEVER THE
15 LITIGATION RISKS MAY BE, DOES THE SHERIFF'S DEPARTMENT THEN GO
16 BACK AND TAKE A LOOK AT WHAT THE UNDERLYING FACTS WERE IN THAT
17 CASE? SO A "LESSONS LEARNED," TO SEE IF YOU CAN IDENTIFY
18 PROBLEMS TO AVOID THOSE PROBLEMS IN THE FUTURE? DID YOU DO
19 THAT IN THE PAST? DO YOU HAVE ANYTHING IN PLACE NOW TO
20 BASICALLY LEARN WHATEVER LESSONS YOU CAN LEARN REGARDING THE
21 USE OF FORCE FROM LITIGATION THAT GETS FILED?

22

23 **SHERIFF LEE BACA:** YES. OUR LEADERSHIP AND TRAINING DIVISION
24 HAS A DIRECT RESPONSIBILITY FOR SOME OF THE ANALYTICS THAT GO
25 INTO WHAT BECOMES OUR CORRECTIVE ACTION. AND THE BOARD AND I

1 TALKED ABOUT THIS MANY TIMES, TALKING ABOUT THE BOARD OF
2 SUPERVISORS, THAT CORRECTIVE ACTION PLANS ARE A PART OF THE
3 ISSUE HERE. AND, THEREFORE, NOT EVERY CASE FITS INTO A
4 CORRECTIVE ACTION PLAN. BUT THOSE THAT CAN, WE DO.

5

6 **RICHARD E. DROOYAN:** OKAY. I KNOW WE'RE GOING TO GO BACK A FEW
7 YEARS AND RE-VISIT THE PAST A LITTLE BIT MORE THAN YOU PERHAPS
8 WANT. BUT I DO WANT TO TALK ABOUT THE PROPOSAL BY CAPTAIN
9 CLARK IN 2006 TO ROTATE DEPUTIES IN MEN'S CENTRAL JAIL. AND,
10 TAB 13 FOR A MOMENT. YOU WERE QUOTED IN THAT SAME OCTOBER 2011
11 ARTICLE, "THAT ONE FLEW OVER MY HEAD. NO ONE TOLD ME IT WAS A
12 WAY TO GET RID OF CLIQUES." THIS MORNING UNDERSHERIFF TANAKA
13 TESTIFIED THAT HE GOT ROUGHLY 200 EMAILS FROM DEPUTIES
14 PROTESTING THE PROPOSED ROTATION. AND WHAT HE SAID THIS
15 MORNING WAS THAT THIS WAS A SIGN OF DISTRESS IN MEN'S CENTRAL
16 JAIL. 200 DEPUTIES WOULD COME AND PROTEST SOMETHING. HE VIEWED
17 IT AS A SIGN OF DISTRESS. AND HE WAS AT THAT POINT IN TIME THE
18 ASSISTANT SHERIFF FOR CUSTODY. DID HE EVER TELL YOU ABOUT THIS
19 SIGN OF DISTRESS THAT HE HAD DISCOVERED IN MEN'S CENTRAL JAIL?

20

21 **SHERIFF LEE BACA:** NOT TILL LATER.

22

23 **RICHARD E. DROOYAN:** WHEN DID HE FINALLY TELL YOU THAT?

24

1 **SHERIFF LEE BACA:** SOMETIME LAST YEAR WHEN I QUERIED HIM ABOUT
2 IT.

3

4 **RICHARD E. DROOYAN:** AND DID HE TELL YOU THAT HE HAD VETOED
5 CAPTAIN CLARK'S PROPOSED ROTATION IN RESPONSE TO THE SIGN OF
6 DISTRESS FROM THESE DEPUTIES?

7

8 **SHERIFF LEE BACA:** YES.

9

10 **RICHARD E. DROOYAN:** DID HE TELL YOU WHY HE HAD DONE THAT?

11

12 **SHERIFF LEE BACA:** YES.

13

14 **RICHARD E. DROOYAN:** DID HE TELL YOU THAT WHEN HE VETOED THE
15 PROPOSAL, THAT HE HADN'T EVEN READ CAPTAIN CLARK'S MEMORANDUM
16 PROPOSING THE ROTATION?

17

18 **SHERIFF LEE BACA:** I DON'T REMEMBER HIM ALLUDING TO WHETHER HE
19 READ IT OR NOT.

20

21 **RICHARD E. DROOYAN:** DID HE TELL YOU THAT HE HAD MET WITH THE
22 DEPUTIES BEFORE HE EVEN TOLD CAPTAIN CLARK THAT HE HAD GOTTEN
23 THESE EMAILS FROM THE DEPUTIES?

24

25 **SHERIFF LEE BACA:** I DON'T RECALL THAT.

1

2 **RICHARD E. DROOYAN:** SHERIFF, DO YOU THINK THIS IS SOMETHING
3 THAT AN ASSISTANT SHERIFF OF CUSTODY SHOULD HAVE TOLD YOU BACK
4 IN 2006 WHEN HE GOT THE 200 EMAILS FROM THE DEPUTIES AND THIS
5 SIGN OF DISTRESS?

6

7 **SHERIFF LEE BACA:** YES.

8

9 **RICHARD E. DROOYAN:** TAB 6. IF YOU TAKE A LOOK AT THAT. THAT'S
10 A ROTATION MEMORANDUM THAT CHIEF BURNS AUTHORED. I'M JUMPING
11 AROUND A LITTLE MORE. YOU WON'T HAVE THAT ON THE SCREEN. BUT
12 THAT'S A ROTATION MEMO THAT CHIEF BURNS AUTHORED IN FEBRUARY
13 OF THIS YEAR. AND DID YOU -- DID HE CONSULT WITH YOU BEFORE HE
14 ISSUED THIS ROTATION MEMORANDUM?

15

16 **SHERIFF LEE BACA:** CHIEF BURNS? NO.

17

18 **RICHARD E. DROOYAN:** HE JUST WENT AHEAD AND DID IT HIMSELF?
19 WHEN DID YOU FIND OUT THAT HE HAD ISSUED THIS ROTATION
20 PROPOSAL?

21

22 **SHERIFF LEE BACA:** FOUND OUT ABOUT IT WHEN I OPENED UP THIS
23 BOOK.

24

1 **RICHARD E. DROOYAN:** SO PRIOR TO THAT KNOWLEDGE YOU WORKED IN
2 THE CUSTODY DIVISION? DEPUTIES.

3

4 **SHERIFF LEE BACA:** WE BELIEVED THAT IT WAS A GOOD IDEA. TO SEE
5 IT IN THIS FORMAL STATE.

6

7 **RICHARD E. DROOYAN:** YOU KNEW IT WAS SOMETHING THAT WAS BEING
8 DISCUSSED? YOU, I TAKE IT, APPROVED OF IT BUT YOU DIDN'T KNOW
9 THE MECHANICS OF IT ACTUALLY GETTING IMPLEMENTED, IS THAT WHAT
10 YOU'RE SAYING?

11

12 **SHERIFF LEE BACA:** YES.

13

14 **RICHARD E. DROOYAN:** BUT I TAKE IT YOU THINK THIS IS A GOOD
15 IDEA IN ORDER TO ADDRESS POTENTIAL PROBLEMS OF CLIQUES IN THE
16 JAILS?

17

18 **SHERIFF LEE BACA:** YES.

19

20 **RICHARD E. DROOYAN:** DO YOU KNOW IF CHIEF BURNS MET WITH THE
21 DEPUTIES UNION ALADS TO DISCUSS THIS ROTATION.

22

23 **SHERIFF LEE BACA:** NO.

24

25 **RICHARD E. DROOYAN:** IS THIS A UNION ISSUE --

1

2 **SHERIFF LEE BACA:** IT SHOULD BE BECAUSE IT INVOLVES CHANGING
3 WORKING CONDITIONS.

4

5 **RICHARD E. DROOYAN:** THIS IS CHANGING JOBS --

6

7 **SHERIFF LEE BACA:** IT IS WORKING CONDITIONS.

8

9 **RICHARD E. DROOYAN:** CAN YOU GO TO TAB 17? THIS IS AN INTERVIEW
10 YOU GAVE TO THE FINN TIMES? THE NEWSPAPER FOR PEOPLE FROM
11 FINLAND. AND IT'S CONSISTENT WITH WHAT YOU TOLD US HERE TODAY.
12 YOU SAY I KNEW OF THE FORCE ISSUES BECAUSE OF THE SIX DEPUTIES
13 THAT GOT INTO THE FIGHT AT THE CHRISTMAS PARTY. THAT'S THE
14 QUIET CANNON PARTY, CORRECT?

15

16 **SHERIFF LEE BACA:** CORRECT.

17

18 **RICHARD E. DROOYAN:** AND THAT FIGHT TOOK PLACE IN DECEMBER OF
19 2010, CORRECT?

20

21 **SHERIFF LEE BACA:** CORRECT.

22

23 **RICHARD E. DROOYAN:** -- AND ULTIMATELY YOU FIRED SEVERAL
24 DEPUTIES AS A RESULT OF THAT. AS A RESULT OF TRANSFER --

25

1 **SHERIFF LEE BACA:** WE FOUND OUT -- OLMSTED.

2

3 **RICHARD E. DROOYAN:** YOU TRANSFERRED HIM, BEING THE CAPTAIN OF
4 MEN'S CENTRAL JAIL TO WHERE?

5

6 **SHERIFF LEE BACA:** TO SERVICES BUREAU.

7

8 **RICHARD E. DROOYAN:** MY UNDERSTANDING, AND MAYBE I'M WRONG, BUT
9 THAT CAPTAIN CRUZ WAS ACTUALLY TRANSFERRED PRIOR TO THE DATE
10 OF THE CHRISTMAS FIGHT?

11

12 **SHERIFF LEE BACA:** I'M NOT EXACTLY SURE OF THE TIME, BUT MY
13 THRUST OF CONCERN WAS WHEN THE ARGUMENT BETWEEN OLMSTED AND
14 CRUZ CAME TO MY ATTENTION. I THOUGHT IT WAS AFTERWARD, OKAY,
15 NOT BEFORE THE CHRISTMAS PARTY. HE WAS MOVED BEFORE THE
16 CHRISTMAS PARTY, THEN SUFFICE TO SAY THAT'S WHEN IT WOULD HAVE
17 HAPPENED.

18

19 **RICHARD E. DROOYAN:** DURING THE COURSE OF OUR INVESTIGATION, I
20 WAS TOLD BY SOMEBODY IN THE DEPARTMENT THAT CAPTAIN CRUZ'S
21 LAST DAY IN MEN'S CENTRAL JAIL WAS BASICALLY THE DAY OF THE
22 FIGHT ITSELF AND THAT HE WAS MOVED TO TRANSIT SERVICES
23 THEREAFTER. WITH THAT TIMING, DOES THAT MEAN THAT YOU WOULD
24 HAVE SEEN McCORKLE AND SMITH JOHNSON MEMORANDUM BEFORE THAT?

25

1 **SHERIFF LEE BACA:** THE McCORKLE AND SMITH MEMORANDUM WAS NOT
2 PRECIPITOUS FOR THE MOVE. IT WAS THE IDEA OF A CAPTAIN NOT
3 TAKING DIRECTION FROM A COMMANDER. THIS IS UNACCEPTABLE TO ME.
4 I WAS A COMMANDER FOR SIX YEARS. I KNOW WHAT A COMMANDER'S
5 SUPPOSED TO DO. LET ME SAY THIS. ANY COMMANDER THAT WORKED FOR
6 ME TO SAY THEY'RE NOT GOING TO DO WHAT I'M GOING TO SAY IS NOT
7 GOING TO BE THERE IN THAT COMMAND.

8

9 **RICHARD E. DROOYAN:** HOW DID YOU FIND OUT THAT CAPTAIN CRUZ WAS
10 NOT OBEYING COMMANDER OLMSTED?

11

12 **SHERIFF LEE BACA:** WELL IN THE SCOPE OF THE WHOLE SITUATION OF
13 THE JAILS HAVING SIX DEPUTIES GET INTO A FIGHT AT THE JAILS.
14 AND THEN THE COMMENTARY THAT I HEARD ALSO PRECIPITATED -- OR
15 WAS THE IDEA OF, DON'T HIT HIM ON THE HEAD. THAT'S OFFENSIVE
16 TO ME.

17

18 **RICHARD E. DROOYAN:** THAT WAS A COMMENT THAT CAPTAIN CRUZ MADE
19 AT ONE OF THE CHRISTMAS PARTIES? YOU HEARD ABOUT THAT?

20

21 **SHERIFF LEE BACA:** PRIOR ONE.

22

23 **RICHARD E. DROOYAN:** PRIOR ONE. BUT DO YOU RECALL HOW IT WAS OR
24 WHO IT WAS THAT TOLD YOU THAT CAPTAIN CRUZ WAS NOT OBEYING
25 COMMANDER OLMSTED?

1

2 **SHERIFF LEE BACA:** IT CAME IN A SERIES OF CONVERSATIONS I WAS
3 HAVING WITH VARIOUS PEOPLE, THAT THERE WAS A CONFLICT THERE.
4 AND EVENTUALLY WHEN I TALKED TO COMMANDER OLMSTED, I WAS MORE
5 CONVINCED THAN EVER I DID THE RIGHT THING.

6

7 **RICHARD E. DROOYAN:** AND I THINK IN A LETTER THAT YOU SENT TO
8 THE COMMISSIONERS TODAY, WHICH WE JUST RECEIVED, YOU INDICATED
9 THAT ASSISTANT SHERIFF CAVANAUGH BECAME AWARE OF THE
10 HOSTILITIES BETWEEN COMMANDER OLMSTED AND CAPTAIN CRUZ, BUT HE
11 OPTED NOT TO BECOME INVOLVED IN WHAT APPEARED TO BE A
12 PERSONNEL DISPUTE. THAT'S IN THE LETTER.

13

14 **SHERIFF LEE BACA:** THAT'S CORRECT.

15

16 **RICHARD E. DROOYAN:** DO YOU THINK THAT ASSISTANT SHERIFF
17 CAVANAUGH ABDICATED HIS RESPONSIBILITIES IN NOT ADDRESSING
18 THAT ISSUE OF THE CONFLICT BETWEEN THE COMMANDER AND A CAPTAIN
19 UNDER HIS COMMAND?

20

21 **SHERIFF LEE BACA:** IN A CERTAIN WAY, YES. BECAUSE THE POINT OF
22 WHETHER THERE'S A CONFUSION AS TO WHAT SHOULD BE DONE, THEN
23 IT'S UP TO THE ASSISTANT SHERIFF TO JUST COME TO ME AND SAY
24 HERE'S THE PROBLEM.

25

1 **RICHARD E. DROOYAN:** HE DIDN'T COME TO YOU AT THIS POINT, DID
2 HE?

3

4 **SHERIFF LEE BACA:** NO.

5

6 **RICHARD E. DROOYAN:** DID YOU BELIEVE THAT, NUMBER 1, HIS
7 REFUSAL TO GET INVOLVED AND TELL YOU ABOUT THE PROBLEM -- WERE
8 PROBLEMS WITH THE WAY IN WHICH HE PERFORMED HIS
9 RESPONSIBILITIES AS THE ASSISTANT SHERIFF OF CUSTODY?

10

11 **SHERIFF LEE BACA:** YES.

12

13 **RICHARD E. DROOYAN:** COULD WE HAVE --

14

15 **SHERIFF LEE BACA:** MAY I OFFER A CLARIFICATION?

16

17 **RICHARD E. DROOYAN:** SURE.

18

19 **SHERIFF LEE BACA:** MY RELIEVING CAPTAIN CRUZ FROM DUTY WAS MY
20 KEY PERCIPIENT ROLE IN THIS. IT COULD HAVE BEEN THAT HE WAS
21 TRANSFERRED TO TRANSIT SERVICES BUREAU BEFORE/DURING THE PARTY
22 PERIOD, BUT WHEN I FOUND OUT ABOUT THIS DISPUTE, WHICH WAS
23 LATER IN THE YEAR AS YOU KNOW, I TESTIFIED TO THAT EARLIER, NO
24 COMMAND PERSON IN THIS DEPARTMENT, WHO IS A CAPTAIN, IS GOING

1 TO GET INTO A DISPUTE WITH THEIR SUPERIORS AND SAY THAT THAT'S
2 JUST FINE. SO THAT WAS THE QUESTION OF RELIEVING THE DUTY.

3

4 **RICHARD E. DROOYAN:** I SEE. SO WHAT YOU'RE SAYING IS THE
5 DECISION TO TRANSFER CAPTAIN CRUZ FROM MEN'S CENTRAL JAIL TO
6 TRANSIT SERVICES WAS NOT THE PRECIPITATED BY THE ISSUE --

7

8 **SHERIFF LEE BACA:** THE CHRISTMAS PARTY. IT WAS AT THE CHRISTMAS
9 PARTY THAT THIS -- CHRISTMAS PARTY THEN LED TO FURTHER
10 INQUIRY. THE DISPUTE CAME TO MY ATTENTION. THEN WHEN I
11 UNDERSTOOD THE OBSTINANCE ON THE PART OF CAPTAIN CRUZ TO
12 ADHERE TO COMMANDER OLMSTED'S ADMONITIONS, THAT'S WHAT CAUSED
13 THE RELIEVING OF DUTY. THAT WAS MY --

14

15 **RICHARD E. DROOYAN:** THAT'S THE SLIGHTLY DIFFERENT ISSUE OF THE
16 TRANSFER THE RELIEF OF DUTY.

17

18 **SHERIFF LEE BACA:** I WAS TRYING TO FIGURE IT OUT AS TO WHERE I
19 GOT THESE DATES CONFUSED.

20

21 **RICHARD E. DROOYAN:** I SEE. DO YOU RECALL -- I DO THINK HE WAS
22 TRANSFERRED AS OPPOSED TO RELIEVE OF DUTY. I THINK HE WAS
23 TRANSFERRED.

24

1 **SHERIFF LEE BACA:** HE WAS. AND HE WAS ACTIVELY WORKING IN
2 TRANSIT SERVICES BUREAU WHEN HE GOT RELIEVED.

3

4 **RICHARD E. DROOYAN:** I THINK THE TRANSFER FROM MEN'S CENTRAL
5 JAIL TO TRANSIT SERVICES OCCURRED IN 2010. MY QUESTION IS WERE
6 YOU INVOLVED IN THE DECISION TO TRANSFER CAPTAIN CRUZ FROM --

7

8 **SHERIFF LEE BACA:** ONLY TO APPROVE IT. NOT TO QUESTION WHETHER
9 OR NOT IT SHOULD BE DONE.

10

11 **RICHARD E. DROOYAN:** WHO MADE THE DECISION TO TRANSFER HIM?

12

13 **SHERIFF LEE BACA:** I BELIEVE IT WAS THE ASSISTANT SHERIFF
14 TANAKA.

15

16 **RICHARD E. DROOYAN:** WELL MR. TANAKA AT THAT POINT WOULD HAVE
17 BEEN IN 2010 HE WOULD HAVE BEEN THE ASSISTANT SHERIFF FOR
18 PATROL SIDE, CORRECT?

19

20 **SHERIFF LEE BACA:** CORRECT.

21

22 **RICHARD E. DROOYAN:** NOT THAT CAPTAIN CRUZ WAS MEN'S CENTRAL
23 JAIL, IT WAS ASSISTANT SHERIFF TANAKA'S DECISION TO TRANSFER
24 HIM FROM MEN'S CENTRAL JAIL TO TRANSIT SERVICES, IS THAT
25 CORRECT?

1

2 **SHERIFF LEE BACA:** I BELIEVE SO. AND THAT'S BECAUSE TRANSIT
3 SERVICES IS ON HIS SIDE OF THE HOUSE.

4

5 **RICHARD E. DROOYAN:** DO YOU KNOW WHY HE CHOSE TO REACH DOWN AND
6 GRAB MR. CRUZ, CAPTAIN CRUZ FROM MEN'S CENTRAL JAIL AND
7 TRANSFER HIM TO TRANSIT SERVICES?

8

9 **SHERIFF LEE BACA:** HE EXPLAINED IT AND IT MADE SENSE TO ME BUT
10 NOT ALL THE DETAILS WERE AS COMPREHENSIVE AS THEY ARE TODAY.

11

12 **RICHARD E. DROOYAN:** YOU DON'T RECALL WHAT WAS THE REASON?

13

14 **SHERIFF LEE BACA:** NO. BECAUSE I HADN'T REALLY LOOKED AT HIM AS
15 A PERFORMER OTHER THAN HE HAD PERFORMED. HE HAD PERFORMED WELL
16 FROM WHAT I WAS GETTING IN THE WAY OF REPORTS.

17

18 **RICHARD E. DROOYAN:** IN YOUR LETTER HERE TO THE COMMISSIONERS,
19 YOU SAY THAT UPON A DETAILED REVIEW OF CUSTODY DIVISION, IT
20 WAS DETERMINED THAT THE PROBLEMS WERE ISOLATED TO MCJ
21 PRIMARILY WHEN BOB OLMSTED AND DAN CRUZ WERE IN COMMAND. WOULD
22 YOU SAY THAT BASED UPON WHAT YOU NOW KNOW, THAT DAN CRUZ'S
23 COMMAND IN MEN'S CENTRAL JAIL WAS ACCEPTABLE?

24

1 **SHERIFF LEE BACA:** YES, I WILL SAY THAT. AND ALSO THE COMMAND
2 OF ALL THE CAPTAINS THERE WERE ACCEPTABLE TO OUTSTANDING.

3

4 **RICHARD E. DROOYAN:** WHY DO YOU BELIEVE IT WAS ACCEPTABLE WHEN
5 YOU NOW BELIEVE THAT THE PROBLEMS IN MEN'S CENTRAL JAIL WERE
6 PRIMARILY ISOLATED TO A POINT WHEN HE WAS IN COMMAND?

7

8 **SHERIFF LEE BACA:** WE'RE TALKING ABOUT THEN. I'M TALKING ABOUT
9 NOW. WHAT WE'RE DEALING WITH NOW IS, THE USE OF FORCE
10 REPORTING IS NOT ACCEPTABLE.

11

12 **RICHARD E. DROOYAN:** I'M SAYING LOOKING BACK NOW. LOOKING BACK
13 NOW.

14

15 **SHERIFF LEE BACA:** I GOT TO LOOK BACK TO WHAT'S NOW AND WHAT'S
16 BACK THEN. BACK THEN, YOU DON'T HAVE WHAT YOU HAVE NOW. YOU
17 HAVE A LOT OF DIFFERENT ANGLES OF REPORTS AND SO FORTH.

18

19 **RICHARD E. DROOYAN:** BUT I WANT YOU TO LOOK, SITTING HERE
20 TODAY, LOOKING BACK NOW TO WHEN CAPTAIN CRUZ WAS IN CHARGE OF
21 MEN'S CENTRAL JAIL AND HAVING DETERMINED THAT THE PROBLEMS
22 WITH RESPECT TO USE OF FORCE WERE ISOLATED TO MEN'S CENTRAL
23 JAIL PRIMARILY WHEN BOB OLMSTED AND DAN CRUZ WERE IN COMMAND,
24 THAT'S WHAT YOU TOLD THE COMMISSIONERS.

25

1 **SHERIFF LEE BACA:** ALL THE CAPTAINS HAD FORCE REPORTS COMING
2 THROUGH THEIR OFFICES. CLARK DID, CRUZ DID, AND EVEN THE
3 CURRENT CAPTAIN. YOU'RE NOT GOING TO EVER NOT HAVE FORCE
4 COMING THROUGH THEIR COMMANDS.

5

6 **RICHARD E. DROOYAN:** I UNDERSTAND.

7

8 **SHERIFF LEE BACA:** BUT THE PAST COMMANDS WERE NOT TRACKING
9 THEIR FORCE ADEQUATELY TO KNOW THAT THERE WERE MISSING REPORTS
10 THAT NEEDED TO BE ENTERED INTO THE SYSTEM.

11

12 **RICHARD E. DROOYAN:** AND WHEN YOU LOOK BACK AT THAT, DOES THAT
13 INDICATE TO YOU THAT CAPTAIN CRUZ'S PERFORMANCE WAS
14 NEVERTHELESS STILL ACCEPTABLE?

15

16 **SHERIFF LEE BACA:** OF COURSE NOT. BUT WHAT I THINK IS MISSING
17 IN THE CONVERSATION THAT WE'RE HAVING IS THAT COMMANDER --
18 EXCUSE ME. ASSISTANT SHERIFF CAVANAUGH WENT TO ASSISTANT
19 SHERIFF TANAKA TO TALK ABOUT THIS SITUATION WITH CRUZ AND
20 OLMSTED. AND THAT TANAKA ESSENTIALLY GAVE IT BACK TO HIM AND
21 SAID YOU'RE THE ASSISTANT SHERIFF, YOU HAVE TO DO WHAT YOU SEE
22 BEST. BUT UNDOUBTEDLY ASSISTANT SHERIFF TANAKA KNEW ABOUT THE
23 PROBLEMS BETWEEN OLMSTED AND CRUZ, BUT I DIDN'T KNOW ABOUT THE
24 PROBLEMS OF OLMSTED AND CRUZ, SO IN LOOKING AT THE CONFLICT, A

1 DECISION WAS MADE OBVIOUSLY, MUTUALLY, TO MOVE CRUZ OUT TO THE
2 TRANSIT SERVICES SYSTEM.

3

4 **RICHARD E. DROOYAN:** WAS THAT IN TERMS OF THE PROBLEMS WITH
5 CAPTAIN CRUZ? IS THAT SOMETHING THAT ASSISTANT SHERIFF TANAKA
6 SHOULD HAVE TOLD YOU ABOUT?

7

8 **SHERIFF LEE BACA:** YES, BOTH OF THEM SHOULD HAVE AND COULD
9 HAVE. BUT I'M NOT HERE TO DIG UP WHETHER THEY COULD HAVE OR
10 SHOULD HAVE BECAUSE WE COULD DEAL WITH THIS AD NAUSEAM. WAS IT
11 APPROPRIATE TO MOVE HIM? THE ANSWER IS YES.

12

13 **RICHARD E. DROOYAN:** BUT HAVING MADE THAT DECISION -- WHAT I
14 HEAR YOU SAYING IS THAT THEY MADE THAT DECISION, ESSENTIALLY,
15 BECAUSE OF PROBLEMS THEY PERCEIVED AT MEN'S CENTRAL JAIL,
16 PROBLEMS THAT THEY NEVER TOLD YOU ABOUT, CORRECT?

17

18 **SHERIFF LEE BACA:** CORRECT.

19

20 **RICHARD E. DROOYAN:** SHERIFF, LET'S TURN TO A LITTLE BIT MORE
21 FORWARD-LOOKING WHICH I KNOW YOU WANT TO DO. AND TALK A LITTLE
22 BIT ABOUT THE COMMANDER'S MANAGEMENT TASKFORCE. AND YOU'VE
23 ALREADY ANSWERED A FEW OF MY QUESTIONS, SO I'LL JUST SUMMARIZE
24 IT. I UNDERSTAND, FROM WHAT YOU SAID, IS THAT YOU FORMED IT
25 BASICALLY TO CUT THROUGH THE BUREAUCRACY, TO MAKE SURE YOU

1 COULD GET THINGS DONE; IS THAT A FAIRLY QUICK SUMMARY OF THE
2 REASON WHY YOU FORMED THE COMMANDERS' MANAGEMENT TASKFORCE?

3

4 **SHERIFF LEE BACA:** YES.

5

6 **RICHARD E. DROOYAN:** AND THAT COMMANDERS MANAGEMENT TASKFORCE
7 REPORTS DIRECTLY TO YOU, CORRECT?

8

9 **SHERIFF LEE BACA:** YES.

10

11 **RICHARD E. DROOYAN:** AND WHY DOES THAT COMMANDERS' MANAGEMENT
12 TASKFORCE REPORT DIRECTLY TO YOU RATHER THAN EITHER THE
13 UNDERSHERIFF OR THE ASSISTANT SHERIFF FOR CUSTODY?

14

15 **SHERIFF LEE BACA:** WELL, THERE'S A NUMBER OF REASONS. FIRST AND
16 FOREMOST, THE PUBLIC DIDN'T ELECT ME FOR DODDLING WITH
17 PROBLEMS, I'M THE KIND OF PERSON WHO SAYS WE GOT A PROBLEM,
18 WE'RE ALL GOING TO FIX IT TO THE BEST OF OUR ABILITY. BUT I
19 WANT TO KNOW MORE INTIMATELY WHAT YOU HAVE BEEN QUESTIONING ME
20 ABOUT IN THESE PAST DOCUMENTS, SO HERE I AM BRINGING UP THE
21 PAST DOCUMENTS AND THEN I'M DEALING WITH THE CURRENT
22 DOCUMENTS. AND I THINK THAT YOU HAVE DONE AN EXCELLENT JOB IN
23 POINTING OUT THE VERY THINGS THAT NEED TO BE DONE, YOU SEE.
24 AND THAT'S THE PURPOSE OF YOUR ASKING ME THESE QUESTIONS. AND
25 WHAT IS BEING DONE AND WHAT COULD BE BETTER TO WHAT'S BEING

1 DONE? SO IT'S JUST GOOD MANAGEMENT THEORY TO ANALYZE AS MUCH
2 AS YOU CAN. NOW, ANALYZING WITH DATA ALONE IS ONLY HALF THE
3 ANALYTICAL RESPONSIBILITY. THE OTHER HALF IS YOU GOT TO GO
4 RIGHT OUT TO THE SOURCE OF THE PROBLEM, AS I INDICATED IN MY
5 TESTIMONY. SO THIS MANAGEMENT TASKFORCE IS OPERATING ON MY
6 BEHALF. THEY ARE GIVEN FULL AUTHORITY TO PROBE THE SYSTEM FOR
7 ITS WEAKNESSES AND ITS GAPS AND ITS FLAWS.

8

9 **RICHARD E. DROOYAN:** AND THEY'RE LOOKING AT THE CUSTODY SIDE OF
10 THE OPERATION RIGHT NOW? SO WHY AREN'T THEY REPORTING TO THE
11 ASSISTANT SHERIFF RHAMBO IF THEY'RE LOOKING AT THE CUSTODY
12 SIDE?

13

14 **SHERIFF LEE BACA:** WELL, HE'S PART OF THAT PROCESS. BUT I NEED
15 TO KNOW. YOU KNOW, IN ALL DUE RESPECT TO THE CHALLENGES OF AN
16 ORGANIZATION THAT I THINK IS VERY PROGRESSIVE, THE TRANSLATION
17 OF INFORMATION HUMANLY IS ALWAYS FLAWED. I DON'T CARE IF IT'S
18 LAW ENFORCEMENT ORGANIZATION OR CORPORATION OR SCHOOL SYSTEM
19 OR WHAT. PEOPLE SAY LESS AND LESS ABOUT WHAT THE FACTS ARE
20 WHEN THEY'RE VERBALLY ACCOUNTING FOR WHAT'S GOING ON. SO THIS
21 IS WHY I RAMPED UP THE DATA SIDE OF THE HOUSE, WHICH IS WHERE
22 YOU WERE GOING WITH THE EARLIER QUESTIONING, AND I'M SAYING TO
23 MYSELF: WE ALL COMPREHEND A LITTLE DIFFERENTLY. AND WHAT I
24 MIGHT SEE AS WRONG MAY NOT BE SEEN BY ONE OF MY SUBORDINATES
25 AND SO I JUST NEED A MORE COMPREHENSIVE PROCESS. THEY SEE

1 THINGS, I SEE THINGS, AND TOGETHER WHEN WE TALK ABOUT THINGS,
2 WE'RE NOT TALKING ABOUT TWO DIFFERENT THINGS WITH THE SAME
3 LANGUAGE. I THINK IT'S HEALTHIER FOR THE SHERIFF'S DEPARTMENT
4 TO HAVE A ROBUST ACCOUNTABILITY SYSTEM WHERE THE CHAIN OF
5 COMMAND DOES NOT BECOME THIS LUMBERING ELEPHANT THAT ONLY
6 SPEAKS WHEN THERE'S WATER AROUND AND AT THE HEAT OF THE DESERT
7 AND THROWS THE WATER ON ITS BACK. WHAT WE WANT IS EVERYBODY
8 GET INTO THE MUD. AND THAT'S WHAT I'M TRYING TO DO HERE TO THE
9 DEPARTMENT. THAT WHEN WE GOT A PROBLEM AS EXTENSIVE AS THE ONE
10 THAT'S BEING ALLEGED, THEN NOT ONLY DO WE WANT TO SOLVE IT,
11 BUT WE WANT TO DO BETTER. WE WANT TO BE -- QUITE FRANKLY, THE
12 GOAL OF THE SHERIFF'S DEPARTMENT -- WE WANT TO BE THE MOST
13 HUMANE LAW ENFORCEMENT AGENCY IN THE WORLD. THAT'S NOT AN
14 IMPOSSIBLE THING TO DO BECAUSE MY DEPUTIES ARE TALENTED ENOUGH
15 TO DO THAT. IT'S JUST THEY NEED SOMEONE LIKE ME TO SAY THIS IS
16 WHERE WE NEED TO GO.

17

18 **RICHARD E. DROOYAN:** IN ITS ESSENCE, IF I CAN SUMMARIZE, THE
19 COMMANDER'S MANAGEMENT TASKFORCE REPORTS DIRECTLY TO YOU SO
20 THAT, ONE, YOU HAVE THE INFORMATION YOU NEED TO KNOW ABOUT
21 WHAT'S GOING ON IN THE JAILS; AND, TWO, THAT YOU CAN TAKE
22 ACTION TO IMPLEMENT REFORMS.

23

24 **SHERIFF LEE BACA:** EXACTLY.

25

1 **RICHARD E. DROOYAN:** IS THAT CORRECT?

2

3 **SHERIFF LEE BACA:** YES.

4

5 **RICHARD E. DROOYAN:** DOES THE UNDERSHERIFF -- YOU MEET WEEKLY?

6

7 **SHERIFF LEE BACA:** OCCASIONALLY BUT GENERALLY HE DOES NOT. AND
8 I HAVE THE ASSISTANT SHERIFF THERE, CECIL RHAMBO. AND IT'S ME
9 DEALING WITH THE COMMANDERS. AND THEN IF I HAVE SOMETHING I
10 WANT THE UNDERSHERIFF TO DO, I'LL JUST GO IN TO HIM AND TELL
11 HIM THIS IS WHAT I NEED YOU TO DO. WE TALKED ABOUT THIS AND
12 THAT, LOOK INTO THIS AND GET BACK TO ME AND HE DOES.

13

14 **RICHARD E. DROOYAN:** BUT PRIMARILY WHEN YOU WANT TO FIGURE OUT
15 WHAT CHANGES NEED TO BE MADE WITH RESPECT TO THE CUSTODY SIDE,
16 YOU'RE DEALING WITH THE COMMANDERS' MANAGEMENT TASKFORCE NOT
17 THROUGH THE UNDERSHERIFF IS THAT CORRECT?

18

19 **SHERIFF LEE BACA:** THAT'S CORRECT. AND I'M ALSO DEALING WITH
20 CHIEF YIM WHO IS ATTENDING THOSE MEETINGS.

21

22 **RICHARD E. DROOYAN:** LET ME READ TO YOU IF I MIGHT WHICH IS
23 THE MISSION OF THE COMMANDERS' MANAGEMENT TASKFORCE, AND THAT
24 IS TO TRANSFORM THE CULTURE OF OUR CUSTODY FACILITIES TO
25 PROVIDE A SAFE, SECURE LEARNING ENVIRONMENT FOR OUR PERSONNEL

1 AND THE INMATES PLACED IN THEIR CARE. AND THE GOAL IS TO
2 ENHANCE THE QUALITY OF LIFE IN OUR CUSTODY COMMUNITY WHILE
3 MAINTAINING A SAFE AND SECURE LEARNING ENVIRONMENT FOR THE
4 PERSONNEL ASSIGNED EACH FACILITY AND THE INMATES WE SERVICE.
5 SHERIFF, WOULD YOU SAY THAT THAT SETS FORTH YOUR VISION OR
6 PHILOSOPHY WITH RESPECT TO THE SHERIFF'S DEPARTMENT'S APPROACH
7 TO OPERATING THE LOS ANGELES COUNTY JAILS?

8

9 **SHERIFF LEE BACA:** YES. I WROTE THOSE WORDS MYSELF.

10

11 **RICHARD E. DROOYAN:** I THOUGHT YOU DID. DO YOU BELIEVE THAT
12 PRIOR TO THE FORMATION OF THE COMMANDERS' MANAGEMENT TASKFORCE
13 -- COMMANDERS' MANAGEMENT TASKFORCE -- THAT THE CHAIN OF
14 COMMAND OVER CUSTODY, AND PRIMARILY OVER MEN'S CENTRAL JAIL,
15 HAD CARRIED OUT YOUR VISION AND PHILOSOPHY IN THE OPERATION OF
16 THE JAILS?

17

18 **SHERIFF LEE BACA:** I DO, IN THE SENSE OF ALL THE ASPECTS OF
19 WHAT WE'VE BEEN TALKING ABOUT, ALTHOUGH I THINK THAT OUR CORE
20 VALUES ARE NOT EMPHASIZED ENOUGH, WHICH LEADS TO THINGS THAT
21 OCCUR BY DEPUTIES WHO WILL USE EXCESSIVE FORCE, WHO WILL
22 OCCASIONALLY USE INAPPROPRIATE LANGUAGE WITH PEOPLE WHO ARE
23 DETAINED, WHO WILL STEP OUTSIDE THE REALM OF THE CORE VALUES
24 IN PERFORMING THEIR DUTIES. THE CORE VALUES ARE SO FINITELY
25 SET THAT THERE ARE NO EXCUSES FOR WANDERING AWAY FROM THEM.

1 AND SO IF I HAVE ANYTHING TO SAY ABOUT THE OPERATIONS, IT'S
2 NOT EASY MANAGING AN AT-RISK SOCIETY OF 15 TO 20,000 PEOPLE.
3 THAT IS NOT A SIMPLE TASK EVEN FOR GROWN UP MEN LIKE MYSELF.

4

5 **RICHARD E. DROOYAN:** GREAT.

6

7 **SHERIFF LEE BACA:** BUT IT IS A REQUIREMENT THAT WE NOT GO
8 OUTSIDE THE BOUNDARIES OF THE CORE VALUES. AND SO PART OF THIS
9 -- AND YOU'LL HEAR FROM ME IN THE FUTURE ABOUT THIS -- IS THAT
10 THE CORE VALUE VIOLATIONS, TO ME, ARE CRITICAL, AS WELL. AND
11 SO WE HAVE POLICY SECTIONS LIKE CONDUCT TOWARDS OTHERS THAT
12 ARE RATHER WIDESPREAD IN THE IMPLICATION AND MEANING, BUT CORE
13 VALUES ARE NOT WIDE SPREAD ABOUT WHAT IS THE INTERPRETATION OF
14 THEM. THEY'RE VERY, VERY PRESCRIPTIVE. AND SO THAT'S WHERE THE
15 WEAKNESS IS IN THE SYSTEM. BUT IF DEPUTIES AREN'T TAUGHT AND
16 TRAINED TO INTERACT WITH INMATES IN AN EDUCATIONAL CONTEXT,
17 THEN THE CORE VALUES ARE AT RISK WHEN YOU'RE JUST DEALING WITH
18 THEM IN TERMS OF SECURITY RESPONSIBILITY. THEY WILL ALWAYS BE
19 AT RISK.

20

21 **RICHARD E. DROOYAN:** WELL, WOULD YOU SAY YOU FORMED THE
22 COMMANDERS' MANAGEMENT TASKFORCE, WHICH SETS FORTH YOUR VISION
23 OR PHILOSOPHY, BECAUSE THE CHAIN OF COMMAND REALLY HADN'T
24 IMPLEMENTED YOUR VISION AND PHILOSOPHY FOR THE OPERATION OF
25 THE JAILS?

1

2 **SHERIFF LEE BACA:** I THINK THEY HAVE TO A DEGREE. IF WE DIDN'T
3 HAVE THIS FORCE ISSUE AS THE CORE CENTER OF OUR DISCUSSION, WE
4 WOULDN'T EVEN BE HERE TODAY. WE WOULD HAVE EVERYBODY ASSUMING
5 THAT EVERYTHING IS GOING AS BEST AS IT CAN AND THEREIN WHAT IS
6 THERE TO CHALLENGE? BUT OUR JAIL SYSTEM, AS YOU KNOW, IS THE
7 LARGEST MUNICIPAL JAIL SYSTEM IN THE WORLD. AND WE SEND 2,000
8 INMATES TO COURT EVERY DAY. WE RELEASE 500 EVERY DAY. AND WE
9 TAKE IN 500 NEW EVERY DAY EXCEPT SATURDAY AND SUNDAY. IN SPITE
10 OF ALL THAT BUSYNESS THAT THE DEPUTIES ARE INTO -- AND THEY'RE
11 WOEFULLY UNDERSTAFFED, BY THE WAY -- THEY, THEN, ARE STILL
12 CAPABLE, IN SPITE OF ALL THAT BUSYNESS, OF PROVIDING THE
13 EDUCATIONAL OPPORTUNITIES TO THESE INMATES, WHICH THEN IS, AS
14 WE MENTIONED EARLIER, REDUCING THE REASONS FOR FORCE. AND THAT
15 IS PUTTING THE DEPUTIES IN A BETTER FRAMEWORK FOR HOW TO
16 COMMUNICATE WITH PEOPLE WHO ARE HISTORICALLY LOOKED UPON AS
17 CRIMINALS. AND HOW DO WE MAKE THAT CRIMINAL A MORE RESPONSIBLE
18 ADULT? AND SO IT'S A CONVERGENCE OF NOT ONLY RESPONSIBILITY,
19 BUT IT'S ALSO A CONVERGENCE OF NOBILITY. THAT WHEN YOU EDUCATE
20 SOMEONE WHO IS A PROBLEM SOCIETY MEMBER, YOU ARE DOING
21 SOMETHING THAT'S NOT AS WHAT YOU CALL NASTY AS FORCE, BUT
22 YOU'RE DEALING WITH THE IDEA OF YOU TAKE THE I DIDN'T THINK
23 YING AND THE YANG, YOU WANT YOUR DEPUTIES TO DEAL WITH FORCE
24 APPROPRIATELY BUT TO HELP WOMEN AND MEN IN JAIL TO HAVE A
25 BETTER LIFE WHEN THEY GET OUT OF JAIL.

1

2 **RICHARD E. DROOYAN:** WE ALL AGREE WITH THAT, SHERIFF. AND I
3 THINK WE ALL APPLAUD THOSE GOALS AND THE EFFORT THAT THE
4 DEPARTMENT HAS MADE WITH RESPECT TO THE EDUCATION-BASED
5 INITIATIVE. AND I ALSO AGREE WITH YOU. IF IT WASN'T THE FORCE
6 ISSUE, WE WOULDN'T BE HERE BECAUSE THAT IS THE MANDATE OF THIS
7 COMMISSION. LET ME TURN TO THE FORCE PREVENTION POLICY YOU
8 ALLUDED TO EARLIER. AND THIS IS TAB 19. AS YOU, I THINK, HAVE
9 TOLD US, LAST FALL, YOU PERSONALLY DRAFTED A FORCE PREVENTION
10 POLICY FOR THE LOS ANGELES SHERIFF'S DEPARTMENT, WHICH IS NOW
11 EITHER SECTION 3-02/035 OF THE CUSTODY DIVISION MANUAL AND I
12 JUST WANT TO READ A COUPLE OF PARTS OF IT. IT'S ACTUALLY NOT
13 VERY LONG AND YOU ALSO PROVIDED THAT TO US HERE, AS WELL. IT
14 SAYS "THE DEPARTMENT MEMBERS SHALL ONLY USE THAT LEVEL OF
15 FORCE WHICH IS OBJECTIVELY REASONABLE TO UPHOLD SAFETY IN THE
16 JAILS AND SHOULD BE USED AS A LAST RESORT." AND THEN IT GOES
17 ON TO SAY THAT "WHEN FORCE MUST BE USED, DEPUTIES AND STAFF
18 SHALL ENDEAVOR TO USE RESTRAINT TECHNIQUES WHEN POSSIBLE AND
19 USE ONLY THAT LEVEL OF FORCE REQUIRED FOR THE SITUATION
20 CONSISTENT WITH DEPARTMENT SITUATIONAL USE OF FORCE CHART."
21 WHY DID YOU FEEL IT WAS NECESSARY TO HAVE A FORMAL USE OF
22 FORCE PREVENTION POLICY?

23

24 **SHERIFF LEE BACA:** THANK YOU FOR ASKING THAT QUESTION BECAUSE
25 IT'S SMART.

1

2 **RICHARD E. DROOYAN:** THANK YOU.

3

4 **SHERIFF LEE BACA:** WHAT DEPUTIES FEEL CULTURALLY WHEN THEY GO
5 INTO THE SYSTEM AS NEW RECRUITS, THEY FEEL THEY HAVE TO USE
6 FORCE BECAUSE THERE'S SOMEWHAT OF AN EXPECTATION THAT IF YOUR
7 FELLOW DEPUTY IS IN A FORCE SITUATION, HE COULD GET HURT, SO
8 YOU HAVE TO GO HELP. BUT AS COMMANDER PIETRATONI HAS SAID TO
9 YOU, IF HE HASN'T, I'LL SAY IT FOR YOU, HE'S TEACHING THESE
10 DEPUTIES, LISTEN, IF YOU'VE GOT TWO DEPUTIES HANDLING IT AND
11 THEY'RE DOING WELL, IT'S UNDER CONTROL, WHY DO FIVE MORE HAVE
12 TO COME RUNNING DOWN THE HALLWAY? AND WHY DO THREE MORE HAVE
13 TO GET IN THERE FOR A LITTLE PIECE OF THE RESPONSIBILITY WHEN
14 ONLY TWO ARE NEEDED TO HANDLE THE RESPONSIBILITY? AND SO WITH
15 HIS COACHING AND HIS HELPING AND TEACHING THESE YOUNGER
16 DEPUTIES, THEY'RE RELIEVED. THERE'S AN UNBELIEVABLE SENSE OF
17 WELL, I APPRECIATE THE FACT THAT MANAGEMENT ISN'T EXPECTING ME
18 TO ALWAYS DO SOMETHING WHEN I'M NOT NEEDED. BUT IT TAKES WHAT
19 WE NOW CALLED FORCE PREVENTION POLICY TO KICK IN THE
20 OBJECTIVITY THINKING AND THEN TO BECOME MORE TACTICALLY SOUND
21 WHEN YOU DO GET INTO FORCE. AND MORE IS NOT NECESSARILY
22 BETTER. IT CAN BE IN CERTAIN SITUATIONS IF NECESSARY. BUT IT
23 DOESN'T MEAN ALL SITUATIONS NEED AS MANY DEPUTIES AS POSSIBLE
24 TO DEAL WITH THE SUBJECT.

25

1 **RICHARD E. DROOYAN:** COMMANDER PIETRATONI, WHO IS SITTING
2 THERE, HAS IN FACT EXPLAINED THAT TO US. I THINK CERTAINLY WE
3 APPLAUD THAT. FROM AN OUTSIDER'S PERSPECTIVE AND SOMEONE -- I
4 HAD LAW ENFORCEMENT EXPERIENCE BUT I'M NOT A LAW ENFORCEMENT
5 OFFICER AND I DON'T PURPORT TO HAVE THE EXPERTISE THAT YOU ALL
6 HAVE -- IT JUST SEEMS TO ME BASIC THAT FORCE SHOULD BE USED AS
7 A LAST RESORT AND THAT ONLY THAT LEVEL OF FORCE THAT IS
8 REQUIRED SHOULD BE USED. THAT JUST SEEMS TO ME TO BE BASIC
9 PRINCIPLE. WOULD YOU AGREE WITH THAT?

10

11 **SHERIFF LEE BACA:** YES. BUT LET ME SAY THIS. TO EVERY WORD OF
12 WISDOM, HUMANITY WILL ALWAYS FIND AN EXCEPTION. THE EXCEPTION
13 IS WHEN THE INMATES ARE FIGHTING WITH THEMSELVES. AND THESE
14 ARE CASES THAT ARE NOT STIMULATED BY DEPUTIES AND THEY'RE NOT
15 STIMULATED BY OTHER INMATES IN THE SYSTEM. IT'S STIMULATED BY
16 THE REALITY THAT WHEN YOU INCARCERATE MEN AND THEY'VE HAD
17 VIOLENCE IN THEIR PAST AND THEY GET INTO VERBAL DISPUTES ABOUT
18 THEIR PRESENT, THAT THEY ARE VERY VULNERABLE TO FORCE IN TERMS
19 OF THEIR REMEDY. IT WOULD BE BETTER FOR ME TO SET THAT NEXT
20 LEVEL OF JAIL CONDUCT POLICY TO SAY TO INMATES NOW, NOW THAT
21 I'VE SEEN THE SUCCESS IN TELLING DEPUTIES TO PREVENT FORCE,
22 I'VE NOW GOT TO GET INTO A CAMPAIGN WITH THE INMATES TO TELL
23 THEM NOT TO USE FORCE. AND THAT'S GOING TO BE HARDER TO DO,
24 OKAY. AND SO WE'RE WILLING, I'M WILLING TO ACCEPT THAT WE CAN
25 IMPROVE WHEN WE INITIATE FOR WHATEVER OUR REASONS ARE, THEY'RE

1 JUSTIFIABLE; BUT WHEN INMATES USE FORCE, AND SOMETIMES THEY
2 CAN BE BRUTAL, OKAY. WHEN THEY FIGHT WITH EACH OTHER, IT COULD
3 BE DEATH. AND I DON'T THINK WE SHOULD EVER NOT REMEMBER THIS
4 WHOLE PART OF DEPUTY OBLIGATION. THAT WE'RE OBLIGATED TO BREAK
5 UP THEIR FIGHTS. WE'RE OBLIGATED TO BREAK UP THEIR ASSAULTS ON
6 EACH OTHER. AND WE SEE HUNDREDS OF -- SEIZE HUNDREDS OF TOOLS
7 THAT THEY USE TO STAB EACH OTHER WITH, HOMEMADE AND
8 EVERYTHING. WE HAVEN'T EVEN GOTTEN INTO THAT.

9

10 **RICHARD E. DROOYAN:** LET ME JUST STOP YOU. I DON'T THINK THERE
11 IS ANYBODY OR ANY MEMBER OF OUR PANEL WHO DISPUTES THE NOTION
12 THAT THERE ARE SITUATIONS IN WHICH YOUR DEPUTIES HAVE TO USE
13 FORCE. NO ONE QUESTIONS THAT. AND THE INMATE-ON-INMATE FIGHT,
14 PROBABLY A GOOD EXAMPLE OF A SITUATION IN WHICH SOME DEGREE OF
15 FORCE IS GOING TO BE NECESSARY. I DON'T THINK ANYBODY'S
16 DISPUTING THAT. I DO CHALLENGE YOU AS TO THE ISSUE OF WHETHER
17 OR NOT THAT REQUIRES AN EXCEPTION. IT REQUIRES FORCE. AND IT,
18 SEEMS TO ME, UNDER YOUR POLICY, FORCE IS JUSTIFIED AND IT
19 REQUIRES THE MINIMUM AMOUNT OF FORCE NECESSARY, IF IT'S A BIG
20 FIGHT, IT WILL REQUIRE MORE FORCE, BUT IT STILL FALLS WITHIN
21 YOUR POLICY.

22

23 **SHERIFF LEE BACA:** CORRECT.

24

1 **RICHARD E. DROOYAN:** WHY DIDN'T LOS ANGELES SHERIFF'S
2 DEPARTMENT HAVE A USE OF FORCE PREVENTION POLICY BEFORE YOU
3 WROTE IT IN LATE 2011?

4

5 **SHERIFF LEE BACA:** THAT'S A GREAT QUESTION.

6

7 **RICHARD E. DROOYAN:** I GOT TWO OF THEM NOW.

8

9 **SHERIFF LEE BACA:** IT'S AN OUT-OF-THE-BOX ANSWER. I QUESTIONED
10 THE AMERICAN JAIL -- QUERIED THE AMERICAN JAIL ASSOCIATION AND
11 I'VE BEEN ALL OVER THIS COUNTRY IN LOOKING AT JAILS AND SO
12 FORTH IN MY DIFFERENT LEVELS OF RESPONSIBILITY. IT JUST MAKES
13 TOO MUCH SENSE TO HAVE DONE IT IN THE PAST, THAT'S ALL.

14

15 **RICHARD E. DROOYAN:** MY UNDERSTANDING IS THAT AT LEAST UP TO
16 EARLIER THIS YEAR, THE DEPARTMENT HAD A CASE REVIEW PROCESS
17 WHEREBY THE UNDERSHERIFF AND THE ASSISTANT SHERIFFS FOR PATROL
18 AND FOR CUSTODY, REVIEWED DISCIPLINARY RECOMMENDATIONS FROM
19 THE DIVISION CHIEFS AND THEY HAD THE FINAL DECISION TO IMPOSE
20 DISCIPLINE IN THE MOST SERIOUS CASES. DO I HAVE A CORRECT
21 DESCRIPTION OF THE PROCESS?

22

23 **SHERIFF LEE BACA:** YES.

24

1 **RICHARD E. DROOYAN:** AND IT IS ALSO MY UNDERSTANDING THAT YOU
2 DISBANDED THIS CASE REVIEW PROCESS EARLIER THIS YEAR, IS THAT
3 RIGHT?

4

5 **SHERIFF LEE BACA:** NO. I SUSPENDED ELEMENTS AND THEN BROUGHT IN
6 THE PROCESS AND REINSTATED IT. THE POINT OF IT ALL IS --

7

8 **RICHARD E. DROOYAN:** YOU REVIEWED THE PROCESS?

9

10 **SHERIFF LEE BACA:** CORRECT. IF WE'RE GOING TO DO THIS REVIEW --
11 AND THERE IS CASES WHERE PEOPLE ARE NOT AGREEING, THERE'S LIKE
12 A SPLIT VOTE, SO FORTH. AND EVEN IF THEY ARE AGREEING, I WANT
13 TO KNOW WHAT THE DISPOSITION IS AND THE OUTCOME OF WHAT WE'RE
14 GOING TO DO TO CORRECT THE MEASURE, INCLUDING WHAT COULD BE A
15 DISCHARGE OF AN EMPLOYEE. I WANT TO KNOW BEFORE YOU GUYS GO
16 INTO FULL ACTION WITH THE CONSEQUENCES OF THE INVESTIGATION. I
17 WANT TO KNOW WHAT YOUR REMEDY IS.

18

19 **RICHARD E. DROOYAN:** WELL THE PROCESS UP UNTIL RECENTLY WAS
20 THAT IT WOULD BE THE UNDERSHERIFF AND THE TWO ASSISTANT
21 SHERIFFS.

22

23 **SHERIFF LEE BACA:** RIGHT.

24

1 **RICHARD E. DROOYAN:** THEY HAVE ALL BEEN RELIEVED OF THAT
2 RESPONSIBILITY, CORRECT?

3

4 **SHERIFF LEE BACA:** YES. BUT THEY CAN WITNESS WHAT'S GOING ON
5 WITH THESE COMMANDERS.

6

7 **RICHARD E. DROOYAN:** BUT YOU HAVE THREE COMMANDERS NOW WHO HAVE
8 REPLACED THAT FORMER PROCESS?

9

10 **SHERIFF LEE BACA:** CORRECT.

11

12 **RICHARD E. DROOYAN:** AND THEY THEN REPORT TO YOU, CORRECT?

13

14 **SHERIFF LEE BACA:** CORRECT.

15

16 **RICHARD E. DROOYAN:** BUT FORMALLY AT LEAST THE UNDERSHERIFF AND
17 THE TWO ASSISTANT SHERIFFS ARE NOW OUT OF THE CASE REVIEW
18 PROCESS, IS THAT CORRECT?

19

20 **SHERIFF LEE BACA:** YES.

21

22 **RICHARD E. DROOYAN:** AND WHY WAS THAT CHANGE MADE?

23

24 **SHERIFF LEE BACA:** WELL, YOU KNOW, GETTING A LITTLE INFORMAL,
25 BUT I'LL GIVE IT TO YOU. I'VE SAID, YOU KNOW, THE ASSISTANT

1 SHERIFF WORKS FOR THE SHERIFF. THE ASSISTANT SHERIFF MEANS
2 YOU'RE ASSISTING ME. AND THE UNDERSHERIFF WORKS FOR ME IN THE
3 SAME VEIN. WHEN IT COMES TO THESE MORE SENSITIVE MATTERS, I
4 WANT TO REPRESENT MYSELF.

5

6 **RICHARD E. DROOYAN:** THANK YOU. ACCORDING TO THE -- LET ME JUST
7 BACK UP. MY UNDERSTANDING IS THAT THE ICIB, THE INTERNAL
8 CRIMINAL INVESTIGATIONS BUREAU, NOW REPORTS TO YOU; IS THAT
9 CORRECT? THE CAPTAIN REPORTS TO YOU?

10

11 **SHERIFF LEE BACA:** RIGHT.

12

13 **RICHARD E. DROOYAN:** AND UP UNTIL I THINK FEBRUARY OF THIS
14 YEAR, ICIB REPORTED TO UNDERSHERIFF TANAKA, IS THAT CORRECT?

15

16 **SHERIFF LEE BACA:** AT MY DIRECTION ONCE EARLIER, BUT THEN I
17 REVERTED IT TO ME WHEREAS BEFORE IT WAS UNDER LEADERSHIP AND
18 TRAINING.

19

20 **RICHARD E. DROOYAN:** SO IT WENT FROM LEADERSHIP AND TRAINING TO
21 UNDERSHERIFF TANAKA THEN TO YOU?

22

23 **SHERIFF LEE BACA:** RIGHT.

24

1 **RICHARD E. DROOYAN:** WHY DID YOU MAKE THE CHANGE OF HAVING ICIB
2 REPORT TO YOU.

3

4 **SHERIFF LEE BACA:** THE UNDERSHERIFF TOOK CARE OF WHAT I
5 PRELIMINARILY WANTED AND THAT WAS FOR THE DISCIPLINARY
6 DECISIONS TO BE, IN FACT, THE BEST THAT THEY COULD BE AND NOT
7 TO SUGGEST THAT IT ISN'T THAT WAY 90 PERCENT OF THE TIME. BUT
8 THERE WERE SOME EXCEPTIONS IN CERTAIN CASES WHERE THE
9 ACCOUNTABILITY FOR THE TRANSGRESSION OF THE EMPLOYEE WAS NOT
10 SUFFICIENT IN MY JUDGMENT. AND SO THAT'S WHEN IT WENT OVER TO
11 THE UNDERSHERIFF. AND EVERY CASE THAT HE HAS REVIEWED, HE HAS
12 BEEN EXTRAORDINARILY OBJECTIVE, EXTRAORDINARILY ON POINT. AND
13 IN MY DISCUSSIONS WITH HIM, THERE WAS NO ISSUE. HOWEVER,
14 BECAUSE OF ALL THE HOOPLA REGARDING THE BLOGS CONCERNING HIM,
15 I DECIDED THAT'S ENOUGH. I'LL JUST TAKE THAT MYSELF, DEAL WITH
16 IT AS I HAVE AS WITH YOU EXCEPT JUST LET HIM RUN OTHER
17 OPERATIONS, I'LL TAKE CARE OF DISCIPLINARY MATTERS.

18

19 **RICHARD E. DROOYAN:** AND SIMILARLY WITH RESPECT TO IAB. IAB IS
20 UNDER LEADERSHIP AND TRAINING WITH CHIEF ABNER. AND WITH
21 RESPECT TO IAB MATTERS SHE REPORTS TO YOU, AS WELL, CORRECT?

22

23 **SHERIFF LEE BACA:** IT'S STILL A DIRECT REPORT TO ME AND SHE
24 UPDATES ME REGULARLY ON A WEEKLY BASIS AND THE CAPTAIN COMES
25 IN AND UPDATES ME AS WELL AS THE INTERNAL CRIMINAL.

1

2 **RICHARD E. DROOYAN:** AND FORMALLY IAB REPORTED TO THE
3 UNDERSHERIFF AS WELL, CORRECT?

4

5 **SHERIFF LEE BACA:** YES. WE MADE SOME ADJUSTMENTS TEMPORARILY
6 AND NOW THEY'RE ALL REPORTING TO ME.

7

8 **RICHARD E. DROOYAN:** AND THE REASON WHY IAB NOW REPORTS TO YOU
9 AND NOT THE UNDERSHERIFF IS THE SAME AS THE REASON WHY ICIB
10 NOW REPORTS TO YOU?

11

12 **SHERIFF LEE BACA:** YES.

13

14 **RICHARD E. DROOYAN:** LET'S TURN TO POSITIVE NEWS. TAB 14. THIS
15 IS A CHART WE PREPARED FOR THE YEARS 2006-2012. IT'S BASED
16 PRIMARILY ON THE FAST DATA UP THROUGH 2011. BUT FOR 2011, WE
17 USED THE RECENT DATA THAT YOU SUBMITTED TO THE BOARD OF
18 SUPERVISORS THAT'S ALSO, ACTUALLY THIS LETTER TO THE
19 COMMISSIONERS, APPENDIX NO. 5. AND WHAT THIS SHOWS IS THAT
20 FROM THE FIVE-YEAR PERIOD OF JANUARY OF 2006 TO DECEMBER 2010,
21 THE AVERAGE NUMBER OF FORCE INCIDENTS PER MONTH WAS 84. AND
22 THE AVERAGE NUMBER OF SIGNIFICANT FORCE INCIDENTS PER MONTH
23 WAS 51. AND THEN FOLLOWING THE QUIET CANNON INCIDENT, WHICH
24 WAS IN DECEMBER 2010, IT DID DROP OFF TO 63 A MONTH AND
25 SIGNIFICANT NUMBERS 41. AND HERE'S THE GOOD NEWS: SINCE YOU

1 FORMED THE COMMANDERS' MANAGEMENT TASKFORCE AND SINCE THIS
2 COMMISSION WAS FORMED, THE AVERAGE NUMBER OF INCIDENTS PER
3 MONTH HAS DROPPED OFF TO 38, AND THE AVERAGE NUMBER OF
4 SIGNIFICANT FORCE INCIDENTS HAS DROPPED OFF TO 20. SO MORE
5 THAN HALF OF WHAT IT WAS FROM '06 TO 2010 AND ABOUT 40 PERCENT
6 OF WHAT IT WAS, THE SIGNIFICANT USE OF FORCE DURING THAT
7 PERIOD OF TIME. AND THOSE ARE CERTAINLY SIGNIFICANT
8 IMPROVEMENTS. WOULD YOU SUMMARIZE FOR US WHAT YOU BELIEVE
9 ACCOUNTS FOR THIS REDUCTION IN THE USE OF FORCE IN THE LAST
10 ANYBODY MONTHS IN THE LOS ANGELES COUNTY JAILS?

11

12 **SHERIFF LEE BACA:** IT'S A HOST OF THINGS. I DON'T WANT TO GO
13 TOO LONG HERE.

14

15 **RICHARD E. DROOYAN:** TOUCH ON JUST THE VARIOUS FACTORS YOU
16 THINK ACCOUNT FOR THIS SIGNIFICANT REDUCTION IN THE USE OF
17 FORCE IN THE JAILS.

18

19 **SHERIFF LEE BACA:** FORCE PREVENTION POLICY, CAPTAINS' TOWN HALL
20 MEETINGS, EDUCATION-BASED INCARCERATION, A STRONGER POLICY OF
21 ACCOUNTABILITY FOR FORCE REPORTS, THE INPUT FROM DEPUTIES AND
22 SERGEANTS AND COMMAND STAFF IN THE JAILS. I'VE MET WITH ALL
23 THE CAPTAINS IN THE JAILS AND INDICATED TO THEM THE VALUE OF
24 THEIR LEADERSHIP EVEN WITH THE INMATES. AND THEY'VE RESPONDED
25 EXTRAORDINARILY TO THE CHALLENGE. IN MY VISITS TO THE

1 COMMANDS, I'M DOING EXTENSIVE PROGRAMMING AND CLASS ROOMS ARE
2 BEING WELL ATTENDED AND RELUCTANT INMATES ARE NOW BECOMING
3 LESS RELUCTANT FOR SCHOOL PURPOSES. 19 ADDITIONAL SERGEANTS IN
4 THE CENTRAL JAIL THAT I PUT THERE BECAUSE IT WAS REALLY
5 NEEDED. IN YOUR PACKET THAT I GAVE YOU, I ASKED THE BOARD FOR
6 91 ADDITIONAL SERGEANTS SYSTEM-WIDE. I'M HOPING YOU'LL PASS
7 THAT RECOMMENDATION ON TO THEM. BUT IT DOES TAKE SUPERVISION.
8 ALL THESE SYSTEMS ARE NOT GOING TO WORK WELL IF YOU'RE THIN-
9 STAFFED. AND I DON'T WANT TO MAKE EXCUSES OR SCAPEGOAT THIN
10 STAFF, BUT THE KEY IS THAT YOU DO NEED HUMAN RESOURCES TO MAKE
11 SYSTEMS WORK WELL. THE STAFFING IN THE JAILS HAS BEEN DEPLETED
12 BECAUSE OF OUR RECESSION. BUT WHEN YOU'RE HAVING TO SAVE NET
13 COUNTY COST DOLLARS, THAT'S THE ONLY AREA YOU COULD GO AND
14 HAVE AMPLE SAVINGS.

15

16 **RICHARD E. DROOYAN:** NOTWITHSTANDING THAT REDUCTION, YOU'VE
17 SHOWN SIGNIFICANT RESULTS.

18

19 **SHERIFF LEE BACA:** THAT'S MY POINT. YOU SEE BECAUSE IN THE
20 ONSET, WHEN I FIRST MET WITH THE ACLU AND NOW MEETING WITH
21 YOU, THE CULTURE IN THE JAILS WAS NOT CONDUCIVE ENOUGH TO
22 REDUCE VIOLENCE. THE THEORIES OF HUMAN BEHAVIOR WERE THAT WE
23 WERE IN A CASTE SYSTEM. INMATES ARE ON THE BOTTOM OF THE CASTE
24 SYSTEM, THEN THE DEPUTIES AND THE SERGEANTS AND ALL THE
25 DIFFERENT STAFF AND THE NURSES AND SO FORTH. BUT WHEN YOU GET

1 RIGHT DOWN TO IT, THE FUNDAMENTAL QUESTION IS TO THE PUBLIC:
2 WHAT DO YOU WANT COMING OUT OF YOUR JAILS? AN UNPREPARED
3 PRISONER OR A PREPARED PRISONER? AND SO WHO'S GOING TO PREPARE
4 THESE PRISONERS FOR A BETTER LIFE? WELL I DON'T HAVE ANY EXTRA
5 RESOURCES. SO THE DEPUTIES ARE GOING TO HAVE TO CARRY THE
6 LOAD. AND TO THEIR CREDIT, YOU SEE, IF YOU GIVE THEM THE
7 INSPIRATION AND LEADERSHIP AND THE MISSION, THEY CAN GO FROM
8 THIS THING ABOUT USING FORCE ALL THE WAY OVER TO THIS OTHER
9 HALF OF THE EQUATION, WHICH IS TEACHING INMATES HOW TO HAVE A
10 BETTER LIFE. AND IF YOU GET BOTH, YOU'LL DO BOTH WELL. IF YOU
11 ONLY DO ONE, YOU MAY NOT DO THE ONE WELL, WHICH IS THE USE OF
12 FORCE THING.

13

14 **RICHARD E. DROOYAN:** ALL THIS RAISES A FUNDAMENTAL QUESTION.
15 EVERYTHING YOU JUST TOLD US AND THOSE STATISTICS. WHY DIDN'T
16 THE SHERIFF'S DEPARTMENT TAKE THESE STEPS TO REDUCE THESE
17 FORCE MUCH EARLIER?

18

19 **SHERIFF LEE BACA:** WELL, THERE IS A REASON FOR A SHERIFF, ISN'T
20 THERE? IT'S JUST A MATTER OF HOW DO WE GO ABOUT DOING OUR
21 BUSINESS WITHIN THE CHAIN OF COMMAND AND HOW DO WE DO OUR
22 BUSINESS OUTSIDE THE CHAIN OF COMMAND? NOW, I'M NOT THROUGH
23 WITH THIS INNOVATION PROCESS. YOU KNOW, I'VE GOT OTHER
24 OPERATIONS WHERE I WANT COMMANDERS TO GO IN THERE AND EXAMINE
25 PROCESSES ACROSS DIVISIONAL LINES. YOU KNOW, THE GREATEST

1 STRENGTH IS ALSO YOUR GREATEST WEAKNESS. WE HAVE A GREAT
2 BUREAUCRACY AND IT'S VERY STRONG. BUT IT'S ALSO OUR WEAKNESS.
3 YOU KNOW, THERE ARE A NUMBER OF THINGS I COULD SAY, BUT EVEN
4 IN SOME OF THE GREAT WORDS OF SCHOLARS OF THE WORLD, A WAY OF
5 SEEING IS ALSO A WAY OF NOT SEEING. AND I'M ONE WHO TRIES TO
6 SEE MORE THAN IS ABLE TO BE SEEN. AND WHEN YOU START LOOKING
7 AS DEEPLY AS I HAVE INTO THE SYSTEM, THEN YOU'RE GOING TO SEE
8 A LOT OF THINGS.

9

10 **RICHARD E. DROOYAN:** LET ME ASK YOU, BASED UPON YOUR REFORMS,
11 ALL THE THINGS YOU HAVE ACCOMPLISHED, LOOKING AT THESE
12 STATISTICS, WOULD YOU AGREE THAT THIS CERTAINLY SUGGESTED THAT
13 MUCH OF THE FORCE THAT WE SEE UP THERE PRIOR TO THE FORMATION
14 OF THE TASKFORCE, PRIOR TO THE FORMATION OF THIS COMMISSION,
15 THAT MUCH OF THE FORCE COULD HAVE BEEN AVOIDED? WOULD YOU
16 AGREE WITH THAT?

17

18 **SHERIFF LEE BACA:** YEAH. I WOULD AGREE WITH THAT. I WOULD SAY
19 PREVENTED.

20

21 **RICHARD E. DROOYAN:** PREVENTED, OR AVOIDED, SO YOU WOULDN'T
22 HAVE INSTANCES WHERE YOU WERE USING 84 USES OF FORCE PER MONTH
23 WHEN YOU HAVE NOW BEEN ABLE TO REDUCE IT TO 38. YOU AVOIDED OR
24 PREVENTED A LOT OF FORCE, CORRECT?

25

1 **SHERIFF LEE BACA:** RIGHT.

2

3 **RICHARD E. DROOYAN:** YOU AGREE WITH THAT.

4

5 **SHERIFF LEE BACA:** BUT, REMEMBER, I DON'T BELIEVE WITHOUT
6 EDUCATION-BASED INCARCERATION, I DON'T BELIEVE THESE NUMBERS
7 WOULD BE AS GOOD AS THEY ARE. SO THE INMATES HAVE AN
8 OBLIGATION, TOO.

9

10 **RICHARD E. DROOYAN:** SHERIFF, I'M NOT QUESTIONING THE VALUE OF
11 YOUR EDUCATION-BASED INITIATIVE. THAT'S ONE OF THE FACTORS
12 THAT YOU CITED WHICH HAVE CAUSED THIS REDUCTION. TAB 19. BUT
13 LET ME TURN NOW TO -- THIS IS THE DEPARTMENT'S DEFINITION THAT
14 I WANT TO READ YOU. "UNREASONABLE FORCE IS THAT FORCE THAT IS
15 UNNECESSARY OR EXCESSIVE GIVEN THE CIRCUMSTANCES PRESENTED TO
16 DEPARTMENT MEMBERS AT THE TIME THE FORCE IS APPLIED. AND THAT
17 UNREASONABLE FORCE IS PROHIBITED." NOW GOING BACK TO THE
18 NUMBERS WE LOOKED AT, BASED UPON THE DEPARTMENT'S OWN
19 DEFINITION HERE, WOULD YOU AGREE THAT MUCH OF THE FORCE USED
20 IN THE L.A. COUNTY JAILS PRIOR TO OCTOBER 2011 WAS
21 UNNECESSARY? AND THEREFORE WAS OUT OF DEPARTMENT POLICY?

22

23 **SHERIFF LEE BACA:** WELL, I COULDN'T SAY THAT FOR A FACT, OKAY.
24 YOU KNOW, WE'RE DEALING WITH STATISTICS, WE'RE NOT ANALYZING
25 EACH AND EVERY CASE. I'LL TELL YOU, ONE OF THE CORE VALUES IS

1 THE WISDOM TO APPLY COMMON SENSE AND FAIRNESS IN ALL THAT YOU
2 DO. THAT'S THE THIRD STANZA OF THE CORE VALUES. MY JOB AS A
3 LEADER IN THE SHERIFF'S DEPARTMENT IS TO BE AS FAIR AS I
4 POSSIBLY CAN BE. NOW, THAT ALONE SHOWS YOU OBVIOUSLY THAT
5 THINGS COULD HAVE BEEN DONE BETTER IN THE PAST. BUT I'VE SAID
6 THAT, YOU SEE. THE VEHICLE OF CHANGE IS NOT THE PROVABLE PAST
7 EXCLUSIVELY. THE VEHICLE OF CHANGE IS THE VISION OF HUMAN
8 BEHAVIOR AND WHERE IT CAN CHANGE. AND THAT'S WHAT YOU WANT.
9 YOU WANT PEOPLE TO CHANGE HOW THEY PERFORM AS DEPUTIES AND YOU
10 WANT INMATES TO CHANGE AS TO HOW THEY PERFORM AS PEOPLE
11 INCARCERATED. NOW, WHERE ARE WE GOING TO MEET? WE'RE GOING TO
12 MEET IN THE MIDDLE IN AN ORDERLY WAY. AND THEN WE'RE GOING TO
13 SAY TO EACH OTHER, WE CAN ALL DO BETTER TO MAKE THIS PLACE
14 MORE PURPOSEFUL. RIGHT NOW, JAILS ARE QUESTIONABLY PURPOSEFUL.
15 ALL WE'RE DOING IS SATISFYING THE ANXIETY OF OUR PUBLIC TO
16 KEEP CROOKS OFF THE STREET. NOW, AT THE SAME TIME, WITH THE
17 INFUSION OF THESE CHANGES THAT WE'VE ALL DONE TOGETHER HERE,
18 AND I'LL GIVE THIS COMMISSION A BIG STAR AND CREDIT FOR THE
19 FACT THAT YOU'RE PART OF THE STIMULUS FOR US WANTING TO
20 ADVANCE OURSELVES AS FAST AS POSSIBLE. SO THE OPENING OF THE
21 SOLUTIONS BECOMES AS PUBLIC AS IT CAN POSSIBLY BE AND WITH
22 YOUR SUGGESTIONS ON TOP OF IT. I BY NO MEANS FEEL THIS IS A
23 COMPLETELY FINISHED PROCESS. BUT THERE'S A WAY OF ASCRIBING
24 THE FUTURE AS HIGHLY POSSIBLE FOR SOME OF THE THINGS IN THE

1 PAST THAT INDICATE A FUTURE COULD BE BETTER. THAT'S HOW I SEE
2 THE STATUS. WE COULD DO BETTER.

3

4 **RICHARD E. DROOYAN:** LET ME TALK A LITTLE BIT ABOUT SOME
5 MANAGEMENT FOR A MOMENT, WHICH IS A PAST AND A PRESENT ISSUE,
6 IT SEEMS TO ME.

7

8 **SHERIFF LEE BACA:** OKAY.

9

10 **RICHARD E. DROOYAN:** MR. TANAKA WAS THE ASSISTANT SHERIFF OF
11 CUSTODY FOR AT LEAST TWO YEARS, '05 THROUGH '06, ACTUALLY HE
12 SAID THROUGH JUNE OF 2007. MR. CAVANAUGH WAS ASSISTANT SHERIFF
13 FOR CUSTODY FOR SEVERAL YEARS. MR. TANAKA IS CURRENTLY YOUR
14 UNDERSHERIFF. YOU'VE IDENTIFIED AREAS IN WHICH THEY FAILED TO
15 TELL YOU ABOUT CERTAIN THINGS THAT THEY SHOULD HAVE TOLD YOU
16 ABOUT. MR. CAVANAUGH FAILED TO GET INVOLVED IN CERTAIN THINGS
17 THAT HE SHOULD HAVE GOTTEN INVOLVED IN, SHOULD HAVE TOLD YOU
18 ABOUT. YOU'VE FORMED A COMMANDERS' MANAGEMENT TASKFORCE TO CUT
19 THROUGH THE BUREAUCRACY. YOU'VE DISBANDED THE CASE REVIEW
20 PROCESS, WHICH FORMALLY WAS UNDER THE UNDERSHERIFF AND THE TWO
21 ASSISTANT SHERIFFS. YOU NOW HAVE BOTH ICIB AND IAB REPORTING
22 DIRECTLY TO YOU. ALL THIS SUGGESTS THAT YOU'VE LOST SOME
23 CONFIDENCE IN THE UNDERSHERIFF TANAKA, YOUR ASSISTANT SHERIFF
24 CAVANAUGH AND ASSISTANT SHERIFF RAMBO, IS THAT CORRECT?

25

1 **SHERIFF LEE BACA:** IT'S NOT THAT PERSONAL. IT'S A BUREAUCRACY
2 ISSUE. BACK TO SCHOLARLY WORK. EVERY CHAIN OF COMMAND HAS
3 INHERENT GAPS NOT BASED ON HUMAN INCOMPETENCE IT'S JUST BASED
4 UPON PROCESS AND THE FACT THAT WE RELY A LITTLE BIT TOO MUCH
5 ON PAPER TO UNDERSTAND WHAT WENT WRONG. I'M GREAT WITH THE
6 ANALYTICS. YOU ALREADY KNOW THAT. AT THE SAME TIME, I BELIEVE
7 THAT COMMUNICATION IS THE HEIGHT OF ACCOUNTABILITY, THAT WHEN
8 YOU TALK TO EACH OTHER -- DEPUTIES, IN MY OPINION, IN THE JAIL
9 WERE IGNORED BY THEIR SUPERVISORS FOR A LARGE PERIOD OF THEIR
10 SHIFT WORK. AND THEY THEMSELVES TOLD ME THEY'D LIKE TO SEE A
11 LITTLE MORE INTERACTION WITH THE MANAGEMENT. NOW WHEN THE
12 DEPUTIES TELL ME THINGS LIKE THIS, I KNOW THAT THERE'S ANOTHER
13 ISSUE HERE, AND THAT IS: HOW DO YOU MEASURE COMMUNICATION? ALL
14 RIGHT. AND THEN HOW DO YOU DECIDE WHAT COMMUNICATION IS MOST
15 APPROPRIATE? THAT'S WHY WE'VE HAD PIETRATONI IN THERE BECAUSE
16 HE'S A MASTER COMMUNICATOR. I'VE KNOWN THAT SKILL ABOUT HIM
17 FOR A LONG, LONG TIME. BUT SO IS OLMSTED A MASTER
18 COMMUNICATOR, OKAY? SO THEY'VE GOT SIMILAR QUALITIES. CRUZ, I
19 DON'T THINK HE WAS AS STRONG A COMMUNICATOR, BUT HE WAS DOING
20 WELL WHEN HE GOT TRANSFERRED AND HE WAS ALSO DOING WELL WHERE
21 HE WAS IN HIS TRANSFERRED ASSIGNMENT. SO IT'S INTERESTING THAT
22 I HAVE TO FIT THE RIGHT PERSON FOR THE RIGHT POSITION. AND
23 THAT'S MY FAULT. MY DESIRE IS TO HAVE THE TWO-TRACK SYSTEM
24 WHERE I HAVE PROFESSIONALS COMING UP THE CHAIN OF COMMAND
25 WITHIN CUSTODY WHO HAVE A PASSION FOR CUSTODY. AND THERE'S

1 THIS ISSUE OF SUPERVISORS THAT GO THERE THAT DON'T HAVE A
2 PASSION FOR CUSTODY. WELL, MY CHAIN OF COMMAND WILL NOT HAVE A
3 PASSION FOR CUSTODY IF I DON'T HAVE A PASSION FOR CUSTODY. SO
4 LET ME SAY: I DO HAVE A PASSION FOR CUSTODY. BUT I ALSO HAVE A
5 REALITY THAT WE CAN MAKE A BIGGER DIFFERENCE IN THE LIVES OF
6 THE PUBLIC AND CRIME, AND WE CAN PREVENT CRIME BY THIS
7 EDUCATION-BASED INCARCERATION. SO IT'S KIND OF THE INVISIBLE
8 TOOL OF MANAGEMENT, IT REALLY ISN'T SOMETHING THAT YOU CAN PUT
9 INTO A SERGEANT OR LIEUTENANT EXCLUSIVELY. BUT EVERYTHING ELSE
10 YOU CAN.

11

12 **RICHARD E. DROOYAN:** LET ME ASK THE QUESTION SLIGHTLY
13 DIFFERENTLY THEN, GIVEN THAT THERE'S BEEN A DRAMATIC DECREASE
14 IN FORCE SINCE OCTOBER WHEN YOU FORMED THE COMMANDER
15 MANAGEMENT TASKFORCE. MR. TANAKA AND MR. CAVANAUGH AND MR.
16 RAMBO OVERSAW THE CUSTODY SIDE FOR NEARLY FOUR YEARS BEFORE
17 YOU FORMED THE COMMANDERS' MANAGEMENT TASKFORCE. WE STILL HAVE
18 THESE PEOPLE IN THE TOP POSITIONS IN THE LASD. YOU IDENTIFIED
19 A NUMBER OF INSTANCES IN WHICH THEY FAILED TO TELL YOU ABOUT
20 IMPORTANT MATTERS. CHIEF BURNS WAS THE CHIEF OF CUSTODY
21 OPERATIONS FROM 2008 AND WAS KEPT IN THAT POSITION UNTIL HE
22 RETIRED IN MARCH OF 2012. SHERIFF, WHAT HAVE YOU DONE, IF
23 ANYTHING, TO HOLD YOUR SENIOR MANAGEMENT ACCOUNTABLE FOR THE
24 LEVELS OF FORCE IN THE L.A. COUNTY JAILS BEFORE YOU FORMED THE
25 COMMANDERS' MANAGEMENT TASKFORCE?

1

2 **SHERIFF LEE BACA:** MY SENIOR MANAGERS THAT WORK AT THE OFFICE
3 AREA THAT I WORK AT ARE ESSENTIALLY NO DIFFERENT THAN ME. WE
4 ALL DEPEND ON THE PEOPLE WHO WORK FOR US. WE'RE NOT
5 INDEPENDENT ACTORS. THE PEOPLE THAT ARE IN THE COMMAND
6 POSITIONS HAVE THE OBLIGATION TO PASS THROUGH THE SYSTEM THE
7 INFORMATION THAT IS NECESSARY FOR CORRECTIVE MEASURES. IN THIS
8 CASE, YOU'VE ALREADY POINTED OUT ALL OF THIS, THE MEMOS DONE
9 BY McCORKLE AND JOHNSON AND OLMSTED NEVER REACHED OUR HIGHER
10 LEVEL. WHEN I ASKED CHIEF BURNS IF HE SAW THEM, HE SAID HE
11 NEVER SAW THOSE MEMOS HIMSELF. NOW IF YOU ASK ONE OF THE
12 COMMANDERS, HE SAID HE DID TALK TO HIM. SO HERE I AM STUCK
13 WITH THE REALITY THAT MR.--

14

15 **RICHARD E. DROOYAN:** BUT THE THING WHERE YOU ACKNOWLEDGED HERE
16 TODAY ASSISTANT SHERIFF TANAKA DIDN'T TELL YOU ABOUT THE
17 DISTRESS IN MEN'S CENTRAL JAIL, ASSISTANT SHERIFF CAVANAUGH --

18

19 **SHERIFF LEE BACA:** TO ME IT'S THIS. IF THEY DON'T HAVE THE
20 SENSE THAT THEY COULD HAVE DONE BETTER, I WOULD BE SAYING
21 SOMETHING DIFFERENT. BUT THEY FULLY WELL UNDERSTAND THAT THEY
22 COULD HAVE DONE BETTER MY INFORMING ME. AND THEIR
23 PRESUMPTIVENESS WAS THAT THEY WERE FIXING THE PROBLEM. NOW, IF
24 THEY DIDN'T FIX THE PROBLEM, THEN OF COURSE IT'S EVEN WORSE.

1 BUT YOU NEVER KNOW IF YOU FIXED THE PROBLEM UNTIL TIME
2 ELAPSES TO KNOW WHETHER OR NOT YOU FIXED IT.

3

4 **RICHARD E. DROOYAN:** IT'S NOT CLEAR TO ME THEY DID ANYTHING TO
5 FIX THE PROBLEM UNTIL YOU FIXED THE COMMANDERS' MANAGEMENT
6 TASKFORCE.

7

8 **SHERIFF LEE BACA:** I DON'T THINK THEY UNDERSTOOD THE MAGNITUDE
9 OF THE PROBLEM.

10

11 **RICHARD E. DROOYAN:** ISN'T THAT A SERIOUS CONCERN TO YOU THAT
12 THE SENIOR MANAGEMENT --

13

14 **SHERIFF LEE BACA:** IT'S NOT. IT IS MY RESPONSIBILITY. I WILL
15 LAY IT ON MY SHOULDERS. IT'S NOT WHO TO BLAME. I'M THE ONE TO
16 BLAME. I'M THE ELECTED SHERIFF OF THIS COUNTY. I KNOW WHAT
17 THAT MEANS. I SPEND SEVEN DAYS A WEEK WITH THE PUBLIC OF THIS
18 COUNTY AND I KNOW WHAT THEY FEEL, I KNOW WHAT THEY THINK. NOW
19 WHAT I FEEL AND THINK NOW IS THOSE JAILS ARE MY
20 RESPONSIBILITY. AND I HAVE THE ABILITY TO GIVE THEM DIRECTION.
21 AND SINCE I'VE BEEN INVOLVED, THEY'VE TAKEN MY DIRECTION
22 BEAUTIFULLY. THEY'VE DONE EVERYTHING I'VE ASKED THEM TO DO.
23 AND WE'VE GONE THROUGH A TREMENDOUS AMOUNT OF GROWTH.

24

25 **RICHARD E. DROOYAN:** BUT THAT'S NOT TRUE.

1

2 **SHERIFF LEE BACA:** WELL YOU TELL ME BETWEEN THE TIME THIS
3 COMMISSION WAS FORMED AND THE TIME THAT WE'RE TALKING NOW WHAT
4 HAVEN'T THEY DONE?

5

6 **RICHARD E. DROOYAN:** THE PEOPLE WHO HAVE DONE THAT ARE YOUR
7 COMMANDERS' MANAGEMENT TASKFORCE.

8

9 **SHERIFF LEE BACA:** NO, THEY'RE NOT. THEY'RE A PART OF THE
10 PROCESS. THEY ARE PART OF THE ENGAGEMENT OF WHAT I'M CALLING
11 THE CONVERSATION OF SELF-IMPROVEMENT AND ORGANIZATIONAL
12 IMPROVEMENT. THEY'RE NOT ACTING ON THEIR OWN. I'VE GOT
13 CAPTAINS THAT ARE THERE THAT ARE MEETING WITH THESE INMATES
14 MORE THAN ANYBODY ELSE.

15

16 **RICHARD E. DROOYAN:** I DON'T DISAGREE WITH THAT. BUT THAT'S ALL
17 BEING IMPLEMENTED THROUGH YOUR COMMANDERS' MANAGEMENT
18 TASKFORCE.

19

20 **SHERIFF LEE BACA:** IT'S BEING IMPLEMENTED BY ME. THIS ISN'T
21 ABOUT THE TASKFORCE. IT'S ABOUT THEM AND ME. THIS IS ABOUT THE
22 TEAM APPROACH.

23

24 **RICHARD E. DROOYAN:** I AGREE WITH YOU. YOU'RE IMPLEMENTING IT.
25 YOU'RE IMPLEMENTING IT THROUGH THE COMMANDERS' MANAGEMENT

1 TASKFORCE. YOU'RE NOT IMPLEMENTING IT THROUGH YOUR
2 UNDERSHERIFF. --

3

4 **SHERIFF LEE BACA:** THIS COMMISSION IS A GREAT COMMISSION, MR.
5 DROOYAN BUT YOU'RE NOT GOING TO TELL ME HOW TO DISCIPLINE MY
6 PEOPLE. I DON'T DO THAT IN PUBLIC AND I'M NOT GOING TO DO IT
7 NOW.

8

9 **RICHARD E. DROOYAN:** LET ME ASK YOU THIS QUESTION. THIS
10 COMMISSION IS GOING TO GO AWAY.

11

12 **SHERIFF LEE BACA:** NO, IT WON'T. BECAUSE AS LONG AS I'M AROUND
13 THIS COMMISSION IS IN MY MIND.

14

15 **RICHARD E. DROOYAN:** I THINK THIS COMMISSION IS READY TO GO
16 AWAY AT SOME POINT. THE COMMANDERS' MANAGEMENT TASKFORCE WILL
17 GO AWAY.

18

19 **SHERIFF LEE BACA:** AND YOU FROM ME. BUT TRUST ME, I GET YOUR
20 POINT. YOU DON'T NEED TO OVERDO A SENSIBLE POINT. I KNOW HOW
21 TO DEAL WITH THE PEOPLE THAT WORK FOR ME.

22

23 **RICHARD E. DROOYAN:** WHAT ASSURANCES CAN YOU GIVE US WITH THE
24 SAME PEOPLE IN PLACE THAT --

25

1 **SHERIFF LEE BACA:** THEY ARE NOT THE PROBLEM. THE PROBLEMS WERE
2 THE DEPUTIES AND THE INMATES NOT HAVING THE APPROPRIATE
3 PROCESS BY WHICH TO ENGAGE THEMSELVES IN A MORE POSITIVE WAY.
4 THAT'S WHAT LEADS TO THE FORCE.

5

6 **RICHARD E. DROOYAN:** SENIOR MANAGEMENT HAS NO RESPONSIBILITY
7 FOR THAT AT ALL?

8

9 **SHERIFF LEE BACA:** THE LINE LEVEL MANAGEMENT HAS THE ULTIMATE
10 RESPONSIBILITY. THE REST OF US ARE HERE TO MAKE SURE THAT THEY
11 HAVE ALL THE SUPPORT THEY NEED, THE RIGHT POLICY, THE RIGHT
12 PROCEDURES, THE RIGHT TRAINING, AND THE RIGHT SUPERVISION. NOW
13 WHEN WE STRIP THE SUPERVISION OUT OF THERE, WE REDUCE THE
14 TRAINING BECAUSE THERE'S NOT ENOUGH STAFF FOR THE TRAINING,
15 AND WHEN WE DON'T EXAMINE OUR OWN POLICIES LIKE WE'VE DONE
16 NOW, WE CAN'T FIND OUT WHERE THE GAPS ARE. AND SO ALL OF THIS
17 IS REMINISCENT OF ALL ORGANIZATIONS. IT IS NOT JUST MINE. BUT
18 WHEN THE DAY IS DONE, WHEN THIS WHOLE THING COMES TO A POINT
19 WHERE WE FINALLY MOVE ON, I'M THE BLAME. AND IF I'M WILLING TO
20 DEAL WITH THESE SUBJECTS THAT ARE MY ASSISTANT SHERIFFS AND
21 UNDERSHERIFF AND THEY'RE NOT DOING WHAT I WANT TO DO, THEN
22 I'LL CHANGE THEM OUT. BUT THEY ARE DOING WHAT I WANT THEM TO
23 DO.

24

1 **RICHARD E. DROOYAN:** IF YOU'RE THE BLAME, HOW DO WE HOLD YOU
2 ACCOUNTABLE?

3

4 **SHERIFF LEE BACA:** DON'T ELECT ME. [LAUGHTER.] [APPLAUSE.]

5

6 **RICHARD E. DROOYAN:** LET ME ASK YOU -- COULD WE HAVE TAB 12? --
7 THIS IS THE MEMORANDUM THAT CAPTAIN ROLLER WROTE TO CHIEF
8 MILLER SUMMARIZING MR. TANAKA'S VISIT TO THE CENTURY STATION
9 ON JUNE 28, 2007. SHERIFF, YOU'VE SEEN THIS MEMORANDUM BEFORE
10 NOW, CORRECT?

11

12 **SHERIFF LEE BACA:** YES.

13

14 **RICHARD E. DROOYAN:** WHEN DID YOU FIRST SEE THIS MEMORANDUM?

15

16 **SHERIFF LEE BACA:** ABOUT A MONTH OR SO AGO.

17

18 **RICHARD E. DROOYAN:** YOU DIDN'T SEE IT BACK IN 2007 WHEN IT WAS
19 WRITTEN?

20

21 **SHERIFF LEE BACA:** NO.

22

23 **RICHARD E. DROOYAN:** DID YOU EVER HAVE A CONVERSATION WITH MIKE
24 GENNACO ABOUT THIS MEMORANDUM?

25

1 **SHERIFF LEE BACA:** MAYBE I HAVE, I DON'T REMEMBER IF I DID OR
2 DIDN'T.

3

4 **RICHARD E. DROOYAN:** DO YOU REMEMBER WHEN THAT WAS?

5

6 **SHERIFF LEE BACA:** NO. I'VE READ THE MEMO, THAT'S WHAT WE NEED
7 TO GET TO HERE.

8

9 **RICHARD E. DROOYAN:** I WANT TO FIND OUT WHEN YOU FIRST READ IT.

10

11 **SHERIFF LEE BACA:** I JUST TOLD YOU. ABOUT A MONTH OR TWO AGO.

12

13 **RICHARD E. DROOYAN:** WHO SHOWED IT TO YOU?

14

15 **SHERIFF LEE BACA:** I DON'T KNOW. I DON'T REMEMBER. I JUST READ
16 IT.

17

18 **RICHARD E. DROOYAN:** PRIOR TO A MONTH OR TWO AGO YOU WERE
19 UNAWARE OF MR. TANAKA'S COMMENTS TO DEPUTIES AND OFFICERS TO
20 FUNCTION RIGHT ON THE EDGE OF THE LINE? YOU WERE UNAWARE OF
21 THAT COMMENT?

22

23 **SHERIFF LEE BACA:** LIKE I MENTIONED, COUNSEL, I JUST READ THIS
24 THING A COUPLE MONTHS AGO SO THAT'S WHEN I GOT AWARE.

25

1 **RICHARD E. DROOYAN:** BEFORE THAT YOU WERE UNAWARE OF THESE
2 EVENTS AT CENTURY STATION?

3

4 **SHERIFF LEE BACA:** THAT'S WHAT I SAID. NOT EVENTS. I TOLD YOU
5 ABOUT THIS LINE HERE THAT YOU QUOTED, SHOULD OFFICERS FUNCTION
6 RIGHT ALONG THE EDGE.

7

8 **RICHARD E. DROOYAN:** WHAT'S YOUR REACTION TO THAT LINE?

9

10 **SHERIFF LEE BACA:** THAT'S A STATEMENT THAT OBVIOUSLY SOMEONE,
11 MR. ROLLER, WHO BY THE WAY WHEN HE TRANSFERRED FROM CENTURY
12 WENT TO INTERNAL AFFAIRS, SO IT WASN'T EXACTLY A BAD JOB.

13

14 **RICHARD E. DROOYAN:** YOU ASSUME HE WROTE IT ACCURATELY, DON'T
15 YOU?

16

17 **SHERIFF LEE BACA:** NO, I DON'T ASSUME ANYTHING, ESPECIALLY WHEN
18 IT COMES TO SOMEONE ELSE SAID THIS. OKAY? WHAT HE SAID HERE IS
19 WHAT HE SAID. THAT'S WHAT HE'S SAYING.

20

21 **RICHARD E. DROOYAN:** AND ASSUMING THAT MR. TANAKA ACTUALLY MADE
22 THAT STATEMENT AT A MEETING IN CENTURY, DOES THAT TROUBLE YOU?

23

24 **SHERIFF LEE BACA:** IF HE MADE THAT STATEMENT, ABSOLUTELY.

25

1 **RICHARD E. DROOYAN:** AND THE STATEMENT THAT HE WOULD BE
2 CHECKING TO SEE WHICH CAPTAINS WERE PUTTING THE MOST CASES ON
3 DEPUTIES AND HE WOULD BE PUTTING A CASE ON THEM? ASSUMING MR.
4 TANAKA MADE THAT STATEMENT, IS THAT SOMETHING THAT WOULD BE OF
5 CONCERN TO YOU, AS WELL?

6

7 **SHERIFF LEE BACA:** YES.

8

9 **RICHARD E. DROOYAN:** AND THE NEXT STATEMENT WHERE HE SAID HE
10 DIDN'T LIKE INTERNAL AFFAIRS AND THE WAY THEY WORKED, IS THAT
11 A STATEMENT THAT WOULD BE OF CONCERN TO YOU, AS WELL?

12

13 **SHERIFF LEE BACA:** YES.

14

15 **RICHARD E. DROOYAN:** AND AFTER YOU SAW THIS MEMORANDUM, DID YOU
16 EVER HAVE A DISCUSSION WITH MR. TANAKA ABOUT WHAT IS REFLECTED
17 IN THIS MEMO?

18

19 **SHERIFF LEE BACA:** ABSENT THE MEMORANDUM LET'S JUST DEAL WITH
20 THE STATEMENT. THIS STATEMENT CAME AFTER I HAD GONE DOWN TO
21 CENTURY STATION AND TALKED TO THE DEPUTIES REGARDING THIS
22 GROUP THAT ALLEGEDLY EXISTED THERE.

23

24 **RICHARD E. DROOYAN:** THE REGULATORS?

25

1 **SHERIFF LEE BACA:** YES. AND I TOLD THEM MY OPINION OF THIS. AND
2 I TOLD EVERYONE IN THE AUDIENCE I CANNOT DEFEND THESE TATTOOS.
3 I CANNOT DEFEND THESE ORGANIZATIONAL GROUPINGS THAT YOU HAVE
4 FOR WHATEVER REASON YOU HAVE THEM. I CAN'T DEFEND IT.

5

6 **RICHARD E. DROOYAN:** YOU WERE CONCERNED ABOUT THE CLIQUE?

7

8 **SHERIFF LEE BACA:** I TOLD THEM THIS IS NOT ACCEPTABLE FOR WHAT
9 OUR DEPARTMENT'S CORE VALUES ARE BECAUSE IT SUGGESTS THAT
10 UNLESS YOU'RE A MEMBER OF SOMETHING, YOU'RE NOT AS GOOD AS US,
11 ALL RIGHT? THOSE ARE PARTS AND PARCEL TO MY POINTS. AND IT WAS
12 AFTER THAT MEETING THAT MR. TANAKA HAD GONE AND SPOKEN THESE
13 WORDS ALLEGEDLY.

14

15 **RICHARD E. DROOYAN:** DID YOU EVER HAVE A DISCUSSION WITH MR.
16 TANAKA ABOUT THIS MEMO ITSELF?

17

18 **SHERIFF LEE BACA:** YES.

19

20 **RICHARD E. DROOYAN:** WHEN DID YOU HAVE THAT DISCUSSION?

21

22 **SHERIFF LEE BACA:** SEVERAL WEEKS BACK. WHEN I READ THE MEMO.

23

24 **RICHARD E. DROOYAN:** AND DID YOU TELL HIM THAT YOU WERE
25 TROUBLED BY THE COMMENTS THAT WERE REFLECTED IN THIS MEMO?

1

2 **SHERIFF LEE BACA:** YES. AND HE EXPLAINED TO ME RATHER
3 SUFFICIENTLY THAT HE DIDN'T HAVE ANY DEGREE OF INTENT OR EVEN
4 THOUGHT ABOUT CROSSING LINES OR GETTING TO THE EDGE OR ANY OF
5 THOSE THINGS. BUT WHAT I COUNSELED HIM ON IS REAL SIMPLE. I
6 SAID LISTEN, YOU CAN SAY A LOT OF THINGS HYPOTHETICALLY, BUT I
7 CAN TELL YOU THE AUDIENCE IS AN UNUSUAL AUDIENCE LIKE ALL
8 HUMAN AUDIENCES ARE. YOU ONLY REMEMBER CERTAIN THINGS OF WHAT
9 WAS SAID. AND THEN BY THE TIME YOU GO BACK TO WHENEVER YOU PUT
10 IT TOGETHER TWO DAYS LATER IS WHEN THIS THING IS MEMORIALIZED,
11 YOU WILL PICK UP PARTS OF THINGS THAT PEOPLE SAY OUT OF
12 CONTEXT OR IN CONTEXT. YOU NEVER WANT TO BE TALKING ABOUT THE
13 EXTREME WITH THE IDEA IN MIND THAT YOU'LL MAKE IT CLEAR. YOU
14 REALLY GOT TO STAY IN THE NORMS OF YOUR CONVERSATION WITH
15 GROUPS OF PEOPLE INCLUDING DEPUTIES. DON'T CONFUSE THEM WITH
16 THINGS THAT ARE TRADITIONALLY THINGS THEY DON'T KNOW OR FEEL
17 OR THINK BECAUSE YOU WILL GET A VARIED REACTION AS TO WHAT ARE
18 YOU REALLY SAYING. PARTICULARLY WHEN YOU TALK ABOUT THE OIR OR
19 EVEN INTERNAL AFFAIRS OR PLACES THAT ARE ORGANIZATIONAL TOOLS
20 THAT WE ABSOLUTELY MUST NOT ONLY HAVE BUT WE HAVE TO PROTECT
21 THOSE TOOLS. WE CAN'T MAKE THESE TOOLS WEAKER THAN THEY
22 CURRENTLY MAY BE. THEY'RE NOT ALL PERFECT TOOLS, BUT YOU NEVER
23 REALLY WANT TO GET INTO THIS REALM WHERE YOU'RE CHALLENGING
24 AUTHENTICITY.

25

1 **RICHARD E. DROOYAN:** THAT'S WHAT YOU TOLD MR. TANAKA.

2

3 **SHERIFF LEE BACA:** YES.

4

5 **RICHARD E. DROOYAN:** THIS MEETING WITH MR. TANAKA, YOU MET WITH
6 ME AND MS. KRINSKY ABOUT A MONTH AGO AND WE GRATEFULLY
7 APPRECIATE THAT OPPORTUNITY TO TALK TO YOU. DID YOUR
8 CONVERSATION WITH MR. TANAKA TAKE PLACE AFTER THE MEETING YOU
9 HAD WITH US?

10

11 **SHERIFF LEE BACA:** NO, NO, NO, NO. MY OPERATING WAY OF DOING
12 BUSINESS IS THAT WHEN I COME ACROSS SOMETHING THAT I THINK
13 NEEDS A LITTLE CONVERSATION, A LITTLE GUIDANCE, I JUST GO
14 RIGHT TO THE SOURCE AND START TALKING TO THEM.

15

16 **RICHARD E. DROOYAN:** WHEN WE SHOWED YOU THIS MEMORANDUM IN THAT
17 MEETING, MY QUESTION IS THAT THE FIRST TIME YOU SAW THE MEMO
18 WHEN WE SHOWED IT TO YOU?

19

20 **SHERIFF LEE BACA:** I DON'T THINK SO. I CAN'T RECALL
21 CONTEXTUALLY WHETHER IT WAS IN THAT SAME TIME FRAME BECAUSE IT
22 WAS ABOUT THE SAME TIME WHEN I READ THIS MEMO. IT COULD HAVE
23 BEEN WITH YOU, COULD HAVE BEEN THERE. BUT I HAVE SEEN THIS
24 MEMO BACK IN MY OFFICE IS MY POINT.

25

1 **RICHARD E. DROOYAN:** OKAY, I UNDERSTAND THAT. LET ME JUST TURN
2 BRIEFLY TO THE ISSUE OF THE GRAY AREA. WHEN YOU MET WITH US
3 LAST MONTH, WE ASKED YOU WHETHER OR NOT MR. TANAKA HAD EVER
4 USED THE TERM "THE GRAY AREA" AND YOU TOLD US TO YOUR
5 KNOWLEDGE HE HAD NEVER USED THAT.

6

7 **SHERIFF LEE BACA:** RIGHT.

8

9 **RICHARD E. DROOYAN:** SO NOW WHEN YOU MET WITH US, YOU HAD NO
10 INFORMATION THAT MR. TANAKA HAD EVER USED THE TERM "THE GRAY
11 AREA"?

12

13 **SHERIFF LEE BACA:** CORRECT. NOW AFTER THAT WE CAME BACK AND HE
14 AND I HAD A BIG CONVERSATION ABOUT THIS. AND THEN I SAID I
15 DON'T KNOW IF I AM OF ANOTHER -- WELL I KNOW I'M OF ANOTHER
16 GENERATION IN THE SHERIFF'S DEPARTMENT, BUT I'VE NEVER HEARD
17 OF SUCH A THING AS THE GRAY AREA BEING PART OF AN
18 ENLIGHTENMENT PROCESS, OKAY. SO IN THAT RESPECT, I TALKED TO
19 HIM ABOUT THAT AND SAID LISTEN, IT'S BACK TO THE IDEA OF WHAT
20 DO YOU WANT TO TALK ABOUT THAT COULD LEAD TO MORE THAN ONE
21 INTERPRETATION? THERE IS NO GRAY AREA IN THE SHERIFF'S
22 DEPARTMENT FROM MY PERSPECTIVE. IT'S EITHER THE INTEGRITY TO
23 DO WHAT IS RIGHT AND FIGHT WHAT IS WRONG AND THAT'S IT. IT
24 ISN'T ABOUT WHERE'S THE GRAY? RIGHT IS RIGHT, WRONG IS WRONG.
25 AND YOU WANT TO ALWAYS STAY ON THE SIDE OF DOING WHAT'S RIGHT.

1

2 **RICHARD E. DROOYAN:** AND YOU TOLD HIM THAT?

3

4 **SHERIFF LEE BACA:** YEAH. AND SO THAT'S THE LECTURE YOU GIVE TO
5 OTHERS THAT ARE IN THE ORGANIZATION BECAUSE IF YOU EVEN GET
6 INTO SOME CASUAL CONVERSATION ABOUT GRAYNESS, THEN IT CLOUDS
7 THE REALITY OF WHAT OUR BUSINESS IS TRULY ALL ABOUT. NOW, HE
8 HAD A DIFFERENT MEANING FOR THE WORD GRAY, SO I GIVE HIM
9 CREDIT FOR THAT. HE WASN'T THINKING LIKE I WAS. BUT NOW HE'S
10 AWARE. AND MY HOPE IS THAT HE TESTIFIED TO YOU EXPLAINED THIS
11 WHOLE SITUATION TO YOUR SATISFACTION BECAUSE HE CERTAINLY
12 EXPLAINED IT TO MINE.

13

14 **RICHARD E. DROOYAN:** HE IS A VERY SENIOR EXPERIENCED LAW
15 ENFORCEMENT OFFICIAL WITH THE SHERIFF'S DEPARTMENT.

16

17 **SHERIFF LEE BACA:** 47. GOING FOR 50.

18

19 **RICHARD E. DROOYAN:** YOU HEARD THAT TERM GRAY AREA AND YOUR
20 REACTION IS THAT'S NOT AN APPROPRIATE TERM FOR HIM TO BE
21 USING, CORRECT?

22

23 **SHERIFF LEE BACA:** IT IS TOO CONFUSING.

24

25 **RICHARD E. DROOYAN:** IT SENDS A WRONG MESSAGE.

1

2 **SHERIFF LEE BACA:** RIGHT.

3

4 **SPEAKER:** IT'S A LAWYER'S TERM.

5

6 **RICHARD E. DROOYAN:** I KNOW THE COMMISSIONERS HAVE SOME
7 QUESTIONS SO I WILL MOVE QUICKLY TO A COUPLE OF VERY QUIBBLING
8 POINTS -- QUICK POINTS. ONE OF THE MAJOR IMPROVEMENTS HAS BEEN
9 THE INSTALLATION OF CAMERAS IN MEN'S CENTRAL JAIL. AND SOON TO
10 BE THE INSTALLATION OF CAMERAS IN TWIN TOWERS, CORRECT?

11

12 **SHERIFF LEE BACA:** YES. THE CAMERAS ARE SUBSTANTIALLY INSTALLED
13 NOW.

14

15 **RICHARD E. DROOYAN:** I HEARD EARLIER THIS WEEK THAT THERE WAS A
16 RECENT FLOOD IN THE ROOM IN THE IRC WHERE THE SERVERS --

17

18 **SHERIFF LEE BACA:** THAT'S A LITTLE BIT OF AN EXAGGERATION BUT
19 I'LL TELL YOU WHAT HAPPENED.

20

21 **RICHARD E. DROOYAN:** TELL US WHAT HAPPENED? ARE THE CAMERAS
22 OPERATIONAL NOW BECAUSE OF THAT FLOOD AND IF NOT WHEN DO YOU
23 EXPECT TO HAVE THEM BACK?

24

1 **SHERIFF LEE BACA:** THEY'RE OPERATIONAL. THE SERVERS THAT RECORD
2 WHATEVER'S GOING THROUGH THOSE CAMERA LENSES ARE IN A ROOM
3 THAT HAD AN AIR CONDITIONING SYSTEM. AND THERE WAS A
4 VAPORIZATION PROCESS THAT LIQUEFIED AND THEN THERE WAS DROPS
5 OF WATER THAT WENT INTO ONE OF THE SERVERS. AND THEN THAT
6 SERVER, BY VIRTUE OF THE LIQUID, SHUT DOWN. OUR INITIAL
7 ASSESSMENT WAS THAT OH MY GOD, WHAT ABOUT THIS AND THAT? THE
8 WHOLE SYSTEM MIGHT HAVE TO BE REPLACED. WELL THE SYSTEM ONLY
9 REQUIRED TWO WEEKS OF REPAIR. AND FROM WHAT I GATHER, THEY'RE
10 EITHER UP AND RUNNING NOW OR THEY'RE ABOUT TO BE UP AND
11 RUNNING.

12

13 **RICHARD E. DROOYAN:** SO DURING THE TWO-WEEK PERIOD OF TIME YOU
14 COULD NOT RECORD ANY TAPES?

15

16 **SHERIFF LEE BACA:** WE CANNOT RECORD WHAT WAS GOING ON IN THE
17 PROCESS BUT THE CAMERAS WERE STILL THERE, YES.

18

19 **RICHARD E. DROOYAN:** SO AS FAR AS YOU KNOW, IT'S BEEN FIXED AND
20 IT'S ABOUT READY TO RESUME?

21

22 **SHERIFF LEE BACA:** RIGHT.

23

24 **RICHARD E. DROOYAN:** REAL QUICKLY ASK YOU A COUPLE MORE
25 QUESTIONS AND THEN I'LL FINISH UP. MERRICK BOBB HAS LONG

1 RECOMMENDED INCLUDING INMATE COMPLAINTS IN THE PPI SYSTEM.
2 WHAT IS YOUR POSITION ON THAT? ARE YOU PREPARED TO DO THAT?

3

4 **SHERIFF LEE BACA:** WE HAVE TWO CONTROLS WITH STORING OF DATA
5 AND REVELATION OF DATA. ONE IS THE PENAL CODE AND THE OTHER IS
6 THE PITCHESS DECISION RELATIVE TO THE DISCOVERY OF PERSONNEL
7 FILES THAT DEPUTIES ARE ENTITLED TO KEEP CONFIDENTIAL. SO
8 THERE HAS TO BE A PITCHESS MOTION TO GET ONE OR THE OTHER.
9 WHAT WE'VE DONE HERE IS WE HAVE ENHANCED OUR FAST SYSTEM, AND
10 I DO HAVE A DOCUMENT HERE THAT DESCRIBES THE FAST SYSTEM IN
11 ITS CURRENT STATE, AND I HAVE A POLICY THAT GOES ALONG WITH
12 IT. AND IT'S REGARDING NOT ONLY FORCE BUT IT'S ALSO REGARDING
13 INMATE COMPLAINTS AGAINST DEPUTIES AND SO FORTH. AND THE FAST
14 SYSTEM HAS BEEN AROUND A WHILE. IT'S FACILITATED AUTOMATED
15 TRACKING SYSTEM. IT ALLOWS IN THE SYSTEM FOR ALL FORCE
16 COMPLAINTS AND SO FORTH TO BE CAPTURED PER DEPUTY. AND THAT IN
17 THE EVENT THAT THERE'S AN ISSUE WITH SOME LAWSUIT OR
18 OTHERWISE, WE CAN PULL UP ALL THAT DATA FOR THE PAST FIVE
19 YEARS. SO I'M VERY GRATEFUL FOR THE STAFF IN THE DIVISION FOR
20 PULLING THIS SYSTEM INTO A LEVEL WHERE IT'S CAPABLE OF DOING
21 WHAT YOU'RE SAYING.

22

23 **RICHARD E. DROOYAN:** SO YOU'RE GOING TO TRACK INMATE COMPLAINTS
24 ABOUT DEPUTIES IN THE FAST SYSTEM NOT IN THE PPI SYSTEM?

25

1 **SHERIFF LEE BACA:** WELL THEY'RE BOTH DOING THE SAME THING BUT
2 THE FAST SYSTEM DOES THE CUSTODY MANAGEMENT OF THAT
3 INFORMATION AND THEN THE PPI DOES EVERYTHING ELSE IN THE
4 DEPARTMENT. THEY'RE BOTH CAPABLE OF BEING PUT TOGETHER INTO
5 ONE SYSTEM, BUT WE'RE TRYING TO UPGRADE THE PPI SYSTEM, AS
6 WELL. SO EITHER WAY, THE MOST IMPORTANT THING IS NOT WHETHER
7 IT'S IN THE PPI OR IN THE FAST, THE MOST IMPORTANT THING IS:
8 IS IT DOCUMENTED? IS IT STORED? AND IS IT RETRIEVABLE FOR ANY
9 PURPOSE? AND THE ANSWER IS YES.

10

11 **RICHARD E. DROOYAN:** BUT THE ISSUE IS: IS IT RETRIEVABLE BY
12 DEPUTY NAME?

13

14 **SHERIFF LEE BACA:** YES.

15

16 **RICHARD E. DROOYAN:** BUT HISTORICALLY THE PROBLEM WAS IT WAS
17 NOT RETRIEVABLE BY --

18

19 **SHERIFF LEE BACA:** IT IS RETRIEVABLE. I HAVE A SAMPLE BY A
20 DEPUTY-NAMED PROCESS IN TERMS OF WHAT THIS COMPUTER CAN DO.
21 AND WE KNOW EVERY USE OF FORCE INCIDENT BY VIRTUE OF THE NAME.

22

23 **RICHARD E. DROOYAN:** OKAY. BUT LET'S JUST MAKE THIS CLEAR. SO
24 WITH RESPECT TO INMATES MAKING COMPLAINTS ABOUT DEPUTIES IN

1 THE CUSTODY SECTION, THAT INFORMATION IS NOW GOING TO BE
2 TRACKED IN FAST SO IT WILL BE RETRIEVED --

3

4 **SHERIFF LEE BACA:** IT IS BEING TRACKED. IT HAS BEEN TRACKED AND
5 IT IS RETRIEVABLE TODAY.

6

7 **RICHARD E. DROOYAN:** BY DEPUTY NAME?

8

9 **SHERIFF LEE BACA:** CORRECT.

10

11 **RICHARD E. DROOYAN:** AND HAS THAT ALWAYS BEEN THE CASE?

12

13 **SHERIFF LEE BACA:** WELL, FOR THE PAST FIVE YEARS, YES. THE DATA
14 IS IN STORAGE IN THE FAST SYSTEM AS WE SPEAK.

15

16 **RICHARD E. DROOYAN:** OKAY. I UNDERSTAND THAT THE DATA IS THERE.
17 THE QUESTION IS HOW DO YOU --

18

19 **SHERIFF LEE BACA:** NAMES.

20

21 **RICHARD E. DROOYAN:** THE QUESTION IS WHETHER IT IS RETRIEVABLE
22 BY DEPUTY NAME.

23

24 **SHERIFF LEE BACA:** I JUST SAID THAT.

25

1 **RICHARD E. DROOYAN:** THAT'S WHAT I WANT TO UNDERSTAND. THE NEXT
2 ISSUE, A LOOMING ISSUE, IS WHETHER DEPUTIES SHOULD BE ALLOWED
3 TO REVIEW VIDEOS OF MAKING STATEMENTS. HAVE YOU DECIDED WHAT
4 YOUR POSITION IS ON THAT?

5

6 **SHERIFF LEE BACA:** YES. I'VE BEEN WORKING ON THIS WITH MERRICK
7 BOBB AND OTHERS. THE POINT IS THAT WHAT WE WANT IS WHAT WE DO
8 ALREADY IN OUR OTHER FACILITIES, WHICH IS THE COURT LOCKUPS,
9 AND THAT IS HAVE A PRELIMINARY PROCESS WHERE THE DEPUTY WRITES
10 HIS REPORT, REPORTS IT ORALLY OBVIOUSLY TO SUPERVISOR, REPORTS
11 IT TO WATCH COMMANDER. IF THE DEPUTY IS IN THE PROCESS OF
12 DOING HIS REPORT, REQUESTS TO SEE THE TAPE, THEN WE WOULD
13 PROVIDE A COPY TO REVIEW THE TAPE. IF HE WANTS TO MAKE THOSE
14 CHANGES, AS LONG AS THOSE CHANGES ARE THINGS THAT HE INITIATES
15 BECAUSE HE WOULD KNOW WHETHER OR NOT THE TAPE IS HELPING HIM
16 OR SO FORTH, WE JUST BELIEVE THAT THE SYSTEM NEEDS TO BE
17 EXPLAINED APPROPRIATELY. AND WE HAVEN'T FORMALIZED ALL OF WHAT
18 I'M JUST SAYING BUT WE'RE TALKING ABOUT IT.

19

20 **RICHARD E. DROOYAN:** MY UNDERSTANDING IS MERRICK BOBB AND THE
21 OIR RECOMMEND THAT THE DEPUTIES WRITE OUT THEIR STATEMENTS
22 BEFORE THEY --

23

24 **SHERIFF LEE BACA:** YES, I UNDERSTAND WHAT YOU'RE SAYING.

25

1 **RICHARD E. DROOYAN:** IS THAT GOING TO BE THE POLICY?

2

3 **SHERIFF LEE BACA:** THAT'S PART OF THE PROCESS. BUT THE
4 SECONDARY PROCESS THAT SAYS ALL RIGHT, YOU CAN TELL YOUR
5 SUPERVISORS WHAT YOU DID. YOU WRITE YOUR FIRST REPORT. AND IF
6 YOU REQUEST THAT YOU WANT TO SEE THE TAPE, THEN THE TAPE WILL
7 BE PROVIDED FOR YOU TO SEE. THAT'S ALSO WHAT MERRICK BOBB AND
8 THE OIR ARE REPRESENTING, AS WELL.

9

10 **RICHARD E. DROOYAN:** BUT THAT REVIEW OF THE TAPE TAKES PLACE
11 AFTER THE DEPUTY HAS MADE HIS INITIAL DRAFT OF HIS REPORT,
12 CORRECT?

13

14 **SHERIFF LEE BACA:** CORRECT.

15

16 **RICHARD E. DROOYAN:** LAST QUESTION. UNDER THE DEPARTMENT'S
17 CURRENT ORGANIZATION, ASSISTANT SHERIFF RHAMBO OVERSEES THE
18 COURT SERVICES DIVISION, THE TECHNICAL SERVICES DIVISION, THE
19 LEADERSHIP AND TRAINING DIVISION, ALL OF THOSE, IN ADDITION TO
20 THE CUSTODY DIVISION. AND HE REPORTS TO THE UNDERSHERIFF.
21 GIVEN ALL THE PROBLEMS ...

22

23 **SHERIFF LEE BACA:** HE REPORTS TO ME. LET ME GET THIS
24 STRAIGHTENED OUT HERE BECAUSE THERE IS A WHOLE LOT OF
25 CONFUSION GOING ON. THESE ASSISTANT SHERIFFS DON'T WORK JUST

1 FOR THE UNDERSHERIFF, THEY WORK FOR ME. IT SAYS ASSISTANT
2 SHERIFF. IT DOESN'T SAY ASSISTANT UNDERSHERIFF. OKAY? I MADE
3 THAT VERY CLEAR TO ALL THREE OF THEM. SO THEY'RE ALWAYS COMING
4 INTO MY OFFICE AND THEN THEY GO TO THE ASSISTANT UNDERSHERIFFS
5 AND WE ALL TALK TOGETHER AND SO FORTH. IT'S ONE BIG TEAM. BUT
6 THIS IDEA THAT THE UNDERSHERIFF IS THE KEY POINT GUY ON THE
7 ASSISTANT SHERIFFS IS NOT GOING TO HAPPEN IN THIS
8 ORGANIZATION.

9

10 **RICHARD E. DROOYAN:** THAT'S ONE OF THE THINGS I WAS GOING TO
11 ASK YOU ABOUT IS HAVING A DIRECT REPORT FROM THE ASSISTANT
12 SHERIFF TO YOURSELF. AS I LOOK AT THIS, YOU'VE GOT FOUR
13 DIVISIONS UNDER ONE ASSISTANT SHERIFF. HAVE YOU CONSIDERED
14 HAVING BASICALLY A THIRD ASSISTANT SHERIFF WHO'S SOLELY OVER
15 YOUR CUSTODY DIVISION WORKING, IN THIS CASE, WITH CHIEF YIM SO
16 THAT YOU CAN REALLY HAVE HIGH-LEVEL MANAGEMENT CONTROL OVER
17 YOUR CUSTODY OPERATIONS WITHOUT ALL THESE OTHER THINGS THAT
18 ARE ON ASSISTANT SHERIFF RHAMBO'S PLATE?

19

20 **SHERIFF LEE BACA:** WE OUGHT TO BE WORKING TOGETHER BECAUSE
21 THAT'S EXACTLY WHAT I'VE BEEN THINKING. YOU KNOW, THE
22 DIFFICULTY THERE OBVIOUSLY IS THE FUNDING FROM THE BOARD
23 BECAUSE I'VE GOT TO GET THEIR AUTHORIZATION. NOW I DO HAVE A
24 THIRD ASSISTANT SHERIFF SLOT THAT THE VOTERS VOTED IN IN A
25 MEASURE THAT I PUT BEFORE THEM ABOUT 10 YEARS AGO. BUT RIGHT

1 NOW IT WOULD BE CRITICAL IN YOUR COMMISSION'S ROLE TO
2 RECOMMEND THAT. AND ONCE YOU HAVE, AND IF I GET THE
3 AUTHORIZATION, I WILL DO EXACTLY WHAT YOU SAID.

4

5 **RICHARD E. DROOYAN:** WE MAY BE ON THE SAME PAGE ON THAT ONE.
6 THANK YOU VERY MUCH, SHERIFF.

7

8 **HON. LOURDES BAIRD, CHAIR:** THANK YOU. WE'RE GOING TO TAKE A
9 VERY SHORT 10-MINUTE BREAK AND THEN WE'LL COME BACK FOR
10 QUESTIONS FROM THE COMMISSIONERS AND OTHERS. ALSO, WE HAVE A
11 NUMBER OF SPEAKERS WHO WOULD LIKE TO ADDRESS US. SO 10 MINUTES
12 RECESS. (GAVEL).

13

14 **HON. LOURDES BAIRD, CHAIR:** WE ARE GOING TO RECONVENE AT THIS
15 TIME FOR THE CONTINUING EXAMINATION OF SHERIFF BACA. VERY
16 WELL. AND I'M GOING TO ASK THE COMMISSIONERS IF THEY HAVE ANY
17 QUESTIONS. AND LET'S START FROM THIS SIDE OF THE BENCH, AND
18 JUSTICE MORENO?

19

20 **HON. CARLOS R. MORENO:** GOOD AFTERNOON. IT'S A PLEASURE TO SEE
21 YOU.

22

23 **SHERIFF LEE BACA:** IT'S A PLEASURE, YOUR HONOR.

24

1 **HON. CARLOS R. MORENO:** ONE OF THE THINGS THAT CONCERNED ME
2 THROUGH THE COURSE OF THE COMMISSION'S WORK PARTICULARLY WITH
3 RESPECT TO TESTIMONY WE HEARD THIS MORNING AND THEN BEFORE
4 WERE THE ACCUMULATION OF COMPLAINTS REGARDING EXCESSIVE USE OF
5 FORCE THAT WERE NOT ONLY NUMEROUS, BUT MORE IMPORTANTLY
6 UNINVESTIGATED. AND THE DELAY IN WHICH SOME OF THOSE
7 COMPLAINTS STOOD UNINVESTIGATED. I WONDER IF YOU COULD TELL
8 US, TELL THE COMMISSION, WHAT MEASURES YOU ARE GOING TO
9 UNDERTAKE TO ENSURE THE INTEGRITY AND PROMPTNESS THAT THESE
10 COMPLAINTS ARE ADEQUATELY INVESTIGATED? WE'VE SEEN THAT THE
11 NUMBERS HAVE GONE DOWN, AND THAT'S COMMENDABLE. BUT IN TERMS
12 OF INVESTIGATING THOSE COMPLAINTS IN A PROMPT AND EFFICIENT
13 MANNER, WHAT STEPS ARE YOU GOING TO TAKE TO MAKE THAT HAPPEN?

14

15 **SHERIFF LEE BACA:** WELL THANK YOU FOR THAT QUESTION. IN THE
16 INFORMATION THAT I HAVE PROVIDED YOU, THERE ARE A NUMBER OF
17 REPORTS THAT DESCRIBE THAT. IN THE INDEX, THERE IS A TEAM OF
18 SERGEANTS WITH A SIGNIFICANT FORCE THAT RESPOND TO THE
19 INCIDENT AND ASSIST THE LOCAL UNIT COMMANDER AND HIS
20 SUPERVISORS IN NOT ONLY REPORTING THE FORCE BUT ASSURING THAT
21 ALL ELEMENTS OF WHAT IS BEING REPORTED IS PUT INTO THE
22 DOCUMENTS AND REPORTING AND AS A RESULT IT'S CALLED THE
23 CUSTODY FORCE RESPONSE TEAM THAT HERETOFORE DIDN'T EXIST. AND
24 THEN THE CUSTODY FORCE REVIEW COMMITTEE, THIS IS ON PAGE 11
25 AND 12 OR TAB 11 AND 12, DESCRIBES THE PROCESS UNDER WHICH

1 THIS AUDITING WILL OCCUR. AND THAT IN THE CAPTAIN BORNMAN
2 REPORT TO YOU, HE HAD ALSO REPORTED TO ME AND THIS IS WHAT LED
3 TO THE FURTHERANCE OF THE EXAMINATION OF THESE REPORTS THAT
4 WERE ALL FILLED OUT BY THE DEPUTIES APPROPRIATELY AND APPROVED
5 BY THE SERGEANTS, BUT IT WAS REALLY NOT PUT INTO THE SYSTEM IN
6 THE CAPTAINS' PROCESS OF CENTRAL JAIL. SO IN THAT REGARD,
7 WE'VE LEARNED A LOT FROM THAT PROBLEM, AND NOW THESE TWO
8 PROCESSES ARE IN PLACE.

9

10 **HON. CARLOS R. MORENO:** AND YOU AGREE THAT A SPEEDY
11 INVESTIGATION IS NOT ONLY IMPORTANT BECAUSE MEMORIES FADE, BUT
12 ALSO BECAUSE IF ACTION IS GOING TO BE TAKEN AGAINST A
13 PARTICULAR DEPUTY FOR CONDUCT IN WHICH IT IS DETERMINED THAT
14 HE MAY BE LIABLE AND DISCIPLINE SHOULD OCCUR, THAT THERE ARE
15 SPECIFIC TIME LIMITS UNDER THE POLICE OFFICERS BILL OF RIGHTS
16 FOR THAT KIND OF --

17

18 **SHERIFF LEE BACA:** YES, CORRECT ON BOTH POINTS.

19

20 **HON. CARLOS R. MORENO:** AND IS THAT THE ONE YEAR SORT OF
21 STATUTE OF LIMITATIONS?

22

23 **SHERIFF LEE BACA:** YES.

24

1 **HON. CARLOS R. MORENO:** AND I DO HAVE ONE MORE QUESTION, I
2 APOLOGIZE. WE HEARD TESTIMONY I BELIEVE WITH OUR LAST SESSION,
3 A RECOMMENDATION FROM I BELIEVE A DEPUTY, THAT THE ROLE OF
4 CUSTODY ASSISTANTS COULD BE EXPANDED OR SHOULD BE EXPANDED AT
5 SUBSTANTIAL COST SAVINGS TO THE COUNTY. DO YOU HAVE ANY
6 PARTICULAR VIEW ON THE USE OF CUSTODY ASSISTANTS IN LIEU OF
7 ACTUAL SWORN OFFICERS? TO STAFF THE JAILS?

8

9 **SHERIFF LEE BACA:** YES. THE PERCENT OF DEPUTY VERSUS CUSTODY
10 ASSISTANT IS 65 PERCENT DEPUTIES, 35 PERCENT CUSTODY
11 ASSISTANTS. HOWEVER, THE REPORT PUT OUT BY PPOA, THE
12 PROFESSIONAL POLICE ASSOCIATION, IS AN UNREALISTIC REPORT. I
13 DO BELIEVE THERE'S MARGINS THAT CAN BE LOOKED AT FOR CHANGING
14 THE PERCENT, AND I'VE EXPRESSED THAT TO ALADS AND TO PPOA, THE
15 TWO UNIONS THAT REPRESENT VARIOUS LEVELS OF THE CUSTODY STAFF.
16 BUT THE NATURE OF OUR JAIL MANAGEMENT IS THAT THERE WILL
17 ALWAYS BE MORE DEPUTIES THAN CUSTODY ASSISTANTS.

18

19 **HON. CARLOS R. MORENO:** I HAVE NOTHING FURTHER.

20

21 **HON. LOURDES BAIRD, CHAIR:** ALL RIGHT. JUDGE TEVRIZIAN?

22

23 **HON. DICKRAN M. TEVRIZIAN:** WELL, SHERIFF, I WANT TO THANK YOU
24 ON BEHALF OF THIS COMMISSION FOR 47 YEARS OF DEDICATED SERVICE
25 TO THIS COUNTY. YOU'RE THE ONLY SHERIFF THAT I KNOW THAT

1 POSSESSES A DOCTORATE DEGREE AND I MIGHT ADD FROM A VERY FINE
2 INSTITUTION, THE UNIVERSITY OF SOUTHERN CALIFORNIA. BASED ON
3 YOUR APPEARANCE HERE TODAY AND YOUR TESTIMONY, I FEEL
4 CONFIDENT THAT YOU'VE IDENTIFIED THE PROBLEM, ACKNOWLEDGED THE
5 PROBLEM AND HAVE TAKEN SIGNIFICANT STEPS WITHOUT WAITING FOR
6 THE COMMISSION'S REPORT AND RECOMMENDATIONS TO ADDRESS THESE
7 ISSUES THAT HAVE BEEN IDENTIFIED. BUT HOW DO WE KEEP THE
8 MOMENTUM GOING? MY UNDERSTANDING IS THAT THIS EXECUTIVE
9 TASKFORCE AS COMMANDERS HAS A SUNSET CLAUSE WITH REGARD TO
10 INVESTIGATING THE JAILS. AND I THINK THAT SUNSET CLAUSE IS
11 SOMETIME IN AUGUST OF THIS YEAR. WHAT ARE YOU GOING TO DO ON A
12 GOING-FORWARD BASIS? I THINK THE COMMITTEE IS GOING TO
13 RECOMMEND THAT YOU HAVE ANOTHER UNDERSHERIFF OR ASSISTANT
14 SHERIFF TAKE CARE JUST OF CUSTODY. ABSENT THAT, WHAT WOULD YOU
15 DO?

16

17 **SHERIFF LEE BACA:** WELL, I WILL CONTINUE WITH THE COMMANDERS'
18 MANAGEMENT TASKFORCE. I'M NOT SURE WHERE THE AUGUST DATE CAME
19 TO YOUR ATTENTION, YOUR HONOR. BUT I DON'T SEE ANY NEED TO
20 CHANGE BACK TO AN OLDER METHODOLOGY. UNQUESTIONABLY THE
21 COMMANDER'S TASKFORCE HAS MADE A HUGE IMPACT. BUT I KNOW THAT
22 THE ABILITY TO CONTINUE TO IMPROVE AN ORGANIZATION AS THE
23 SHERIFF'S DEPARTMENT GROWS, AND WE ARE GROWING, YOU HAVE TO
24 HAVE MORE THAN ONE WAY OF ASSURING QUALITY. AND SO I THINK
25 WHAT WE'RE GOING TO DO IS CREATE AN INSPECTIONAL SERVICES

1 BUREAU THAT WOULD BE CAPABLE OF NOT ONLY DOING WHAT THEY'RE
2 DOING IN CUSTODY, THAT WOULD CONTINUE, BUT THEY WOULD ALSO BE
3 DOING THAT FOR THE REST OF THE DEPARTMENT. AND I'M ALSO
4 CHANGING THE ROLE OF DIVISIONAL COMMANDERS SO THAT WE'RE
5 AUDITING ALL FUNCTIONS ACROSS DIVISIONAL LINES.

6

7 **HON. DICKRAN M. TEVRIZIAN:** THE OTHER AREA THAT IS OF CONCERN
8 TO ME IS I UNDERSTAND THE CAPACITY FOR THE L.A. COUNTY JAIL
9 SYSTEM AS A WHOLE IS ABOUT 20,000 INMATES. AND YOU PRESENTLY
10 HAVE ABOUT 16,000 INMATES. AND OF THOSE 16,000 INMATES, MOST
11 OF THEM OR 80 PERCENT OF THEM ARE PRETRIAL. AND NOW YOU HAVE
12 A.B.109 TO DEAL WITH, WHICH IS GOING TO FORCE THE COUNTIES TO
13 TAKE CERTAIN STATE PRISONERS. WHAT DO YOU DO WITH AN
14 ANTIQUATED FACILITY LIKE MEN'S CENTRAL JAIL WHERE YOU'RE GOING
15 TO HOUSE LONGER TERM CUSTODY INMATES AT COUNTY FACILITIES
16 WHICH WERE ONLY DESIGNED TO HOUSE INMATES FOR SHORT PERIODS OF
17 TIME? THAT'S ONE ISSUE. THE OTHER ISSUE IS WHAT DO WE DO IN
18 THIS CASH-STRAPPED COUNTY WITH REGARD TO LOOKING AT POTENTIAL
19 REPLACEMENT FOR MEN'S CENTRAL JAIL?

20

21 **SHERIFF LEE BACA:** ALL RIGHT. THE FIRST QUESTION REGARDING BED
22 CAPACITY FOR THE STATE CONVICTEES THAT ARE BEING SENT TO THE
23 COUNTY JAIL UNDER THE NONVIOLENT, NONSEXUAL, NONSERIOUS
24 CATEGORY, WE HAVE ABOUT 5,000 OF THOSE INMATES NOW. AND TO THE
25 CREDIT OF MY JAIL MANAGERS, WE'VE BEEN ABLE TO ACCOMMODATE IT

1 SO FAR TO THIS POINT. WE BELIEVE THAT THE ANNUAL DATE IS
2 IMPORTANT, OCTOBER 1ST, BECAUSE THAT'S WHEN IT ALL BEGAN. WE
3 HAVE CONTRACTS THAT WE'RE TRYING TO PUT IN EFFECT WITH TWO
4 OUTSIDE OF THE COUNTY JAILS THAT HAVE CAPACITY OF 500 INMATES
5 APIECE. WE THINK THAT WE CAN UNLOAD SOME OF OUR OWN INMATES
6 THAT ARE THE NON, NON, NONS INTO THAT SECONDARY BACKUP SYSTEM.
7 WE CERTAINLY ARE IN THE ASPECTS OF LEARNING AS WE GO WITH THIS
8 BECAUSE IT'S A NEW RESPONSIBILITY. RELATIVE TO THE PERCENT OF
9 PRESENTENCE VERSUS SENTENCED, WE HAVE A REPORT THAT WE'RE
10 GIVING YOU BY JIM AUSTIN, AND I RECOMMEND YOU LOOK AT THAT
11 REPORT. WE BELIEVE THAT THERE ARE SOME PRESENTENCED INMATES
12 THAT COULD, THROUGH A RISK ASSESSMENT TOOL CALLED COMPASS,
13 THAT THEY COULD BE ASSESSED FOR AN ANKLE BRACELET RELEASE
14 PRETRIAL. AND WITH A LOWERING OF THE BAIL AS ANOTHER ELEMENT.
15 AND SO WE'RE LOOKING AT ALL POSSIBILITIES, IN SHORT, IN ANSWER
16 TO YOUR QUESTION.

17

18 **HON. DICKRAN M. TEVRIZIAN:** DO YOU THINK THE ANTIQUATED
19 FACILITIES AT MEN'S CENTRAL JAIL CONTRIBUTES TO THE ISSUE OF
20 USE OF FORCE BECAUSE OF FRUSTRATION ON BEHALF OF THE INMATES
21 FOR THE FACILITY THAT THEY'RE HOUSED IN AND THE OFFICERS
22 BECAUSE OF THE CONDITION OF THE FACILITY?

23

24 **SHERIFF LEE BACA:** YES, I THINK THE DESIGN IS SUCH WHERE THE
25 OFFICER, THE DEPUTY IS IN THE FRONT OF THE LOCKUP AREA AND

1 THERE'S TWO ROWS ON THE SIDE OF A CENTER PIPE CHASE. AND WHEN
2 YOU GO DOWN EACH ROW, YOU CAN'T SEE, THE BIGGEST CONCERN FOR
3 THE DESIGN IS THAT INMATES THAT ARE IN DOUBLE-STAFFED CELLS OR
4 MORE, IF THEY GET INTO CONFLICT -- AND WE'VE HAD AN OCCASION
5 THAT HAPPENED, THEY'LL START FIGHTING WITH EACH OTHER. IN FACT
6 A YEAR AGO, WE HAD TWO INMATES ARGUING OVER WHO WAS GOING TO
7 BE A SHOT CALLER AND ONE ENDED UP KILLING THE OTHER RIGHT IN
8 HIS CELL. AND IT'S ALL BECAUSE WE DON'T HAVE VISUAL CAPABILITY
9 TO LOOK INSIDE. THAT'S A BIG PROBLEM WITH THE OLD DESIGN. NOW
10 WE WOULD LIKE TO SEE THAT OLD JAIL DECOMMISSIONED ENTIRELY AND
11 MAKE IT INTO A CONVERTED EDUCATIONAL-BASED INCARCERATION
12 ENVIRONMENT WHERE CLASSROOMS ARE PART OF A GUTTED-OUT JAIL
13 CELL. AND WE JUST CHANGE IT INTO SOMETHING THAT HAS NO
14 DETENTION FUNCTION, BUT IT HAS A CLASSROOM FUNCTION.

15

16 **HON. DICKRAN M. TEVRIZIAN:** YOU'RE DOING SOME WORK ON THE HALL
17 OF JUSTICE NOW TO REOCCUPY THAT AS THE SHERIFF'S HEADQUARTERS.
18 ARE YOU GOING TO UTILIZE ANY PORTION OF THAT FOR HOUSING OF
19 INMATES?

20

21 **SHERIFF LEE BACA:** NO. WE CANNOT NOW. ABOUT 12 OR 13 YEARS AGO,
22 THE BOARD DECIDED TO GUT OUT THE JAIL. AND CURRENTLY NOT ONLY
23 IS THE JAIL GUTTED OUT, THE ENTIRE INTERIOR'S GUTTED OUT
24 EXCEPT FOR THE FLOORS. THE ELEVATORS ARE TAKEN OUT. THE
25 ELECTRIC SYSTEM. THE PLUMBING SYSTEM IS GONE. NEVER HAD AIR

1 CONDITIONING. THEY DID HAVE A HEATING SYSTEM. SO IT'LL BE
2 BUILT BACK UP FROM THE BONES, SO TO SPEAK. AND THERE WILL BE
3 NO HOUSING THERE OR JAILING.

4

5 **HON. DICKRAN M. TEVRIZIAN:** I HAVE NO FURTHER QUESTIONS.

6

7 **HON. ROBERT BONNER:** COMMISSIONER BONNER SPEAKING. SHERIFF, LET
8 ME JUST SAY YOU'RE TO BE COMMENDED FOR YOUR FOCUS AND YOUR
9 PERSONAL INVOLVEMENT AND TAKING SOME VERY SIGNIFICANT ACTIONS
10 SINCE SEPTEMBER OF LAST YEAR TO REDUCE USE OF FORCE AT MEN'S
11 CENTRAL JAIL AND OTHER PARTS OF THE COUNTY JAIL SYSTEM. WE'VE
12 MENTIONED A NUMBER OF THINGS THAT YOU'VE DONE. YOU HAVE PUT
13 TOGETHER AND FORMED THE COMMANDER MANAGEMENT TASKFORCE, YOU'VE
14 CLARIFIED, AS I UNDERSTAND IT IN YOUR OWN WORDS, THE USE OF
15 FORCE POLICY. THAT EXHIBIT WAS SHOWN HERE. BUT MY QUESTION
16 WOULD BE, PARTICULARLY GIVEN THE MANDATE OF THIS COMMISSION,
17 WOULD BE: WHAT OTHER ACTIONS DO YOU RECOMMEND BE IMPLEMENTED
18 OR DO YOU RECOMMEND OR WOULD YOU SUGGEST THAT THIS COMMISSION
19 RECOMMEND? AND PARTICULARLY WITHIN CURRENT RESOURCES SHOULD BE
20 DONE TO, IF ANYTHING, TO CONTINUE THE MOMENTUM TO REDUCE
21 EXCESSIVE USE OF FORCE WITHIN THE COUNTY JAIL SYSTEM.

22

23 **SHERIFF LEE BACA:** WELL, LET ME SAY WITHIN EXISTING RESOURCES,
24 AS YOU KNOW, I HAVE A NUMBER OF JAILS THAT ARE CURRENTLY IN
25 PLACE. AND I'M REOCCUPYING THE NORTH COUNTY CORRECTIONAL

1 FACILITY, WHICH IS A FACILITY THAT WE HAD EMPTY FOR A WHILE
2 BUT NOW WE HAVE TO USE IT. I ALSO CONSIDER RESOURCES AS MONEY
3 TO BUILD WITH. AND THERE'S \$100 MILLION THAT THE COUNTY HAS
4 ELIGIBILITY FOR THAT'S STATE MONEY TO BUILD A WOMEN'S FACILITY
5 AT THE PITCHES HONOR RANCHO. THAT'S AN ASSET THAT THE BOARD
6 HAS TO DECIDE TO SPEND. AND THE GOVERNOR APPOINTED ME TO THIS
7 CURRENT BOARD OF STATE AND COMMUNITY CORRECTIONS. AND THERE'S
8 A \$500 MILLION ELIGIBILITY FOR ALL 58 COUNTIES, AND OURS IS
9 THE LARGEST, SO I SUSPECT THAT WE'LL BE ELIGIBLE FOR TENS OF
10 MILLIONS OF DOLLARS TO HELP BUILD A REENTRY PROGRAM BEYOND THE
11 CURRENT ONE THAT WE HAVE TODAY. SO I WOULD ASK THAT IN THE
12 CATEGORIES OF FINANCIAL OPPORTUNITIES, THAT THE BOARD SEIZE
13 THE MOMENT AND TAKE ADVANTAGE OF THOSE OPPORTUNITIES BECAUSE
14 IF WE BUILD THIS WOMEN'S FACILITY AT THE RANCH, IT WILL BE A
15 STATE-OF-THE-ART VILLAGE AS OPPOSED TO THE HARD CEMENT AND
16 REBAR SYSTEMS THAT MEN FACILITIES OFTEN REQUIRE. AND IT'LL
17 HAVE AN IN-HOUSE OPPORTUNITY WITHIN EACH OF THE LIVING AREAS
18 FOR SELF-SUFFICIENT LIVING, MEANING COOKING, LAUNDRY AND
19 CLASSROOM ACTIVITY. IT WILL BE A TOTAL DIFFERENT CONCEPT FOR
20 WOMEN BECAUSE THE DISTINCTION OF BEHAVIORAL PROBLEMS WITH
21 WOMEN IS FAR LESS SEVERE THAN IT IS WITH MEN. AND I DON'T WANT
22 TO BLUR THE RESOURCES I HAVE, LIKE WITH WOMEN BEING AT THE
23 LYNWOOD REGIONAL JUSTICE CENTER. IT WAS BUILT FOR MEN. AND IT
24 IS BASICALLY A HARD LOCK PRISON-LIKE FACILITY. AND I DON'T
25 THINK IT'S APPROPRIATE FOR WOMEN TO BE THERE. SO IN THE NATURE

1 OF EXISTING RESOURCES, WE HAVE TWO. WE HAVE THE EXISTING
2 FACILITIES, BUT WE ALSO HAVE MONEY AVAILABLE TO BUILD ONE MORE
3 ADDITIONAL FACILITY. AND I WOULD RATHER SEE US DO THAT
4 IMMEDIATELY THAN TO LOSE OUR ELIGIBILITY FOR THAT \$100 MILLION
5 FROM THE STATE.

6

7 **HON. ROBERT BONNER:** OKAY. WHEN YOU TALKED ABOUT SORT OF
8 TURNING TO THE TASK OF PREVENTING USE OF FORCE AND IN
9 PARTICULAR INAPPROPRIATE, UNCONSTITUTIONAL OR EXCESSIVE USE OF
10 FORCE, YOU'VE MENTIONED THREE THINGS. YOU'VE MENTIONED POLICY,
11 SUPERVISION AND TRAINING. I JUST WANT TO TOUCH ON A COUPLE OF
12 THOSE AREAS. IN TERMS OF SUPERVISION, WOULD YOU AGREE FOR A
13 LAW ENFORCEMENT ORGANIZATION SUCH AS THE SHERIFF'S DEPARTMENT
14 THAT THE FIRST LEVEL SUPERVISION, THE SERGEANT LEVEL IS
15 EXTREMELY IMPORTANT?

16

17 **SHERIFF LEE BACA:** YES.

18

19 **HON. ROBERT BONNER::** AND WHEN THAT FIRST LEVEL OF SUPERVISION
20 BREAKS DOWN, IT USUALLY MEANS THE LAW ENFORCEMENT ORGANIZATION
21 IS LIKELY TO BE IN DEEP TROUBLE, AM I CORRECT?

22

23 **SHERIFF LEE BACA:** CORRECT.

24

1 **HON. ROBERT BONNER:** HOW DO YOU -- AND BY THE WAY, I NOTED
2 YOUR TESTIMONY WHERE YOU'VE INDICATED THAT AMONG OTHER THINGS,
3 ONE OF THE THINGS YOU'VE DONE IS TO REASSIGN 91 -- OUT OF
4 HIDE, I TAKE IT -- 91 SERGEANTS INTO MEN'S CENTRAL JAIL.

5

6 **SHERIFF LEE BACA:** IT WAS 19, YOUR HONOR. BUT 91 WERE
7 RECOMMENDED BY ALL THE CAPTAINS IN ALL THE JAILS THAT THEY
8 NEEDED AS A GROUP, BUT I COULD ONLY SQUEEZE OUT 19 FROM OTHER
9 PARTS OF THE DEPARTMENT AND BRING THEM INTO THE JAILS.

10

11 **HON. ROBERT BONNER:** THANK YOU FOR CLARIFYING THAT. I GUESS THE
12 QUESTION I HAVE IS: HOW DO YOU, AS A MANAGER, AS A LAW
13 ENFORCEMENT LEADER, HOW DO YOU ASSURE THAT THE BEST OR AT
14 LEAST VERY GOOD SERGEANTS, FIRST-LINE SUPERVISORS ARE ASSIGNED
15 TO THE COUNTY JAIL AND ARE ASSIGNED THERE FOR, YOU KNOW,
16 POTENTIALLY MORE THAN JUST TWO YEARS?

17

18 **SHERIFF LEE BACA:** WELL THIS IS THE DOUBLE TRACKING SOLUTIONS
19 THAT WE'RE ALLUDING TO. THE FOCUS OF THE DUAL TRACK WOULD BE
20 THAT IN ME TALKING TO A LOT OF DEPUTIES IN THE JAIL AND EVEN
21 IN OUR ACADEMY CLASSES, I'VE ASKED THEM: IF YOU HAD THE OPTION
22 TO STAY IN THE JAIL AS THE SOLE GOAL OF YOUR CAREER, WOULD YOU
23 EXERCISE THAT OPTION? AND I'VE ALWAYS HAD HANDS GO UP, WHICH
24 TELLS ME NOW THAT THERE IS AN OPPORTUNITY FOR CAREER-MINDED
25 CUSTODY, SWORN PERSONNEL AT EVERY RANK. AND SO MY DESIRE IS TO

1 BUILD UP THE DUAL TRACK MODEL SO THAT THE SUPERVISORS,
2 SERGEANTS, DEPUTIES WHO WANT TO BE SERGEANTS CAN USE THE
3 CUSTODY SERGEANT POSITION AS WELL AS THE DEPARTMENT SERGEANT
4 POSITION. AND WE WOULD SET IT UP IN SUCH A FASHION THAT THEY
5 WOULD PICK THAT ONE TRACK THEY'D LIKE TO BE ON. ONCE THEY PICK
6 THAT SERGEANT'S TRACK FOR CUSTODY, THEN THEY'RE THERE BECAUSE
7 THEY WANT TO BE THERE.

8

9 **HON. ROBERT BONNER:** HAVE YOU ACTUALLY ESTABLISHED NOW THE
10 SEPARATE CAREER TRACK FOR CUSTODY DEPUTIES, OR IS THAT JUST
11 SOMETHING THAT'S FAVORABLE TO LOOK AT AS SOMETHING TO BE
12 CONSIDERED? I MEAN IS IT IMPLEMENTED OR IS IT STILL BEING
13 STUDIED?

14

15 **SHERIFF LEE BACA:** WELL IT'S BEING DESIGNED. BUT IT HAS
16 PORTIONS OF IMPLEMENTATION JUST BY CHANGING A COUPLE POLICIES.
17 ONE WAS THIS POLICY THAT EVERYONE IN THE JAIL THAT WAS A
18 DEPUTY HAD TO GO TO PATROL. WELL NOW WE'VE STOPPED THAT
19 POLICY, AND SO THERE'S A PERCENT THAT ARE NOT GOING TO GO TO
20 PATROL. AND THEY'RE GOING TO STAY IN CUSTODY. NOW -- STAY IN
21 CUSTODY. NOW, IT WASN'T AN ACTION SAYING NOW YOU'RE ON THE
22 DUAL TRACK. IT'S AN ACTION DONE SAYING YOU DON'T HAVE TO GO TO
23 PATROL, WHICH THEN PUTS THEM ON THE DUAL TRACK PROCESS ON THE
24 CUSTODY SIDE. THAT'S ONE EXAMPLE. THE OTHER IS FOR US TO
25 EXAMINE THE ACADEMY CLASSES IN TERMS OF WHO WANTS TO STAY IN

1 CUSTODY AND THEREFORE YOU DON'T HAVE TO PUT IN A TRANSFER TO
2 PATROL? SO ABSENCE OF A TRANSFER TO PATROL EMPHASIZES THAT
3 THAT DEPUTY HAS CHOSEN TO STAY IN CUSTODY AND THEREFORE IS
4 PART OF THAT SECOND TRACK. NOW WHAT'S NEEDED FROM THIS POINT
5 ON IS HAD COMMISSION SHOULD -- THIS COMMISSION SHOULD IN FACT
6 RECOMMEND THAT THERE BE A CONTINUATION OF THE PLANNING FOR THE
7 DUAL TRACK PROGRAM AND THAT THAT WOULD FACILITATE WHAT I
8 BELIEVE IS THE ULTIMATE COMPLETION OF THE PLAN.

9

10 **HON. ROBERT BONNER:** I'M GOING TO ASK A QUESTION ABOUT
11 TRAINING, BUT DO YOU KNOW WHAT THE AVERAGE LENGTH OR TOUR OF
12 DUTY OF A NEW DEPUTY THAT'S ASSIGNED TO THE COUNTY JAIL, DO
13 YOU KNOW WHAT THE AVERAGE TENURE IS RIGHT NOW? I MEAN WHEN I
14 SAY RIGHT NOW, I DON'T MEAN THIS MOMENT, I MEAN OVER THE LAST
15 YEAR OR TWO?

16

17 **SHERIFF LEE BACA:** WELL FOR THE ONES -- SEVEN YEARS. IT COULD
18 BE LONGER BECAUSE SOME OF THEM CHANGE THEIR DESIRE TO GO. THEY
19 WANT TO STAY IN CUSTODY BECAUSE SOME OF THEM HAVE FAMILY
20 ISSUES LIKE A PREGNANCY OR SO FORTH. AND SO THEY'RE NOT
21 INTERESTED IN GOING OUT OF THERE IMMEDIATELY. BUT IT COULD
22 VARY FOR THE ASSIGNMENT THEY'RE ASKING TO GO TO. LIKE SOME
23 PEOPLE WANT TO GO TO ALTADENA STATION. WELL, THAT'S NOT AS
24 HIGH A TURNOVER AS, SAY, CENTURY STATION OR COMPTON STATION.
25 SO WHEN THEY PICK A STATION THAT HAS A HIGHER TURNOVER OF

1 PERSONNEL, THEN IT COULD BE THAT A PERSON IS GOING TO WORK
2 FIVE YEARS IN A JAIL AND THEN GO OUT. THE ONE THAT WANTS TO GO
3 TO SAN DIMAS OR ALTADENA WOULD BE SEVEN YEARS OR EIGHT YEARS.

4

5 **HON. ROBERT BONNER:** I HEARD THE AVERAGE IS IN THE RECENT PAST
6 IS SEVEN YEARS FOR AN AVERAGE TOUR OF DUTY AFTER BASIC
7 TRAINING IN THE ACADEMY IN THE JAIL SYSTEM. SO ASSUMING THAT'S
8 RIGHT FOR A MOMENT, AND EVEN IF IT WERE A SHORTER PERIOD OF
9 TIME, I'VE BEEN TOLD -- AND PERHAPS THERE'S BEEN SOME
10 TESTIMONY HERE -- THAT THE AMOUNT OF TIME AND THE BASIC DEPUTY
11 TRAINING AT THE ACADEMY THAT'S DEVOTED TO CUSTODY -- JUST
12 CUSTODY, CUSTODY ISSUES, CUSTODY OPERATIONS AND SO FORTH -- IS
13 ONE WEEK. FIRST OF ALL, IS THAT CORRECT? AND DOES IT MAKE
14 SENSE THAT THERE WOULD ONLY BE ONE WEEK OF TRAINING FOR BASIC,
15 BASIC DEPUTY TRAINING WHEN THE NEW DEPUTY IS LIKELY TO SPEND,
16 RIGHT NOW, UP TO SEVEN YEARS IN CUSTODY BEFORE GETTING
17 ASSIGNED OUT TO PATROL?

18

19 **SHERIFF LEE BACA:** YOUR OBSERVATION WOULD BE MINE IF I WAS
20 AWARE OF WHAT YOU JUST SAID. BUT WHAT I'M SAYING IS, IT'S TWO
21 WEEKS EXTENSION IN THE ACADEMY AND THEN ANOTHER TWO WEEKS
22 BEFORE THEY GO INTO THE JAIL TO DO THEIR JOB. SO A TOTAL OF
23 FOUR WEEKS BEFORE THEY ACTUALLY LAND.

24

25 **HON. ROBERT BONNER:** IS THAT A RECENT CHANGE?

1

2 **SHERIFF LEE BACA:** YES. WHEN SOME OF THE ISSUES OF WHAT IS
3 EDUCATION-BASED -- INCARCERATION AND WHAT ARE THE DUTIES AND
4 RESPONSIBILITIES OF DEPUTIES AND WHAT ARE THE SERGEANTS'
5 DUTIES AND RESPONSIBILITIES ALONG WITH WHAT IS IN FACT THE
6 POLICY OF THE JAILS -- I WAS LOOKING TO HAVE MORE
7 COMPREHENSIVE LEADERSHIP OF WHAT IS EXPECTED OF A DEPUTY IN
8 JAILS BEFORE THEY EXIT THE ACADEMY ENVIRONMENT. SO WE PUT
9 TOGETHER TWO WEEKS OF TALKING ABOUT THE IMPORTANCE OF OUR
10 POLICIES, ENGAGING IN DIALOGUE, EVEN WITH THE INMATES, SO THAT
11 THE DEPUTIES HAVE A CLEAR UNDERSTANDING AS TO WHAT THEIR ROLE
12 IS IN FACILITATING WHAT WOULD BE CORE VALUE-ORIENTED TYPE
13 SERVICES WITHIN THAT JAIL BECAUSE THE INMATES DO DEPEND ON US
14 FOR THE SIMPLE HUMAN NEEDS: FOOD, HYGIENE, SHOWERS, PHONE
15 CALLS, VISITS, ATTORNEY VISITS AND SO FORTH.

16

17 **HON. ROBERT BONNER:** AND THERE ARE DIFFERENT USE OF FORCES
18 ISSUES, AREN'T THERE, IN THE CUSTODY SETTING AS OPPOSED TO ON
19 PATROL?

20

21 **SHERIFF LEE BACA:** EXACTLY. SO IT'S FOUR WEEKS, IN ANSWER TO
22 YOUR QUESTION.

23

24 **HON. ROBERT BONNER:** THE LAST AREA I WANTED TO ASK YOU ABOUT IS
25 YOUR PHILOSOPHY ABOUT BAD NEWS AND RECEIVING BAD NEWS. BUT

1 CAPTAIN CLARK, COMMANDER OLMSTED, OTHERS, BY THE WAY, HAVE
2 TALKED ABOUT OR APPARENTLY KNEW THAT THERE WERE SOME, WHAT I
3 CALL, PRETTY SIGNIFICANT OUT-OF-POLICY FORCE ISSUES LONG
4 BEFORE -- LONG BEFORE EVEN THE DECEMBER PARTY, DECEMBER 2010
5 CHRISTMAS PARTY AT QUIET CANYON. I JUST WANT TO ASK YOU: WHY
6 DIDN'T THIS -- THIS HAS BEEN COVERED, BUT I STILL DON'T
7 UNDERSTAND IT -- WHY DIDN'T THIS PERCOLATE UP TO YOU BEFORE
8 THE INCIDENT AT QUIET CANNON IN DECEMBER 2010?

9

10 **SHERIFF LEE BACA:** WELL, THAT'S A GOOD QUESTION. IT'S
11 INTERESTING. I HAD THAT FEELING AND THOUGHT ALL ALONG. I THINK
12 THERE'S SPECULATION ON MY PART. I CAN'T REALLY SAY TO YOU I
13 KNOW EXACTLY WHAT. ONE OF MY CUSTODY CHIEFS HAD A HIGHER
14 OPINION OF THE CAPTAIN OF C.J. THAN APPARENTLY HE HAD OF THE
15 COMMANDER. NOW THAT'S A PROBLEM, ESPECIALLY WHEN I HAVE A
16 HIGHER OPINION OF THE COMMANDER THAN I DO THE CAPTAIN. BUT THE
17 CAPTAIN'S NOT A BAD MAN. THAT'S NOT MY POINT. BUT WHEN MY
18 CHIEFS WHO I DEPEND ON MOST SIGNIFICANTLY FOR ACCOUNTABILITY
19 PURPOSES HAVE A DIFFERENT OPINION THAN I DO, THEY MOST LIKELY
20 WOULD COME TO ME IF THEY WERE WANTING TO REINFORCE THEIR OWN
21 POINT OF VIEW. NOW, I BELIEVE THAT THAT'S WHERE MY ADMONITIONS
22 ABOUT WELL, LISTEN, IF YOU THINK I'M GOING TO DISAGREE WITH
23 YOU, YOU STILL HAVE TO COME AND TELL ME WHAT IS THIS POINT
24 THAT NEEDS MY INFORMATIONAL INPUT AND I'LL GIVE IT TO YOU. BUT
25 IN THIS CASE, I THINK THAT MR. OLMSTED WAS NOT TREATED

1 APPROPRIATELY RELATIVE TO HIS MESSAGE. WE DON'T ALWAYS HAVE TO
2 AGREE WITH EVERYBODY'S MESSAGE, BUT WE HAVE TO, IF WE'RE GOING
3 TO DISAGREE, FIND OUT WHETHER OR NOT THE MESSAGE IS VALID AND
4 THIS IS WHAT DIDN'T HAPPEN. SEE, WHEN I GET INTO THIS AND I GO
5 DOWN THERE, I DON'T NEED A SEEING EYE DOG. I BASICALLY HAVE
6 THE ABILITY TO ASSESS AND LOOK AND ASK A LOT OF QUESTIONS AND
7 SPEND A LOT OF TIME IN THE HEART OF THE PROBLEM. AND THIS DID
8 NOT HAPPEN FROM SOME OF MY HIGH-RANKING OFFICIALS TO THE
9 EXTENT THAT NOW THEY KNOW FROM MY EXAMPLE THAT THEY BETTER DO
10 MORE THAN SIT IN THE OFFICE. SO IT'S KIND OF A HARD QUESTION
11 TO ANSWER FOR THE FACT OF IT ALL. BUT LIKE I SAID, IF I WERE
12 MORE ACTIVE, I'D HAVE FOUND OUT ON MY OWN. AND THAT'S REALLY
13 WHERE I TAKE THE BLAME.

14

15 **HON. ROBERT BONNER:** I GOT TO BE HONEST WITH YOU, SHERIFF. I
16 MEAN, LET'S LEAVE COMMANDER OLMSTED ENTIRELY OUT OF THIS, BUT
17 SOME HAVE SAID THAT INFORMATION, IMPORTANT INFORMATION THAT
18 WAS -- THAT COULD HAVE GONE TO YOU WAS FILTERED. AND I'M
19 TALKING NOW BEFORE YOU FORMED THE COMMANDER MANAGEMENT
20 TASKFORCE. BUT THAT YOU JUST WEREN'T PRESENTED WITH CERTAIN
21 INFORMATION BY YOUR TOP SENIOR MANAGERS. DO YOU AGREE THAT
22 INFORMATION THAT POTENTIALLY COULD HAVE VERY SERIOUS IMPACT
23 UPON THE MISSION OF THE SHERIFF'S DEPARTMENT WAS FILTERED BY
24 PEOPLE THAT WERE ONE OR TWO LEVELS BELOW YOU IN THE CHAIN OF
25 COMMAND?

1

2 **SHERIFF LEE BACA:** THERE WAS NO DOUBT ABOUT THAT. I KNOW MORE
3 ABOUT THAT SUBJECT THAN PROBABLY I CARE TO TESTIFY TO TODAY.
4 LIKE I MENTIONED EARLIER, THIS IS A PERSONNEL MATTER THAT I
5 CAN DEAL WITH AND I AM DEALING WITH IT. AND I THINK I'VE
6 CORRECTED WHATEVER MY PARTICULAR INFORMATIONAL CHANNELS ARE.
7 AND I'VE DONE IT NOT ONLY BY DIRECT ADMONITION BUT I'VE ALSO
8 DONE IT BY A SYSTEMS CHANGE BECAUSE A LOT OF WHAT PEOPLE ARE
9 FEELING AND EXPERIENCING IN THE COMMAND LEVEL IS THEY EXAMINE
10 A LOT OF PAPERWORK AND THINGS THAT ARE IMPORTANT, BUT THERE'S
11 AN ADAGE IN OUR BUSINESS: NOTHING'S LIKE YOU THINK IT IS. YOU
12 GOT TO GO DOWN AND TAKE A LOOK AT IT YOURSELF.

13

14 **HON. ROBERT BONNER:** AS YOU LOOK BACK, WOULD YOU AGREE THAT
15 THERE WAS WITHIN THE SHERIFF'S DEPARTMENT, AND I'M TALKING
16 ABOUT FAIRLY HIGH LEVELS IN THE DEPARTMENT, BUT THERE WAS A
17 RELUCTANCE TO GIVE THE BOSS BAD NEWS?

18

19 **SHERIFF LEE BACA:** I WOULD LIKE TO SAY YES TO THAT. I DON'T
20 KNOW BECAUSE I CAN'T SPEAK FOR 11 CHIEFS AND I CAN'T SPEAK FOR
21 THE 3 TOP EXECUTIVES THAT ARE MY IMMEDIATE ASSISTANTS. I THINK
22 THE PRIOR SHERIFF, WE NEVER BROUGHT HIM UP, BUT HE WAS ON THE
23 STAGE WHEN MOST OF THIS HAS GONE DOWN, AS WELL. HE HAS NOW
24 SINCE RETIRED.

25

1 **HON. ROBERT BONNER:** YOU'RE NOT TALKING ABOUT SHERIFF BLOCK?

2

3 **SHERIFF LEE BACA:** NO, UNDERSHERIFF WALDIE. I'VE BEEN BLESSED
4 TO HAVE THESE PEOPLE WORKING FOR ME WHEN I WAS AT DIFFERENT
5 LEVELS, WHEN I WAS A CHIEF, AND COMMANDER AND CAPTAIN AND EVEN
6 LIEUTENANT. AND I THINK THEY FELT THAT THEY WERE HANDLING
7 THINGS. BUT, YOU SEE, THINKING YOU'RE HANDLING THEM AND THEN
8 REVIEWING THEM WITH ME ARE TWO SUBJECT MATTERS. NOW, YOU KNOW,
9 I'M PRETTY WHAT I CALL ACCESSIBLE. AND THIS IS WHERE I KIND OF
10 DRAW SOME DEGREE OF CONCERN FOR THOSE THAT SAY "WELL HE'S A
11 BUSY MAN AND BLAH, BLAH, BLAH" BUT THERE'S NO EXCUSE FOR
12 SOMETHING AS IMPORTANT AS THE RELATIONSHIP WITH THE ACLU.
13 LET'S JUST GO THERE. THE ACLU SENT PLENTY OF MESSAGES TO MY
14 MANAGERS ABOUT THE COMPLAINTS OF THE INMATES. THEY ASSIGNED A
15 COMMANDER TO DO THIS. AND THEN IT ALL GOT HANDLED IN A WAY
16 THAT WASN'T SATISFACTORY ACCORDING TO THE ACLU. WELL, YOU
17 KNOW, IF YOU'RE GOING TO ACT ON MY BEHALF FOR AN AGENCY
18 OUTSIDE THE DEPARTMENT THAT'S COMING INTO THE DEPARTMENT AND
19 THEN MY ADMONITION TO YOU FOR YEARS, I'VE BEEN PREACHING THIS
20 FOR 10 YEARS, THAT WE HAVE TO DO BETTER THAN THE ACLU. AND WE
21 WERE NOT DOING BETTER THAN THE ACLU AND YOU DON'T TELL ME
22 THAT? NOW I'M MAD, OKAY? BECAUSE I GAVE YOU CLEAR DIRECTION
23 ABOUT HOW I WANTED YOU TO PERFORM. AND THAT IS IF THE INMATES
24 CAN'T COMPLAIN TO US ABOUT THEIR ISSUES, THEN WHO CAN THEY
25 COMPLAIN ABOUT TO? ALL RIGHT? AND SO YOU CAN SEE WHERE I'M

1 GETTING A LITTLE MORE AGGRESSIVE HERE. I ALWAYS BELIEVE IN
2 BEING POLITE AND FOLLOWING THE CORE VALUES. BUT HIGH-PAID
3 EXECUTIVES THAT HAVE HUGE RESPONSIBILITY DON'T CARE ABOUT THE
4 ACLU AS MUCH AS I DO? YOU KNOW, YOU GET RIGHT DOWN TO THE
5 FUNDAMENTAL OF CARING, IF MY TOP COMMAND DOESN'T CARE ABOUT
6 ALL THESE PROBLEMS AS MUCH AS I DO, THEN THEY OUGHT TO START
7 LEARNING HOW TO DO THAT. BUT, YOU SEE, THEY DO CARE, THAT'S
8 THE PROBLEM, YOU SEE. AND SOMETIMES CARING ALONE DOESN'T CARRY
9 YOU THROUGH THE APPROPRIATE ACTION BECAUSE YOU'RE IN YOUR
10 OFFICE TOO MUCH. YOU GOT TO GET RIGHT DOWN TO WHERE THE RUBBER
11 MEETS THE ROAD AND SAY THIS IS WHAT LEADERSHIP IS TRULY ALL
12 ABOUT. AND FIX IT. AND SO BACK TO MY CONCERN FOR EVERYBODY IS
13 THAT COMMANDER OLMSTED, JOHNSON AND McCORKLE, THEY ALL DID A
14 GREAT JOB IN IDENTIFYING THE PROBLEM, BUT GOD BLESS THEM
15 BECAUSE IF I WOULD HAVE HEARD ABOUT THIS EVEN FROM COMMANDER
16 OLMSTED, I SAID COMMANDER OLMSTED, EITHER YOU GO DOWN AND TAKE
17 HIS BADGE AWAY FROM HIM OR I'M GOING TO TAKE MY BADGE AWAY
18 FROM HIM, NOW WHICH ONE OF US IS GOING TO DO IT? AND SO I KNOW
19 HIS STRENGTH AND HE'LL SAY LISTEN, SHERIFF SINCE YOU FEEL THAT
20 WAY ABOUT IT, I'LL GO DOWN AND TAKE IT FROM HIM.

21

22 **HON. ROBERT BONNER:** SO THE REAL QUESTION HERE, THOUGH, IS NOT
23 WHETHER PEOPLE GET THINGS FIXED. THE QUESTION I'M TRYING TO
24 GET AT IT, AND THIS WILL BE MY LAST QUESTION, SHERIFF BACA, I
25 PROMISE, BUT IT REALLY IS THIS: DO YOUR SENIOR LEADERSHIP, AND

1 I'M TALKING ABOUT UNDERSHERIFF TANAKA, I'M TALKING ABOUT THE
2 ASSISTANT SHERIFFS, THE CHIEFS, THE COMMANDERS, DO THEY
3 UNDERSTAND NOW THAT IF THERE IS BAD NEWS, IF THERE ARE ISSUES,
4 YOU WANT TO HEAR ABOUT IT FIRST? YOU DON'T WANT TO HEAR ABOUT
5 IT FROM THE ACLU, YOU DON'T WANT TO HEAR ABOUT IT FROM THE
6 L.A. TIMES, YOU WANT TO HEAR ABOUT IT FIRST WHETHER OR NOT
7 THEY HAVE A SOLUTIONS TO IT?

8

9 **SHERIFF LEE BACA:** THEY KNOW THAT.

10

11 **HON. DICKRAN M. TEVRIZIAN** THANK YOU.

12

13 **HON. LOURES BAIRD, CHAIR:** THANK YOU. CHIEF MCDONNELL.

14

15 **CHIEF JIM MCDONNELL:** THANK YOU, SHERIFF, FOR BEING WITH US THE
16 BETTER PART OF THE DAY WITH US. WE HAVE AN APPRECIATION FOR
17 SOME OF THE ISSUES AS THEY RELATE TO STAFFING AND THE BUDGET
18 DECREASES YOU HAVE AND YOU HAVE A VERY DIFFICULT JOB. SOME OF
19 THE OVERARCHING CONCERNS THAT WE HAD WERE THE WHO KNEW OR
20 SHOULD HAVE KNOWN ISSUE AND I THINK YOU'VE ADDRESSED THAT
21 TODAY AND CERTAINLY THE SYSTEMS ISSUES RELATIVE TO AUDIT AND
22 CONTROLS AND YOU JUST ADDRESSED THAT WITH THE INSPECTIONAL
23 SERVICES BUREAU THAT YOU'RE GOING TO CREATE. ONE THAT'S LEFT
24 KIND OF UNTOUCHED, I THINK, OR NOT SUFFICIENTLY, IF YOU COULD
25 SHARE YOUR THOUGHTS ON WE HEARD TESTIMONY EARLIER FROM MR.

1 BOBB AND MR. GENNACO REGARDING RECOMMENDATIONS THAT HAVE BEEN
2 MADE OVER A NUMBER OF YEARS. WOULD YOU GIVE US YOUR THOUGHTS
3 ON WHETHER SOME OF THOSE THAT WEREN'T IMPLEMENTED, WAS IT
4 BECAUSE OF PHILOSOPHY? RESOURCES OR PRACTICALITY?

5

6 **SHERIFF LEE BACA:** I THINK YOU'VE IDENTIFIED THREE MAJOR
7 REASONS WHY CERTAIN THINGS WOULD GO FASTER THAN NOT. AND I DO
8 BELIEVE THAT IN ALL CASES, WE LOOK AT THESE REPORTS. WE
9 ANALYZE THEM FOR WHAT THEY CAN DO FOR US. WE DO IMPLEMENT A
10 VAST MAJORITY OF WHAT THE REPORTS REQUIRE US TO. AND WHEN I
11 SAY REQUIRE US TO, BECAUSE IT MAKES PERFECT SENSE TO DO. SOME
12 OF IT IS A LITTLE HARDER AT TIMES TO JUST GO THROUGH AND PUT
13 IT INTO PLACE IMMEDIATELY. THE WORKING CONDITIONS AND THE
14 THINGS THAT THE LABOR SIDE OF OUR OBLIGATION HAS TO BE MET. WE
15 JUST CAN'T ARBITRARILY GO INTO ACTION ON ANYTHING AND
16 EVERYTHING. BUT THE PROCESS OF MERRICK BOBB'S REPORTS AND THE
17 OIR ARE INSTITUTIONS. ONE WAS DONE UNDER SHERMAN BLOCK'S
18 TENURE. THE OTHER WAS MINE. WE WOULDN'T ASK THEM TO BE
19 INVOLVED WITH WHAT WE DO IF WE WERE SEEKING INDEPENDENT EYES.
20 THE QUESTION IS TO WHAT EXTENT CAN CERTAIN THINGS BE CHANGED?
21 AND THAT IS WHAT GETS IN THE WAY OF IT. SO IN VIEW OF YOUR
22 QUESTION, I THINK WE HAVE AN ONGOING HEALTHY, INDEPENDENT
23 AUDITING PROCESS THAT CONTINUALLY HELPS US IMPROVE. AND THEN I
24 APPRECIATE YOUR QUESTION.

25

1 **HON. LOURES BAIRD, CHAIR:** REVEREND MURRAY?

2

3 **REV. CECIL L. MURRAY:** THANK YOU. AND THANK YOU FOR THE YEARS
4 OF KNOWING YOU AND APPRECIATING YOUR SERVICE.

5

6 **SHERIFF LEE BACA:** THANK YOU, PASTOR.

7

8 **REV. CECIL L. MURRAY:** WE ASK YOU ABOUT ASSURANCE, BECAUSE THE
9 INMATES SAY WE KNOW THE PRISON GUARDS ARE OUR PROTECTORS BUT
10 WHO WILL PROTECT US FROM OUR PROTECTORS? AND YOU RESPONDED IN
11 THE LARGER SENSE OF THE PRONOUN "I WILL". THEN WE ASK YOU
12 ABOUT ACCOUNTABILITY, BECAUSE WITHOUT ACCOUNTABILITY, THERE IS
13 ONLY VULNERABILITY. AND YOU SAID YOU WILL HAVE THE CUSTODY
14 FORCE REVIEW COMMITTEE, THE OFFICE OF REVIEW AND THEN
15 SURVEYING ALL IS THE COMMANDER MANAGEMENT TASKFORCE. AND WE
16 ASK: HOW WILL WE KNOW THAT THE COMMANDER MANAGEMENT TASKFORCE
17 IS INDEED MANAGING AND MANAGING FAIRLY? AND YOU RESPONDED
18 BECAUSE I AM THE COMMANDER IN CHIEF. WE SAID ALL RIGHT, THANK
19 YOU. THEN YOU ASKED US ABOUT EXPANSION, BECAUSE WE SAID THAT
20 THE CRIME RATE IS REDUCED BY 50 PERCENT THAT YOU HAVE TAKEN ON
21 AS A CONCEPT PRISON REHABILITATION RATHER THAN PUNISHMENT
22 BECAUSE WE SHIFTED THE TURN OF THE CENTURY TO PUNISHMENT
23 RATHER THAN REHABILITATION, SO YOU HAVE EDUCATION FOR RELEASE
24 AND YOU HAVE INMATE TOWN HALL MEETINGS AND YOU ASK OF US. SO

1 LET'S GO ON FROM HERE. FORGET THE PAST AND WE'LL GO FROM HERE
2 TOGETHER. AM I REASONABLY CORRECT WITH THOSE THREE THOUGHTS?

3

4 **SHERIFF LEE BACA:** YES, YOU ARE. AND I WOULD ALSO KNOW THAT THE
5 PAST IS SOMETHING I CANNOT FORGET BECAUSE, YOU SEE, WHATEVER
6 HAS HAPPENED WRONG IN ONE TIME OF HISTORY IS VERY POSSIBLY
7 GOING TO HAPPEN AT ANOTHER TIME IN HISTORY. SO MY VIGILANCE IS
8 TO IMPROVE THINGS TO A LEVEL WHERE THEY IMPROVE FOR A POSITIVE
9 CONTINUUM AND THAT WE DON'T WANT ANY DEPUTY TO GET THEMSELVES
10 IN TROUBLE WITH EXCESSIVE FORCE, TO ACT INAPPROPRIATELY
11 OUTSIDE OUR CORE VALUES. THAT WE SHOULD BE A TRUSTING PUBLIC
12 FOR THE SAKE OF WHO WE ARE AND WHAT WE DO AND THAT ACTIONS
13 SPEAK LOUDER THAN WORDS. AND WHEN A FEW DEPUTIES DON'T DO THE
14 RIGHT THING, THE WHOLE ORGANIZATION SUFFERS THE CRITICISM.
15 AND, YET, WE HAVE HAD THOSE DEPUTIES THAT HAVE DONE WRONG. BUT
16 THE WHOLE ABILITY TO BUILD A BETTER FUTURE ALONE CANNOT BE
17 ACHIEVED BY ME. I HAVE TO INSPIRE MY CHIEFS AND ASSISTANT
18 SHERIFFS AND UNDERSHERIFF AND COMMANDERS AND LIEUTENANTS AND
19 CAPTAINS AND SERGEANTS AND THEN THE DEPUTIES TO ALWAYS STAY ON
20 THE SIDE OF THE CORE VALUES IN EVERYTHING THAT YOU DO. THEY
21 ARE YOUR GUIDE POST OF CAREER SURVIVAL. AND THEY'RE ALSO THE
22 GUIDE POST OF DEPARTMENT CREDIBILITY AND TRUST WITH THE
23 PUBLIC. WITHOUT THOSE CORE VALUES, WE ARE NOT SERVING UNDER
24 THE CONSTITUTION OF THE UNITED STATES, THE BILL OF RIGHTS, THE
25 CIVIL RIGHTS. AND WE PUT IN HUMAN RIGHTS BECAUSE IN SPITE OF

1 ALL THESE THINGS, THE L.A. COUNTY SHERIFF'S DEPARTMENT IS
2 STILL THE MOST CHARITABLE LAW ENFORCEMENT AGENCY IN AMERICA.
3 AND WE RAISE A LOT OF MONEY FOR THE PEOPLE THAT NEED THE
4 MONEY. AND I HAVE 16 YOUTH CENTERS. AND I HAVE MANY OTHER
5 PROGRAMS. THE JAILS ARE PUBLIC INSTITUTIONS. AND I WELCOME
6 ANYONE FROM THE COMMUNITY TO COME AND VISIT THOSE JAILS. SEE
7 FOR YOURSELF. CHARACTERIZATIONS HAVE BEEN MADE. THEY'RE RATHER
8 DRAMATIC CHARACTERIZATIONS. I WANT PEOPLE TO SAY I'M GOING TO
9 TAKE UP THE SHERIFF. I'M GOING THE TAKE HIS INVITE AND I'M
10 GOING TO GO DOWN THERE AND LOOK AT THIS MYSELF. AND THEN SEE
11 WHAT THEY REALLY ARE LIKE AS OPPOSED TO SOME OF THE
12 CHARACTERIZATIONS THAT HAVE BEEN REPORTED.

13

14 **HON. LOURES BAIRD, CHAIR:** THANK YOU, REVEREND.

15

16 **REV. CECIL L. MURRAY:** BLESS YOU.

17

18 **HON. LOURES BAIRD, CHAIR:** THANK YOU VERY MUCH, SHERIFF BACA,
19 FOR COMING. I KNOW IT HAS BEEN A LONG DAY FOR YOU. I ALSO WANT
20 TO THANK YOU NOT ONLY FOR COMING AND TESTIFYING BUT I
21 UNDERSTAND FROM SOME OF THE TESTIMONY THAT WE'VE HEARD THAT
22 THOSE INDIVIDUALS WERE ENCOURAGED OR THEY HAD YOUR BLESSING TO
23 COME IN. I FORGOT. I'M SORRY. I FORGOT. I GUESS I WAS LOOKING
24 AT THE CLOCK SO CLOSELY.

25

1 **MIRIAM A. KRINSKY:** THAT'S OKAY. I THINK THIS WILL BE
2 INCREDIBLY SHORT. AND THANK YOU, AGAIN, SHERIFF BACA, I KNOW
3 IT'S REACHING THE WITCHING HOUR OF 5 O'CLOCK SO THIS WILL BE
4 JUST TWO OR THREE MINUTES AT THE ABSOLUTE MOST. YOU OBVIOUSLY
5 HAVE A VISION FOR RESPECTING INMATES AND HOW ONE SHOULD TREAT
6 INMATES AND THE KIND OF ENVIRONMENT THAT ONE WANTS TO SEE IN
7 THE JAILS. IS IT YOUR SENSE THAT THE MAJORITY OF DEPUTIES IN
8 YOUR JAILS TODAY SHARE THAT VISION?

9

10 **SHERIFF LEE BACA:** YES, IT IS. YOU KNOW, WHAT'S REMARKABLE
11 ABOUT THEM IS THAT THEY ARE ADAPTIVE AND RESILIENT. THEY'RE
12 STILL GROWING IN THEIR SKILLS. BUT WHEN I GO TO THE ACADEMY
13 CLASSES AND I ASKED HOW THEY WOULD BE WILLING TO DO THE
14 EDUCATION-BASED INCARCERATION, I GET A GOOD PERCENT. SOMETIMES
15 IT GETS AS HIGH AS 45 PERCENT OF THE NEW DEPUTIES WANTING TO
16 DO THIS. A LOT OF THE COMMENTARY ABOUT IT IS IT'S STILL --
17 EVERYBODY HAS THEIR, YOU KNOW, WORRIES ABOUT WHAT DOES THIS
18 REALLY MEAN? CAN I DO IT? SOME PEOPLE ARE NOT TRAINED TO BE
19 TEACHERS. BUT, SEE, I THINK THAT POLICE WORK IS NOT ONLY
20 SOCIAL WORK BUT IT'S ALSO BEING A TEACHER. MUCH OF THE
21 BEHAVIOR IN THE COMMUNITY, IN THE RADIO CAR WORLD CALLS FOR
22 SERVICES IN THE STREETS IS A TEACHING ROLE THAT COPS DO IN LAW
23 ENFORCEMENT HAS THAT OBLIGATION.

24

1 **MIRIAM A. KRINSKY:** OKAY, THANK YOU. AND I JUST WANT TO TOUCH
2 ON ONE OR TWO OTHER THINGS YOU SAID THIS COMMISSION HAS HEARD
3 ABOUT. AND I KNOW WE'VE HAD A CHANCE TO TALK TO YOU ABOUT.
4 WE'VE HEARD ABOUT THE ISSUE OF CAMPAIGN CONTRIBUTIONS. WOULD
5 YOU BE AMENABLE TO A POLICY WHEREBY YOU WOULD MAKE CLEAR THAT
6 INDIVIDUALS IN THE DEPARTMENT SHOULD NOT ACCEPT AND SHOULD
7 DISCOURAGE, ACTIVELY DISCOURAGE, CONTRIBUTIONS BY INDIVIDUALS
8 WHO REPORT TO THEM OR WHO THEY SUPERVISE OR MAKE PERSONNEL
9 DECISIONS ABOUT?

10

11 **SHERIFF LEE BACA:** WELL, I'M GLAD YOU BROUGHT THAT UP TODAY
12 BECAUSE I HAVE WRITTEN A POLICY.

13

14 **MIRIAM A. KRINSKY:** OKAY.

15

16 **SHERIFF LEE BACA:** AND WHAT IT SAYS, WE DO HAVE A POLITICAL
17 ACTIVITY POLICY. THERE ARE PERMITTED THINGS THAT CAN GO ON.
18 PEOPLE CAN DONATE TO CANDIDATES OF VARIOUS POSTS AND POSITIONS
19 AND OFFICES. BUT WHEN IT COMES DOWN TO US, THIS IS WHAT THE
20 POLICY SAYS.

21

22 **MIRIAM A. KRINSKY:** IT'S A NEW POLICY, SHERIFF, THAT YOU JUST
23 WROTE?

24

1 **SHERIFF LEE BACA:** RIGHT. I'M JUST GOING TO READ IT TO YOU FOR
2 THE RECORD.

3

4 **MIRIAM A. KRINSKY:** OKAY, GREAT, THANKS.

5

6 **SHERIFF LEE BACA:** BUT THIS IS WHEN WE HAD OUR DISCUSSION WITH
7 MR. DROOYAN. THEY SAID THEY'RE FREE TO DO THIS BECAUSE THE LAW
8 SAYS THEY'RE FREE TO DO THIS. BUT TO KIND OF LIKE TAKE OFF
9 FROM YOUR THOUGHTS, I THOUGHT OKAY, LET'S THINK ABOUT THIS. SO
10 THIS IS WHAT IT SAYS "THIS POLICY CONCERNS DONATIONS TO
11 DEPARTMENT MEMBER SEEKING AN ELECTED PUBLIC OFFICE. ANY
12 SUPERVISOR OF THE DEPARTMENT WHO SEEKS A PUBLIC OFFICE IS
13 PROHIBITED FROM PARTICIPATING IN THE PROMOTIONAL PROCESS OF A
14 DEPARTMENT EMPLOYEE WHO IS A CAMPAIGN DONOR."

15

16 **MIRIAM A. KRINSKY:** IT WOULD BE A RECUSAL POLICY.

17

18 **SHERIFF LEE BACA:** WHICH MEANS THAT THE DONOR BEWARE.

19

20 **MIRIAM A. KRINSKY:** RIGHT.

21

22 **SHERIFF LEE BACA:** THAT YOU DON'T REALLY WANT TO DONATE TO ME
23 OR TO ANYBODY ELSE IN THE ORGANIZATION IF YOU'RE SEEKING TO
24 TEST UP TO THE HIGHER LEVEL WHERE I WOULD HAVE A DISCRETION TO
25 APPOINT YOU. AND I THINK IF THERE'S A BETTER WAY TO EXPRESS

1 THIS, I DON'T KNOW WHAT IT IS. THEY HAVE THE RIGHT TO DO THIS.
2 AND AS I'M SURE MR. TANAKA ACCOUNTED FOR HIS, I CAN SAY TO YOU
3 THIS: I DON'T LOOK AT MY DONOR DONATIONS MYSELF. I HAVE A
4 SIGNATURE FORM THAT I SIGN BECAUSE MY ATTORNEYS FILL IT OUT
5 FOR ME. BUT THAT DOESN'T EXCUSE ME. I WOULD RATHER THAT THE
6 INDIVIDUAL DONOR KNOW THAT IF YOU'RE GOING TO DONATE TO GET IN
7 GOOD WITH ANYBODY WHO IS RUNNING FOR OFFICE WITH THE SHERIFF'S
8 DEPARTMENT, THEY'RE NOT GOING TO BE ABLE TO HELP YOU BECAUSE
9 THEY'RE BARRED FROM MAKING A DECISION ABOUT YOUR PROMOTION.

10

11 **MIRIAM A. KRINSKY:** TERRIFIC. SO THAT POLICY IS NOT IN PLACE
12 YET BUT I ASSUME WE COULD GET A COPY OF THE POLICY THAT YOU'VE
13 PUT TOGETHER AND OBVIOUSLY OFFER OUR THOUGHTS ON THAT?

14

15 **SHERIFF LEE BACA:** I'M WILLING TO PASS IT ON TO YOU NOW.

16

17 **MIRIAM A. KRINSKY:** PERFECT, GREAT, THANK YOU.

18

19 **SHERIFF LEE BACA:** BUT IT COULD REQUIRE SOME TWEAKING. SO IT'S
20 NOT OFFICIALLY OUT YET.

21

22 **SPEAKER:** CAN I ASK A QUESTION ON THAT? ISN'T THAT A LITTLE BIT
23 TOO HARSH? BECAUSE OF THE FACT THAT YOU AS AN ELECTED OFFICIAL
24 WOULD BE RECUSED OF ANY TYPE OF APPOINTMENT THAT I IF I WERE A

1 DONOR AND MEMBER OF THE SHERIFF'S DEPARTMENT, ANY PROMOTION,
2 YOU COULD NEVER PARTICIPATE IN?

3

4 **SHERIFF LEE BACA:** WELL, THAT'S CORRECT. I'M THE KIND OF PERSON
5 THAT BELIEVES THAT DONORS FROM WITHIN THE DEPARTMENT ARE
6 SINCERE WHEN THEY DONATE. I JUST DON'T WANT THEM TO BE UNDULY
7 CRITICIZED AND FOR ME TO BE IN A POSITION TO PUT THEM IN THAT
8 POSITION.

9

10 **SPEAKER:** WHAT HAPPENS, THOUGH, IF I'M UP FOR A DEPUTY CHIEF OR
11 COMMANDER POSITION, SOMETHING THAT YOU HAVE TO SIT IN AND
12 APPROVE AND FIVE YEARS AGO I MADE A DONATION TO YOUR CAMPAIGN,
13 DO YOU HAVE TO RECUSE YOURSELF FROM THAT?

14

15 **SHERIFF LEE BACA:** A CAVEAT TO WOULD BE THAT FROM EARLIER ON MY
16 CAMPAIGNS FROM '98 TO 2002 TO 2004 AND ALL THAT, NOT 2004,
17 2006, 2010, I'M SURE SOMEBODY IN THERE DONATED AS A MEMBER OF
18 THIS DEPARTMENT. BUT I AM SAYING THAT WE GOT A NEW RULE NOW.
19 AND SO WE'RE NOT GOING TO PENALIZE YOU FOR THE PAST BUT WE'RE
20 GOING TO SAY THAT FROM GOING FORWARD POINT, WE JUST DON'T
21 THINK IT'S WISE TO HAVE PEOPLE DONATING TO CAMPAIGNS OF PEOPLE
22 OF AUTHORITY WHO COULD BE IN A DECISIONMAKING POINT FOR THEIR
23 PROMOTION.

24

1 **SPEAKER:** I URGE YOU TO RECONSIDER AND MAKE IT CLEAR THAT IT'S
2 A GOING PROSPECTIVE BASIS BECAUSE OF THE FACT THAT YOUR HANDS
3 WOULD BE TIED IF YOU WANTED A CERTAIN PERSON WHO DESERVED TO
4 BE A DEPUTY CHIEF AND YOU COULDN'T MAKE THAT PROMOTION.

5

6 **MIRIAM A. KRINSKY:** AND I THINK, SHERIFF BACA, OUR COMMISSION
7 MAY HAVE OTHER IDEAS ON HOW TO ADDRESS THE ISSUE, AND I
8 APPRECIATE THE FACT THAT YOU'RE LOOKING AT IT AND THAT YOU'RE
9 AMENABLE OF THINKING OF WAYS TO ADDRESS IT. CAN I ASK YOU
10 ABOUT ANOTHER ISSUE? AND THEN I HAVE ONLY ONE OTHER QUESTION
11 THAT I WILL READ VERBATIM FROM COMMISSIONER BUSANSKY JUST
12 BECAUSE I TOLD HIM I WOULD. WE'VE ALSO LOOKED AT PROBLEMS WITH
13 YOUR DATA SYSTEMS, THAT THEY SEEM TO NOT TALK TO EACH OTHER,
14 THAT THEY ARE HARD TO CORRELATE, THAT THEY SEEM TO BE MISSING
15 INFORMATION ON OCCASION.

16

17 **SHERIFF LEE BACA:** WHAT DATA SYSTEMS?

18

19 **MIRIAM A. KRINSKY:** THE VARIOUS DATA SYSTEMS, FAST, PPI, ELOTS,
20 ET CETERA, WOULD IT BE USEFUL TO HAVE A SINGLE COMPREHENSIVE
21 AND RELIABLE DATA SYSTEM FOR CUSTODY THAT COULD TRACK USE OF
22 FORCE AS WELL AS SERVE AS AN EARLY WARNING SYSTEM IN REGARD TO
23 INDIVIDUAL DEPUTIES IN CUSTODY?

24

1 **SHERIFF LEE BACA:** I WOULD SAY YES. I WOULDN'T USE THE WORD
2 RELIABLE BECAUSE OUR SYSTEMS ARE RELIABLE. THEY MAY NOT BE AS
3 UP-TO-DATE AS THEY CAN BE, BUT THEY'RE NOT UNRELIABLE.

4

5 **MIRIAM A. KRINSKY:** YOU WOULDN'T QUARREL WITH RELIABLE, IT'S
6 JUST YOUR VIEW THAT THE CURRENT SYSTEMS ARE RELIABLE? IN OTHER
7 WORDS, I DON'T THINK YOU'RE SUGGESTING THAT YOU DON'T WANT A
8 RELIABLE SYSTEM. I THINK I'M HEARING YOU SAY THAT IT'S YOUR
9 VIEW THAT THE CURRENT SYSTEMS ARE RELIABLE, BUT YOU AGREE THAT
10 A SYSTEM COMPREHENSIVE SYSTEM WOULD BE VALUABLE?

11

12 **SHERIFF LEE BACA:** A CENTRAL INTEGRATED SYSTEM. COMPREHENSIVE
13 SYSTEM, OKAY.

14

15 **MIRIAM A. KRINSKY:** AND THEN, JUST, I'M SORRY BUT THERE ARE TWO
16 LAST ONES. WHEN YOU SAID THAT YOU WERE MAD EARLIER, CAN YOU
17 TELL US WHO YOU WERE MAD AT?

18

19 **SHERIFF LEE BACA:** WELL, FIRST OF ALL, I'M MAD AT MYSELF, YOU
20 SEE. ANGER TO OTHERS IS ALMOST USELESS BECAUSE ALL IT DOES IS
21 ALLOW FOR OTHERS TO FEEL LESS THAN HUMAN. I'M NOT INTO THE
22 LESS THAN HUMANIZING OF PEOPLE. I'M INTO FACTUAL AND
23 STRAIGHTFORWARD INVESTIGATIVE FACT-BASED DECISIONMAKING. I
24 DON'T BLOW WITH THE WIND BECAUSE THE WIND IS BLOWING HARD IN
25 THE WRONG WAY. SO WHATEVER MY FRUSTRATIONS ARE, WITH THE KIND

1 OF EXPERIENCE I HAVE -- AND THANK YOU, YOUR HONOR, FOR
2 MENTIONING MY EDUCATION, BECAUSE I WAS AN OLD MAN WHEN I GOT
3 THAT DEGREE, 51 YEARS OLD. BUT, YOU SEE, OLD IS WHEN YOU STOP
4 LEARNING. AND OLD IS WHEN YOU GET CAUGHT IN A MISTAKE THAT YOU
5 COULD HAVE STOPPED A LONG TIME AGO IF YOU HAD THAT EXTRA
6 LITTLE INSIGHT TO IT. THAT'S ALL I NEED. I JUST NEED A LITTLE
7 WINDOW HERE. AND SO I'M MAD AT MYSELF AND I'M MAD AT THE FACT
8 THAT ONE OF MY COMMANDERS, WHO TRIED TO DO SOMETHING, WASN'T
9 GIVEN THE KIND OF SUPPORT HE NEEDED BECAUSE IF HE WOULD HAVE
10 GOTTEN IT FROM ME.

11

12 **MIRIAM A. KRINSKY:** AND I TAKE IT YOU WERE ALSO MAD IN PART AT
13 A CAPTAIN THAT YOU FELT DIDN'T DO THE JOB THAT HE SHOULD HAVE
14 BEEN DOING?

15

16 **SHERIFF LEE BACA:** WELL THAT CAPTAIN FOR WHATEVER HIS PROBLEMS
17 ARE, WE'RE LOOKING INTO THAT, I CAN'T CLAIM THAT I KNOW ALL
18 THOSE THINGS. BUT I KNOW ONE THING: I DEALT WITH SO MANY
19 VARIATIONS MUCH SUPERVISING SUPERVISORS AND EXECUTIVES AND SO
20 FORTH, THAT ANYBODY CAN DO A BETTER JOB. BUT THEY'RE NOT GOING
21 TO DO A BETTER JOB IF THE ONE THAT CAN HELP THEM DO A BETTER
22 JOB IS SOMEONE LIKE MYSELF. AND ALL I NEED IS FOR SOMEONE TO
23 JUST POINT ME OVER THERE, LIKE THE ACLU DID. I DON'T NEED A
24 WHOLE LOT OF ENCOURAGEMENT. I'LL JUST KEEP ON FINDING THE
25 SOLUTIONS BECAUSE THAT'S MY ETHOS. I BELIEVE IN ACCEPTING

1 RESPONSIBILITY, LOOKING AT SOLUTIONS OUTSIDE THE BOX AND
2 INSIDE AND NOT RUNNING AROUND BLAMING EVERY ONE TO SAVE MY
3 SKIN. I TRUST THE VOTERS OF LOS ANGELES COUNTY AND I'LL TELL
4 YOU, THE VOTERS OF LOS ANGELES COUNTY TRUST ME. AND I DON'T
5 GIVE THEM A REASON NOT TO. SO, YOU KNOW, SELF-CRITICISM IS A
6 VERY HEALTHY ANGER, BUT YOU SHOULDN'T KEEP IT TOO LONG. GET
7 BACK TO WORK.

8

9 **MIRIAM A. KRINSKY:** SO LET ME JUST TEND ON HOPEFULLY A POSITIVE
10 NOTE. COMMISSIONER BUSANSKY APPRECIATED ONE OF THE VERY FIRST
11 COMMENTS THAT YOU MADE WAS A COMMITMENT TO OUR EXISTENCE. AND
12 HE'S ASKING: ARE YOU ALSO COMMITTED TO FOLLOWING THE
13 RECOMMENDATIONS THAT WE MAKE SO THAT WE CAN ALL WORK TOGETHER
14 IN IMPROVING THE JAILS? NOT SIMPLY TO OUR EXISTENCE BUT ALSO
15 TO WHAT WE MIGHT COME FORWARD WITH. IS THAT A COMMITMENT YOU
16 ARE EQUALLY?

17

18 **SHERIFF LEE BACA:** ARE YOU ASKING FOR THE OTHER COMMISSIONER IN
19 ABSENTIA?

20

21 **MIRIAM A. KRINSKY:** YES, YES.

22

23 **SHERIFF LEE BACA:** I THINK THE COMMISSIONER OUGHT TO ASK THAT
24 QUESTION HIMSELF.

25

1 **MIRIAM A. KRINSKY:** I'M SORRY. HE'S VIA PHONE. SORRY.

2

3 **SHERIFF LEE BACA:** IF HE'S LISTENING ON THE PHONE, THE
4 COMMISSIONER, YOU GOT TO HAVE THE RECOMMENDATIONS IN FRONT OF
5 ME BEFORE I CAN TELL YOU EXACTLY WHAT MY RESPONSE IS. BUT
6 GIVEN I TRUST THIS COMMISSION IMMINENTLY, I SUSPECT THAT I
7 WILL FOLLOW THE RECOMMENDATIONS. BUT I ONLY SAY THAT DON'T GET
8 INTO THESE ALLEY CAT FIGHTS OF DISPARATE PERSONALITIES THAT
9 HAVE BEEN GOING ON THE BLOG AND ATTACKING PEOPLE WITHOUT DUE
10 PROCESS. I'M A DUE PROCESS PERSON. I DO BELIEVE IN THE COURT
11 SYSTEM. I DO BELIEVE IN JUSTICE AS EVIDENCE-BASED NOT RUM OR-
12 BASED OR ACCUSATION-BASED. I BELIEVE THAT PEOPLE HAVE THE
13 RIGHT TO DEFEND THEIR INTEGRITY. AND I THINK THE THING THAT
14 OFFENDS ME THE MOST IN ANY ACTIONS OF THE SHERIFF'S DEPARTMENT
15 IS THAT CERTAIN PEOPLE DIDN'T FOLLOW THE CORE VALUES AND THAT
16 MEANS THEY DIDN'T RESPECT THE DIGNITY OF AN INDIVIDUAL WHO IS
17 ENTITLED TO ACCOUNT FOR EVERYTHING THEY SAID, IMMEDIATELY, NOT
18 FIVE YEARS LATER, THAT ANYBODY THAT HAS A THEORY OF JUSTICE --
19 AND ONE OF THE THINGS THAT A THEORY OF JUSTICE TELLS US IS THE
20 COMMITTEE KNOWS WHAT INJUSTICE IS, BUT WHEN BUREAUCRACIES ARE
21 INJUST, THEN WE ALL LOSE ON ALL SIDES OF THE JUSTICE PROCESS.
22 AND CONSTITUTIONAL POLICING IS SOMETHING I BELIEVE IN. IF
23 ATTORNEY GENERAL HOLDER WHO'S ACTUALLY INVESTIGATING PART OF
24 MY DEPARTMENT RIGHT NOW INVITES ME TO GO TO WASHINGTON TO TALK
25 ABOUT PROCEDURAL JUSTICE ON A PANEL, I THINK THAT SAYS A LOT

1 ABOUT THE REPUTATION OF L.A. COUNTY SHERIFF'S DEPARTMENT, THAT
2 WE ARE VIEWED AS NOT ONLY PERCEPTIVE BUT AS SELF-ANALYTICAL.
3 BUT THE REASON WE VIEW OURSELVES THAT WAY IS BECAUSE OF
4 COMMISSIONS LIKE THIS. THIS IS NOT A COMMISSION BORNE OUT OF
5 AGGRAVATION AND HATE AND THIS AND THAT. THIS IS A COMMISSION
6 BORNE OUT OF WISDOM. AND I'M VERY, VERY AWARE OF THE
7 IMPORTANCE OF YOUR RECOMMENDATIONS. AND I WOULD HOPE THAT YOU
8 WOULD JUST CAST THEM IN THE IDEA OF IMPROVING THE
9 ORGANIZATION. LET ME DEAL WITH SOME OF THE SOULS THAT YOU
10 MIGHT THINK ARE A LITTLE OFF BASE. I CAN DEAL WITH THEM. I'VE
11 ALREADY DEALT WITH THEM. I COULD ASSURE YOU THAT NO ONE'S
12 HIDING BIG PROBLEMS FROM ME. NO ONE'S -- THEY'RE PROBABLY
13 STILL AFRAID TO BRING THEM TO ME BUT THEY'RE WALKING THROUGH
14 THEIR BARRIER OF BEING AFRAID. BUT I DON'T KNOW WHY THEY'RE
15 AFRAID BECAUSE I, YOU KNOW, IF YOU'RE THE CHAMPION OF HUMAN
16 CAUSES AND THE PUBLIC IS NOT AFRAID OF YOU THEN WHY ARE PEOPLE
17 IN THE ORGANIZATION AFRAID OF YOU? I DON'T GET THIS FEAR THING
18 AT ALL. I WAS NEVER AFRAID OF SHERMAN BLOCK OR SHERMAN J.
19 PITCHES AND THESE GUYS ARE FAR TOUGHER IN MANY RESPECTS, HAD
20 SOME ROUGHER EDGES. BUT I'M HERE TO SERVE. EVERYBODY.

21

22 **MIRIAM A. KRINSKY:** OKAY, THANK YOU, SHERIFF.

23

24 **HON. LOURES BAIRD, CHAIR:** DROOYAN? DEIXLER? ALL RIGHT. SO NOW
25 I WILL REPEAT WHAT I STARTED BEFORE WHEN I LOST MY QUEUE. I DO

1 WANT TO THANK YOU VERY MUCH, SHERIFF, FOR COMING. AND AS I
2 SAID BEFORE, I KNOW THAT YOU HAVE HAD GOTTEN IN TOUCH WITH
3 SOME OF THE WITNESSES THAT WE HAD, ENCOURAGING THEM TO COME
4 AND SPEAK WITH US. AND WE DO APPRECIATE THAT VERY MUCH.

5

6 **SHERIFF LEE BACA:** THANK YOU. ONCE AGAIN, THANK YOU VERY MUCH.
7 GOOD LUCK TO YOU.

8

9 **HON. LOURES BAIRD, CHAIR::** THANK YOU. [APPLAUSE.] WE HAVE SOME
10 SPEAKERS. BECAUSE OF THE HOUR, OUR THREE-MINUTE USUAL LIMIT IS
11 GOING TO BE REDUCED TO TWO MINUTES. SO I'D LIKE TO CALL THE
12 FIRST SPEAKER TO THE PODIUM, JOHN MARCH. IS JOHN MARCH HERE?
13 MR. MARCH, PLEASE COME ON UP. OKAY, BEFORE WE START WITH MR.
14 MARCH, PLEASE TAKE A SEAT, BUT BEFORE YOU START, I WILL SIMPLY
15 CALL TWO OTHER SPEAKERS SO THEY COULD COME UP MRKS MR. PREVEN,
16 ARE YOU HERE? I GUESS MR. PREVEN HAS LEFT? JONATHAN GOODWIN?
17 MR. GOODWIN? YES. MR. GOODWIN, WHY DON'T YOU COME UP. OKAY.
18 THE NEXT ONE IS PETER ELIASBURG? MR. ELIASBURG? GUESS HE IS
19 NOT HERE. OH, THERE HE IS. OKAY. MR. MARCH? WE'RE GOING TO
20 HAVE A RED LIGHT THAT WILL GO ON IN TWO MINUTES. THAT WILL BE
21 YOUR QUEUE TO STOP. THANK YOU. GO AHEAD.

22

23 **JOHN MARCH:** MY NAME IS JOHN MARCH. MY SON WAS DEPUTY DAVID
24 MARCH THAT WAS KILLED IN THE LINE OF DUTY IN 2002. AND BECAUSE
25 OF THAT EXPERIENCE, I HAD A LOT -- I'VE HAD A LOT OF EXPOSURE

1 WITH THE SHERIFF'S DEPARTMENT AND THEIR CULTURE. WHEN HE WAS
2 KILLED, I IMMEDIATELY BECAME AWARE OF HOW MUCH THEY CARED AND
3 THAT THEY WERE THERE FOR MY FAMILY DAY AND NIGHT. I COULD
4 ACCESS ANY OF THE COMMAND STRUCTURE OF THE SHERIFF'S
5 DEPARTMENT, PARTICULARLY SHERIFF BACA. AND THEY WERE THERE FOR
6 US. LATER, AS WE WERE HEALING FROM IT, WE WERE MADE A FAMILY,
7 MEMBER OF THE FAMILY, AND THE ENTIRE SHERIFF'S DEPARTMENT WAS
8 THERE FOR US CONSTANTLY. THEY MADE US FEEL THAT THEY WERE OUR
9 MISSING SON. AND RECENTLY I BECAME A MEMBER OF THE SHERIFF'S
10 YOUTH FOUNDATION, AND NOW I'M SEEING THE HEART OF THE
11 SHERIFF'S DEPARTMENT BECAUSE THEIR REAL GOAL IS TO TOUCH YOUNG
12 AT-RISK CHILDREN AND CAUSE THEM TO GET INTO SITUATIONS WHERE
13 THEY AREN'T MAKING BAD DECISIONS. AND SO I'VE SEEN IT FROM A
14 LOT OF DIFFERENT ANGLES, AND I'LL TELL YOU, I'M VERY PROUD OF
15 EACH AND EVERY ONE THAT I KNOW IN THE SHERIFF'S DEPARTMENT AND
16 INCLUDING THE SHERIFF AND MR. TANAKA AND HIS ENTIRE COMMAND
17 STRUCTURE. AND I'M PROUD NOW TO BE A PART OF HELPING THE KIDS
18 AND FULFILLING THE SHERIFF'S VISION OF HOW HE WANTS TO TOUCH
19 KIDS. SO THANK YOU. THANK YOU VERY MUCH, MR. MARCH. MR.
20 GOODWIN?

21

22 **MR. GOODWIN:** YES.

23

24 **HON. LOURDES BAIRD, CHAIR:** YOU CAN GO AHEAD AND SPEAK. TWO
25 MINUTES. WHEN THE LIGHT GOES ON, THAT MEANS YOUR TIME IS UP.

1

2 **MR. GOODWIN:** ALL RIGHT. WELL, I WAS WRONGLY CHARGED IN
3 DECEMBER 4, 2010 OF ASSAULT ON A DEPUTY. THE DEPUTIES HAD
4 TRIED TO RUSSIAN FIGHT ME AND THEN JUMPED ON ME AND THEN
5 PLACED THE CHARGE ON ME. I EVENTUALLY WAS ACQUITTED 17 MONTHS
6 LATER.

7

8 **HON. LOURDES BAIRD, CHAIR:** JUST A MOMENT, PLEASE. COULD THE
9 CONVERSATIONS BE OUT IN THE HALL SO THAT WE CAN HEAR THE
10 SPEAKERS APPROPRIATELY? THANK YOU VERY MUCH. GO AHEAD, MR.
11 GOODWIN.

12

13 **MR. GOODWIN:** WELL PRETTY MUCH DEPUTIES WERE SWITCHING OUT
14 NAMES ON BLESS REPORTS AND EVERYTHING -- POLICE REPORTS AND
15 REPORTS TO WHERE PRETTY MUCH THE COPS THAT HAD DIRTY RECORDS
16 AND EVERYTHING WEREN'T GOING TO GET EXPOSED OR INVESTIGATED
17 AND EVERYTHING AND COPS WERE CLEANER RECORDS ENDED UP BEING ON
18 FILE FOR LIKE TESTIFYING ON MY CASE AND THEY HAD NOTHING TO DO
19 WITH MY CASE WHATSOEVER. THEY DID LIKE FAULTY PAPERWORK TRACE
20 AND EVERYTHING WHERE THEY SAID THAT I WAS ALL RIGHT BEFORE I
21 EVEN WENT TO THE HOSPITAL OR GOT LIKE MEDICALLY CHECKED OUT.
22 IT WAS ALL KIND OF LIKE CRAZY THINGS GOING ON, I'M REALLY AT A
23 LOSS FOR WORDS. I'D RATHER BE QUESTIONED THAN SPEAK ON MY OWN.

24

1 **HON. DICKRAN M. TEVRIZIAN:** DO YOU HAVE A LAWSUIT PENDING
2 AGAINST THE COUNTY?

3

4 **MR. GOODWIN:** YES, I DO.

5

6 **HON. DICKRAN M. TEVRIZIAN:** I DON'T KNOW WHY WE HAVE TO BE, ALL
7 THESE CASES SHOW CASED IN FRONT OF US WHEN THERE'S ANOTHER
8 FORUM FOR WHICH THAT SHOULD BE HANDLED. WELL THE PRACTICE HERE
9 IS THAT THEY CAN SPEAK FREELY AND THEY WILL HAVE THEIR RIGHT
10 TO SPEAK WHENEVER THEY HAVE THEIR CHARGE. I WILL GIVE YOU
11 ADDITIONAL TIME. OKAY. I REALLY DON'T HAVE ANY OTHER
12 QUESTIONS?

13

14 **MR. GOODWIN:** NO QUESTIONS.

15

16 **HON. LOURDES BAIRD, CHAIR:** NO? WELL THANK YOU VERY MUCH FOR
17 COMING, MR. GOODWIN.

18

19 **MR. GOODWIN:** YOU'RE WELCOME.

20

21 **HON. LOURDES BAIRD, CHAIR:** WE APPRECIATED HEARING YOU. THANK
22 YOU. MR. ELIASBERG?

23

24 **PETER ELIASBERG:** JUDGE TEVRIZIAN, I THINK THAT MR. GOODWIN HAS
25 EVERY RIGHT TO BE HERE. HE IS PROCEEDING IN COURT BUT THE FACT

1 IS THAT THE ISSUES THAT CONCERN HIM ARE THE ISSUES THAT
2 CONCERN THIS COMMISSION.

3

4 **HON. DICKRAN M. TEVRIZIAN:** BUT THERE'S NO RIGHT RIGHT OF
5 CONFRONTATION OR CROSS-EXAMINATION. AND I THINK THAT THE
6 COMMISSION IS BEING USED. THAT'S MY PERSONAL OPINION.

7

8 **PETER ELIASBERG:** IT'S FAIR ENOUGH.

9

10 **HON. LOURDES BAIRD, CHAIR:** GO AHEAD MR. ELIASBERG.

11

12 **PETER ELIASBERG:** HE WAS NOT ONLY BEATEN IN JAIL BUT THE DIRTY
13 LITTLE SECRET IS THAT MANY PEOPLE WHO GET BEATEN IN JAIL GET
14 CHARGED AND THAT TIES TO JUSTICE MORENO'S POINT IS WHEN THEY
15 GET CHARGED, THE FACT THAT THE SHERIFF'S DEPARTMENT HAS NEVER
16 TRACKED INFORMATION BY DEPUTY THAT INFORMATION IS NEVER
17 PROVIDED TO THEIR DEFENSE LAWYERS. MR. GOODWIN WAS COMMITTED
18 BECAUSE HIS LAWYER HAD THE WHEREWITHAL TO CONTACT US TO FIND
19 OUT WHAT WE KNEW ABOUT THE DEPUTY WHO ALLEGEDLY WAS BEATEN UP
20 BY MR. GOODWIN. IT TURNED OUT WE HAD OTHER INFORMATION BY THAT
21 DEPUTY, OTHER PEOPLE THAT HAD BEEN BEATEN BY THAT DEPUTY AND
22 OTHER INMATE COMPLAINTS. BUT WHEN THE PITCHES MOTIONS WERE
23 MADE, THE SHERIFF REPRESENTATIVE WENT INTO COURT AND SAID
24 THERE WAS NO RESPONSIVE DOCUMENTATION AND WHEN DECLARATIONS
25 THAT EXISTED THAT THE SHERIFF'S DEPARTMENT HAD IN THEIR

1 POSITION THAT SAID THE DEPUTY HAD BEATEN UP OTHER INFORMATION,
2 THAT INFORMATION WAS NOT PROVIDED BY THE SHERIFF'S DEPARTMENT.
3 MR. GOODWIN WAS ACQUITTED, BUT ONLY BECAUSE HIS LAWYER HAD THE
4 WHEREWITHAL AND THOSE PEOPLE CAME TO CORPORATE BECAUSE HIS
5 LAWYER FOUND THEM BECAUSE SHE CONTACTED US. I THINK THAT'S AN
6 INCREDIBLY IMPORTANT ISSUE. AND AS MUCH AS SHERIFF BACA WANTS
7 TO LOOK FORWARD, WE HAVE TO ASK OURSELVES HOW MANY PEOPLE ARE
8 SITTING IN JAIL NOW WHO DID NOT GET BRADY AND PITCHES
9 INFORMATION BECAUSE THE SHERIFF'S DEPARTMENT NOT ONLY DIDN'T
10 PROCESS THE FORCE INVESTIGATIONS BUT THEY SYSTEMICALLY DID NOT
11 PUT INMATE COMPLAINTS IN THE DEPUTY'S PERSONNEL FOLDER AS
12 THEY'VE ADMITTED IN OPEN COURT. SO ANY SUPERIOR COURT JUDGE
13 WHO'S HAD PITCHES CASES IN FRONT OF THEM, IT'S A GOOD
14 LIKELIHOOD THEY WERE LIED TO WHEN THEY WERE TOLD THERE WAS NO
15 RESPONSIVE INFORMATION ABOUT THE DEPUTIES.

16

17 **HON. DICKRAN M. TEVRIZIAN:** AS YOU KNOW, I'VE GONE ON RECORD
18 THAT THAT INFORMATION SHOULD BE CAPABLE OF BEING SHARED AND
19 KEPT FOR LONGER THAN FIVE YEARS.

20

21 **PETER ELIASBERG:** EXCUSE ME, I WAS WILLING TO SAY THAT THEY
22 EVEN REFUSED INSIDE OF COURTROOM WHILE WE WERE MOTIONS FOR
23 DISCOVERIES AND THESE OFFICERS NOTHING FOR OVER YEAR, THEY
24 REFUSED TO HAND OVER EVIDENCE TO THE ATTORNEYS, TO ME,
25 ANYTHING.

1

2 **HON. LOURDES BAIRD, CHAIR:** THANK YOU VERY MUCH. YOUR TIME IS
3 UP. I'M GOING TO CALL THE NEXT THREE NAMES. CHRIS COAL VAC,
4 CHRIS COAL VAC? -- CHRIS COAL VAC? AND THE NEXT ONE IS
5 JENNIFER MARSH? JENNIFER MARSH? AND DAVID DEUKMEJIAN? DAVID
6 DEUKMEJIAN? -- DUMERJIAN? ALL RIGHT. YOU CAN GO AHEAD. MR.
7 COAL VAC.

8

9 **SPEAKER:** THANK YOU. I'VE BEEN A MEMBER OF THE SHERIFF'S
10 DEPARTMENT FOR OVER 19 YEARS. I'VE NEVER WORKED DIRECTLY FOR
11 SHERIFF BACA OR UNDERSHERIFF TANAKA. SO IN MANY RESPECTS I
12 CONSIDER MYSELF AN IMPARTIAL OBSERVER. AND BASED ON NUMEROUS
13 CONVERSATIONS, SOMEONE WHO REPRESENTS THE MAJORITY OF OPINION
14 OF THE SHERIFF'S DEPARTMENT. I RECEIVED MY GRADUATE DEGREE
15 FROM USC IN EXECUTIVE MASTER LEADERSHIP PROGRAM. AND I STUDIED
16 LEADERSHIP FOR MANY YEARS. I FELT COMPELLED TO ASSERT MY
17 OPINION ON THE LEADERSHIP STYLE OF BOTH SHERIFF BACA AND
18 UNDERSHERIFF TANAKA. THEY ARE THE EPITOME OF SERVANT
19 LEADERSHIP. OVER THE YEARS I'VE SEEN BOTH THESE LEADERS
20 CONTINUOUSLY EMPHASIZE THE IMPORTANCE OF ALWAYS PLACING THE
21 NEEDS OF THE ORGANIZATION, ITS PERSONNEL AND MOST IMPORTANTLY
22 THAT OF THE PUBLIC WHICH WE SERVE ABOVE ANYTHING ELSE.
23 ADDITIONALLY I'VE SEEN SHERIFF BACA AND UNDERSHERIFF TANAKA
24 CONTINUOUSLY EMPHASIZE THE CONCEPT OF LEADERSHIP THROUGH
25 ACCOUNTABILITY. AS AN EXAMPLE, I REMEMBER AS A YOUNG DEPUTY

1 OVER ADECADE AGO WHEN SHERIFF BACA CREATED THE OFFICE OF
2 INDEPENDENT REVIEW, WHICH WAS ANOTHER SET OF CHECKS AND
3 BALANCES COMPRISED OF CIVIL RIGHTS ATTORNEYS AND ATTORNEYS WHO
4 WERE EXPERTS IN IDENTIFYING POTENTIAL POLICE MISCONDUCT. AND I
5 WAS VERY PROUD THE WAY OUR AGENCY TOOK THIS DRAMATIC CHANGE IN
6 STRIDE AND SAW THIS AS A VERY POSITIVE THING WHICH FURTHER
7 ENHANCED AND AMPLIFIED OUR TRANSPARENCY AS WELL AS THE
8 CREDIBILITY TO THE PUBLIC. I JUST WANT TO SAY I APPRECIATE THE
9 SHERIFF AND UNDERSHERIFF THAT THEY HOLD OUR DEPUTIES, OUR
10 LEADERS, EVEN THEMSELVES ACCOUNTABLE TO THE EXACT SAME
11 STANDARDS. THANK YOU.

12

13 **HON. LOURDES BAIRD, CHAIR:** THANK YOU VERY MUCH. MISS MARSH?

14

15 **JENNIFER MARSH:** MY NAME IS JENNIFER MARSH, I'VE BEEN WITH THE
16 SHERIFF'S DEPARTMENT. IN 2009, I PROMOTED TO SERGEANT AND
17 WORKED PM SHIFT FOR MEN'S CENTRAL JAIL. FOR A SHORT TIME I
18 WORKED ALL OVER THE JAILS BUT THEN I WORKED THE 3,000 FLOOR
19 AND ALSO THE 2,000 FLOOR. AS YOU GUYS KNOW, THE 2,000 FLOOR
20 AND 3,000 FLOOR HOUSES SOME OF OUR MOST VIOLENT INMATES AND A
21 LARGE PERCENTAGE OF UNDOCUMENTED GANG MEMBERS. WHEN I WAS
22 THERE, I SAW NUMEROUS INMATE-UPON-INMATE ATTACKS. I SAW
23 INMATES STAB OTHER INMATES. I'VE SEEN INMATES TRY TO KILL AN
24 INMATE WITH A BROOM STICK. AND I'VE BEEN THERE. AND I'VE
25 DIRECTED MY DEPUTIES TO USE FORCE. ONE TO STOP THE ATTACK BUT,

1 TWO, TO MINIMIZE INJURIES TO INMATES. I'M A BIG BELIEVER IN
2 TACTICAL COMMUNICATION, BUT WHEN INMATES ARE ATTACKING OTHER
3 INMATES, INMATES ARE ATTACKING OUR DEPUTIES, SOMETIMES FORCE
4 IS THE ONLY OPTION THAT WE HAVE. I'VE NEVER SEEN -- I'VE
5 WITNESSED FORCE. I'VE DIRECTED FORCE. I'VE INVESTIGATED FORCE.
6 AND NOT ONE DID I FIND OUT THAT FORCE WAS UNREASONABLE OR
7 EXCESSIVE, NOT ONE TIME. WHEN I PROMOTED A SERGEANT, MR.
8 TANAKA SPOKE AT OUR SERGEANT'S GROUP. AND HE SAID DO YOU KNOW
9 WHAT? YOU CUSTODY SERGEANTS HAVE THE BEST ADVANTAGE. YOU GUYS
10 GET TO MOLD OUR DEPUTIES, OUR YOUNG DEPUTIES. AND THAT'S JUST
11 WHAT WHEN I WENT TO MEN'S CENTRAL JAIL, THAT'S EXACTLY WHAT I
12 DID. I ENCOURAGED THEM TO GO BACK TO SCHOOL. I WAS AVAILABLE.
13 I DID COLD CALL WITH THEM. WE DID WRISTBAND COUNT TOGETHER.
14 AND I'M VERY PROUD OF THE DEPUTIES THAT WE HAVE IN MEN'S
15 CENTRAL JAIL. AND THEY WORK IN A VERY DIFFICULT AND DANGEROUS
16 ENVIRONMENT. AND I BELIEVE THAT THEY PERFORM VERY HONORABLY.
17 THANK YOU. THANK YOU VERY MUCH.

18

19 **HON. LOURDES BAIRD, CHAIR:** JUST BEFORE YOU LEAVE, I JUST WANT
20 TO KNOW HOW LONG WERE YOU -- ARE YOU STILL A CUSTODY SERGEANT
21 AND HOW LONG HAVE YOU BEEN, WERE YOU A CUSTODY SERGEANT?

22

23 **JENNIFER MARSH:** I APOLOGIZE. I WAS IN MEN'S CENTRAL JAIL FROM
24 2009 TO 2010.

25

1 **HON. LOURDES BAIRD, CHAIR:** SO ONE YEAR?

2

3 **JENNIFER MARSH:** ABOUT ONE YEAR, YES, MA'AM.

4

5 **SPEAKER:** AND THEN DID YOU GO BACK OUT TO PATROL AFTER THAT?

6

7 **SPEAKER:** I WENT TO EAST L.A. STATION, YES, SIR.

8

9 **HON. LOURDES BAIRD, CHAIR:** THANK YOU VERY MUCH. AND

10 MR...(INAUDIBLE)

11

12 **SPEAKER:** GOOD EVENING, COUNSEL. MY NAME IS DAVID DUMERGIAN,
13 PERHAPS ONE OF THE MORE UNIQUE PEOPLE WHO MIGHT TESTIFY BEFORE
14 YOU. I'M BEEN PRACTICING ATTORNEY FOR 25 YEARS. I HAVE PROS
15 CUTD AND INVESTIGATED POLICE OFFICERS, FEDERAL AGENTS,
16 MILITARY PERSONNEL FOR THE USE OF FORCE IN THREE VARIOUS
17 JURISDICTIONS: NEW YORK, BOSTON AND HERE IN SOUTHERN
18 CALIFORNIA. I ALSO AM VERY PROUD OF THE LOS ANGELES COUNTY
19 SHERIFF'S DEPARTMENT AS A CERTIFIED FORCE EXPERT. IN THAT
20 CAPACITY, I TEACH AND I ALSO PUT MYSELF IN AN ACTIVE PATROL
21 POSITION. I'VE WORKED LENNOX SHERIFF'S STATION FOR 10 YEARS
22 AND I ALSO HAVE WORKED COMPTON FOR ALMOST FIVE. I DO THAT
23 BECAUSE I THINK IT'S VACUOUS FOR ANY ATTORNEY TO SIT HERE AND
24 SAY THAT THIS IS WHAT WE TEACH IN OUR ACADEMY YET WHEN IT GOES
25 INTO THE STREET, IT'S A TOTALLY DIFFERENT EQUATION. AND I CAN

1 TELL YOU BASED UPON MY PATROL EXPERIENCE AND WHAT I'VE SEEN
2 I'M VERY PROUD TO BE PART OF THIS DEPARTMENT. WE TEACH VERY
3 SIMPLY FEDERAL LAW AND STATE LAW AND THE APPLICATION OF FORCE.
4 WE GO BY ACCORDING TO THE RULES AND REGULATIONS THAT COME OFF
5 OF THOSE LAWS AND OUR CORE VALUE. THAT'S WHAT WE TEACH IN OUR
6 ACADEMY. OUT IN THE FIELD, IT IS THE SAME MESSAGE THAT THE
7 SHERIFF AND THE UNDERSHERIFF HAVE OVER AND REPETITIVELY SAID
8 AND OUR INSERVICE TRAINING AND IN OUR ACADEMY TRAINING. I'VE
9 SEEN OUR DEPUTIES IN VERY SERIOUS SITUATIONS WHERE IT'S TENSE,
10 IT'S UNCERTAIN AND RAPIDLY EVOLVING AND I'VE SEEN PROFESSIONAL
11 PEOPLE DEESCALATE THROUGH THE USE OF TACTICAL COMMUNICATIONS.
12 95 PERCENT OF OUR CONTACTS WITH GENERAL PUBLIC RESULT IN
13 NONREPORTABLE FORCE. THAT INDICATES THAT OUR PEOPLE ARE ABLE
14 TO GO INTO A DIVERSE ENVIRONMENT WHETHER IT'S OUT THE
15 MOUNTAINS IN ALTADENA, OUT IN CATALINA OR IN A AN CULS TODAYDY
16 FACILITY AND ARE ABLE TO TALK PEOPLE TO DO WHAT NEEDS TO BE
17 DONE IN ORDER TO MAKE THE SITUATION SAFE. OUR DUTY IS TO THE
18 PEOPLE WE SERVE. THAT'S WHAT WE TEACH OUR PEOPLE. AND THAT'S
19 WHAT I SEE IN THE STREET. AND I'M PROUD TO BE PART OF THIS
20 DEPARTMENT. AND I BELIEVE THAT ANYTHING THAT NEEDS TO BE
21 LOOKED AT HAS TO BE LOOKED AT IN THE ENVIRONMENT IN WHICH WE
22 SEE IT.

23

24 **HON. LOURDES BAIRD, CHAIR:** THANK YOU VERY MUCH. THANK YOU.

25

1 **HON. DICKRAN M. TEVRIZIAN:** ISN'T YOUR FATHER-IN-LAW ARMAND
2 ARABIAN?

3

4 **SPEAKER:** YES, SIR.

5

6 **HON. LOURDES BAIRD, CHAIR:** I'M GOING TO CALL THE NEXT THREE.
7 THAT'S PAT DAVORIN AND RAY BURNS? RAY BURNS? AND SELL EAST
8 TEEN THOMAS? CELESTINE THOMAS? ALL RIGHT. SHARON JOHNSON?
9 SHARON JOHNSON? OKAY. ALL RIGHT. YOU MAY BEGIN, MR. DEVAR?

10

11 **SPEAKER:** MY NAME IS LIEUTENANT PATRICK DAVERIN, CURRENT
12 LIEUTENANT ON THE SHERIFF'S DEPARTMENT, 30-YEAR VETERAN. I'M
13 CURRENTLY ASSIGNED TO DETECTIVE DIVISION HEADQUARTERS. I WAS
14 AT MEN'S CENTRAL JAIL FROM 2008 TO 2010. AND I HAVE A LITTLE
15 INFORMATION I'D LIKE TO SHARE WITH THE COMMISSION IN REGARDS
16 TO DATA SYSTEMS AND THE PAPER FLOW, SPECIFICALLY FORCE
17 REPORTS. IN 2008 I WAS NOTIFIED BY A FRIEND AND A PEER
18 LIETENANT, LIEUTENANT JUDY GERHARDT FROM OUR RISK MANAGEMENT
19 UNIT AND SHE NOTIFIED ME IN ADDITION TO MY OBSERVATIONS THAT
20 THE MCJ, MEN'S CENTRAL JAIL WAS DOWN ON FORCE REPORTS. SO HER
21 AND I, WITH SOME OTHER STAFF, THEN BEGAN TO FORM A CORRECTION
22 PLAN TO DIMINISH THAT NUMBER OF OUTSTANDING FORCE REPORTS. IN
23 2008 I BELIEVE WE HAD APPROXIMATELY 80 WITH THE HELP OF RISK
24 MANAGEMENT WE BORROWED A DATA SYSTEMS TRACKING SYSTEM, IF YOU
25 WILL, FROM COMPTON SHERIFF'S STATION AND THE -- SHERIFF'S

1 STATION. AND THAT WAS THE BEGINNING OF THE COMPILATION OR THE
2 REDUCTION IN OUTSTANDING FORCE REPORTS. IN ADDITION TO THAT,
3 WE BORROWED CENTURY STATION'S RISK MANAGEMENT MODEL WHERE THEY
4 HAD A LIEUTENANT AND SERGEANT AND I'M SURE ADDITIONAL STAFF TO
5 ASSIST SOLELY ON PAPERWORK. NOT ONLY DID WE BORROW THEIR
6 MODEL, CAPTAIN CRUZ AT THE TIME, WE HAD CONVERTED HIS BRIEFING
7 ROOM INTO ADDITIONAL OFFICE SPACE TO HOUSE THAT LIEUTENANT
8 SERGEANT HAPPENED TO BE CAPTAIN MIKE BORMAN AND SON KEO, THOSE
9 WERE SOME OF THINGS WE STARTED. IN ADDITION CAPTAIN CRUZ DID,
10 AT TIMES IN OUR STAFF MEETINGS WITH HIS STAFF MANDATED HIS
11 SERGEANTS AND LIEUTENANTS TO STICK TO THE 30-DAY RULE OF FORCE
12 REPORTS. SO THOSE THREE THINGS ASSISTED IN DROPPING THE
13 OUTSTANDING FORCE REPORTS. I JUST WANTED THAT TO BE ON RECORD.
14 AND IF YOUR STAFF COULD MAYBE LOOK AT IT, I'D APPRECIATE IT.
15 JUST INFORMATION I WANTED TO SHARE WITH THE COMMISSION.

16

17 **HON. LOURDES BAIRD, CHAIR:** THANK YOU VERY MUCH. MR. BURNS, I
18 THINK YOU'RE NEXT?

19

20 **SPEAKER:** ROY BURNS. WELL, YOU HAVE ME AT A DISADVANTAGE. FOR A
21 WHOLE WEEK I PRACTICED MY THREE MINUTE SPEECH SO I MIGHT HAVE
22 TO BUTCHER IT A LITTLE HERE. FIRST OF ALL I WILL TELL YOU THAT
23 I HAVE SERVED MY COUNTRY IN ONE UNIFORM OR ANOTHER FOR THE
24 LAST 40ERSY. STARTING AT A YOUNG MAY REASON IN THE JUNGLES OF
25 VIETNAM AND THEN TRANSITIONING TO THE STREETS OF L.A. WHERE I

1 WORKED AS SHERIFF TEAM. I WORKED SWAT TEAM AND PRESIDENT OF
2 OUR UNION. IN MY TIME I HAVE SEEN AND KNOW GOOD LEADERS I HAVE
3 ALSO SEEN BAD LEADERS. I SAW A BAD LEADER AT FIRESTONE STATION
4 WHEN I ASKED THE QUESTION. WHAT ARE THE BRASS OF FIRESTONE
5 STATION DOING TO IMPLEMENT NEW PLANS FOR REDUCING CRIME IN
6 THIS AREA? THAT LIEUTENANT LOOKED AT ME AND SAID NEITHER I NOR
7 THE CAPTAIN CARE ABOUT CRIME IN THIS AREA. AT THAT TIME I KNEW
8 THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT IN 1984 WAS VOID
9 OF GOOD LEADERSHIP. BUT THAT CHANGED. OVER THE YEARS, I HEARD
10 ONE NAME. SERGEANT TANAKA, LIEUTENANT TANAKA, CAPTAIN TANAKA
11 AND ALWAYS ASSOCIATED WITH THAT WAS POWERFUL AND GOOD POLICE
12 WORK, THAT HE DEMANDED THE BEST FROM HIS PEOPLE, INTEGRITY AND
13 HONESTY, THAT HE SUPPORTED THE CORE VALUES OF OUR DEPARTMENT.
14 THAT INSPIRED ME TO BE A BETTER DEPUTY. AND KNOWING THAT
15 UNDERSHERIFF TANAKA LEADS THIS DEPARTMENT NEXT TO THE SHERIFF
16 HIMSELF GIVES ME HOPE FOR THE FUTURE. IF THIS PANEL IN ANY WAY
17 DIMINISHES THE ABILITY OF UNDERSHERIFF TANAKA TO LED AND TO
18 FIGHT CRIME AND TO INSPIRE HIS DEPUTIES TO FIGHT CRIME, THEN I
19 WILL TELL YOU THAT THIS IS COMMISSION STANDS WITH THAT
20 LIEUTENANT AT FIRESTONE STATION AND SAYS THAT DON'T CARE ABOUT
21 CRIME IN THIS COUNTY.

22

23 **HON. LOURDES BAIRD, CHAIR:** THANK YOU VERY MUCH. THANK YOU. IS
24 IT SHARON?

25

1 **SPEAKER:** SHARON JOHNSON. GOOD AFTERNOON. YES, VERY BRIEFLY. MY
2 NAME IS SHARON JOHNSON. I'M A 21-YEAR MEMBER OF THE SHERIFF'S
3 DEPARTMENT. I AM CIVILIAN. I'VE KNOWN UNDERSHERIFF TANAKA FOR
4 21 YEARS AND I JUST WANTED TO MIR IRWHAT SHERIFF BACA SAID. HE
5 IS A GREAT LEADER. I BELIEVE IN HIM. HE HAS THE HIGHEST
6 INTEGRITY OF ANYONE I'VE KNOWN IN THE SHERIFF'S DEPARTMENT AND
7 I SINCERELY SUPPORT HIM. SO I SIT HERE TODAY AND I CAN SAY
8 THAT I CAN SPEAK MOSTLY ON THE 8,000 CIVILIAN EMPLOYEES ON THE
9 SHERIFF'S DEPARTMENT, THAT WE THINK VERY HIGHLY OF HIM. WE
10 TRUST HIS JUDGMENT. HE'S A HARD WORKER. AND HE EXPECTS THE
11 SAME FROM HIS MEMBERS. SO WITH THAT, I WILLEN SAY THAT I AM
12 VERY PROUD TO WORK FOR SHERIFF DEPARTMENT, SHERIFF BACA AND
13 UNDER SHERIFF TANAKA.

14

15 **HON. LOURDES BAIRD, CHAIR:** I HAVE ONE OTHER NAME HERE AND THAT
16 IS CHRISTINE THOMAS? NO CHRISTINE THOMAS? ALL RIGHT. I GUESS
17 THAT TAKES CARE OF OUR -- OH, I'M SORRY, SIR? SHERICE? IS
18 THERE A SHERICE IN HERE? OH, THERE YOU ARE, SHERICE. PLEASE
19 COME UP. I'M SORRY. I HAD SOMEHOW WITH ALL THIS PAPERWORK,
20 YOUR NAME SLIPPED. GO AHEAD.

21

22 **SPEAKER:** OKAY, FIRST OF ALL, I WANT TO SAY THAT MY SON WAS
23 BEATEN IN JAIL AND HE DOESN'T HAVE A LAWSUIT AND HE HAS NOT
24 FILED A LAWSUIT, OKAY? MY NAME IS SHERICE FOALY AND I'M HERE
25 ON BEHALF OF MY FAMILY, PARTICULARLY MY SON. IN AUGUST OF 199,

1 9, MY SON WAS 20 YEARS OLD AND INCARCERATED IN THE LOS ANGELES
2 COUNTY SHERIFF'S DEPARTMENT. AT THAT TIME, HE WAS BEING HELD
3 AT WAYSIDE. WHILE HE WAS IN INCARCERATED, HE WAS PHYSICALLY
4 AND VERBALLY ABUSED BY MULTIPLE OFFICERS. MY SON REMEMBERS
5 BLACKING OUT AFTER BEING TASED, BEATEN WITH BATONS AND CHOKED.
6 HE REMEMBERS WAKING UP IN A POOL OF BLOOD AND WAS TAKEN TO THE
7 HOSPITAL. WHEN MY SON WAS ASKED BY THE NURSE IF HE WANTED TO
8 STAY THE NIGHT, THE SHERIFFS TOLD HIM TO SAY NO OR OTHERWISE
9 THEY WOULD PULL HIM. WHEN I ASKED MY SON WHAT HE MEANT BY
10 SAYING THEY WOULD PULL HIM, HE FELT THAT HE WAS THREATENED AND
11 HE WAS UNSAFE. HE WAS PUT ON SEVERAL MEDICATIONS, INCLUDING 50
12 MILLIGRAMS OF THORAZINE, WHICH IS AN ANTIPSYCHOTIC MEDICATION,
13 500 MILLIGRAMS OF DEVACODE TO BE GIVEN THREE TIMES A DAY WHICH
14 IS A MOOD STABILIZER, 10 MILLIGRAMS OF ZYPREXA, TWO TIMES A
15 DAY, WHICH IS AN ANTIPSYCHOTIC, 2 MILLIGRAMS OF HAL DILL, TWO
16 TIMES A DAY WHICH IS ANTIPSYCHOTIC. TWO MILLIGRAMS OF COJEN
17 TIN TWICE A DAY WHICH CONTROLS TREMORS. AFTER MAKING NUMEROUS
18 PHONE CALLS I WAS ABLE TO CONTACT A NURSE. WHEN I ASKED THE
19 NURSE AT TWIN TOWERS WHY HE WAS BEING MEDICATED, SHE SEEMED
20 CONFUSED AND ASKED ME IF HE HAD EVER TAKEN MEDICATION BEFORE.
21 WHEN I TOLD HER THAT HE HAD NO PREVIOUS MEDICATIONS, SHE WAS
22 SILENT. WHEN MY SON WAS HOUSED AT L.A. COUNTY TWIN TOWERS HE
23 WAS PUT IN A CELL WITHOUT A BLANKET OR A MAT. HE HAD TO SLEEP
24 ON THE CONCRETE FLOOR FOR 2-1/2 WEEKS AND WAS OFTEN DENIED
25 MEALS. WHEN I TRIED TO VISIT HIM, THE OFFICERS WOULD NOT LET

1 ME. I TRIED SEVERAL TIMES ON THE WEEKENDS BUT WAS ALWAYS
2 REFUSED A VISIT. WHEN I FINALLY SAW HIM, MY SON WAS HEAVILY
3 MEDICATED, EMACIATED AND COULD BARELY WALK. HIS WRISTS WERE
4 DEEPLY SCWARPD BECAUSE OFFICERS HAD TWICE TTD HANDCUFFS AND
5 CEPPED THEM ON FOR A LONG TIME. IT IS VERY DIFFICULT FOR ME TO
6 TALK ABOUT WHAT HAPPENED BECAUSE I WAS DEEPLY DISTURBED TO SEE
7 MY SON HELPLESS. I THINK THERE NEEDS TO BE A RADICAL SHIFT IN
8 THE WAY DEPUTIES TREAT INMATES.

9

10 **HON. LOURDES BAIRD, CHAIR:** THANK YOU VERY MUCH. ALL RIGHT. I
11 THINK THAT'S THE END OF THE DAY. IS THERE A MOTION TO ADJOURN?

12

13 **SPEAKER:** SO MOVED.

14

15 **SPEAKER:** SECOND.

16

17 **HON. LOURDES BAIRD, CHAIR:** ALL IN FAVOR? [CHORUS OF AYES]

18 OPPOSED? NO OPPOSITION. WE ARE ADJOURNED. OUR NEXT MEETING IS
19 NEXT FRIDAY.

20