



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



October 26, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**INSPECTOR GENERAL MAX HUNTSMAN ADMITS UNDER OATH HE IS UNABLE
TO IDENTIFY EVEN ONE "DEPUTY GANG MEMBER"**

On October 25, 2022, Inspector General Max Huntsman, Office of the Inspector General (OIG), appeared and was sworn in under oath for an 8-hour deposition in the matter of, *Art Hernandez, et al. v. County of Los Angeles (Case No. 19STCV33158)*. During which time Mr. Huntsman, contrary to every public statement he has ever made over the last four-years, was unable to identify or name even one person who was a "deputy gang member." Apparently, out of fear of committing perjury, Mr. Huntsman was forced to finally tell mostly the truth about deputy cliques, sub-groups, and fraternal organizations.

Mr. Huntsman was forced to admit on the record that he has no personal knowledge of "deputy gangs," has never witnessed any violations made by "deputy gangs," has no knowledge of any violence committed by "deputy gangs," and has no knowledge of the "Banditos" having a creed, meetings, voting, group structure, or meeting the legal definition of a law enforcement gang, as defined by California Penal Code Section 13670.

He further admitted, other than an anonymous complaint sent on June 19, 2018, he possesses no knowledge or evidence of harassment, retaliation, withholding of backup or battery against personnel, other than the "Kennedy Hall" incident, which the Office of the District Attorney determined to be essentially a drunken brawl, when they declined to file any criminal charges against the involved parties.

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —

Mr. Huntsman contradicted the declaration of former Los Angeles County Sheriff's Department (Department) Chief Matthew Burson. He specifically testified under oath, that Mr. Burson's statement in paragraph ten of his declaration, "OIG instructed Internal Criminal Intelligence Bureau to ask questions about the Banditos" was false. Mr. Huntsman stated he does not have the authority to direct Department investigations.

In a Department of approximately 18,000 employees, Mr. Huntsman had no legal option but to admit he could not name even one person belonging to a "deputy gang" and his rhetoric of the last four-years has been based primarily on hearsay, allegations made in lawsuits, and what he learns from the media, not facts.

Under oath, Mr. Huntsman was also forced to finally acknowledge the Department has taken steps to address the issue of deputy cliques, sub-groups, and fraternal organizations, including changing command staff at East Los Angeles Station; implementing a policy prohibiting cliques and sub-groups; issuing a video regarding the cliques and sub-groups policy; transferring certain station personnel to different assignments; having discussions with line personnel; and having discussions with executive personnel.

As indicated to you in my letter dated, February 16, 2022:

I openly challenge every elected leader, or their appointees, to provide facts to me and name individuals who they can prove are "gang members," as defined by California Penal Code section 13670, and subject yourselves to defamation laws if wrong. Using this term as a blanket statement is political cowardice and opportunistic pandering [Exhibit A].

Based on Mr. Huntsman's sworn testimony, I trust this puts to rest any further ridiculous notions suggesting a settlement is warranted in these matters. As you undoubtedly recall, your former County Counsel forwarded a settlement agreement over two years ago on this matter, which I was bypassed on and had I not intervened, would have become a reality. This manner of irresponsible litigation is a waste of taxpayer money and brings harm to the reputation of the Department.

Mr. Huntsman's unhinged obsession to mislead the public into believing he has knowledge of the existence of "deputy gangs," led to a public spectacle, deliberately designed to mislead and misinform the public, as well as influence the outcome of an election, in the form of the Civilian Oversight Commission's (COC) Special Hearings on "Deputy Gangs." The COC has engaged in incredibly unethical behavior during their "kangaroo court," as was noted in my letter dated October 3, 2022, *False and Irresponsible Statements made at COC Special Meeting* [Exhibit B].

The facts show this entire "deputy gangs" farce appears to be nothing more than another example of the weaponization of County resources to defund, de-staff, and defame the Department. These "deputy gang" attacks are obviously politically motivated, and as stated in a Los Angeles Times article on March 22, 2022, *Inspector general identifies 41 sheriff's deputies who allegedly belong to gang-like groups*, "The timing of this letter suggests Mr. Huntsman is using his public office and resources to campaign against the sheriff leading up to the June primaries." Based on his own sworn statements, which highlighted he has absolutely no direct knowledge of any law enforcement gangs, Mr. Huntsman must immediately appear before the COC and admit his past inflammatory and unsubstantiated rhetoric was not factual.

You have continued to turn a blind eye to the abhorrent behavior exhibited by your chosen Inspector General and are complicit in allowing him to damage the reputation of the great men and women who comprise the Department, as well as my own reputation. His inflammatory public rhetoric has damaged public safety, public trust, and has driven a wedge into the heart of the community. Many of his despicable falsehoods, which have been presented time and time again as facts, were cited as a basis for the creation of Measure A.

I demand you order Mr. Huntsman to publicly recant every defamatory statement he has made during the last four-years regarding his false "deputy gang" allegations. Mr. Huntsman has negatively commented about "deputy gangs" and misled the public in countless interviews, articles, media appearances, documentaries, and public meetings. His irresponsible comments have severely injured public perception of the Department and has hurt the reputation of both my personnel and me.

Additionally, I demand you terminate Mr. Huntsman forthwith as a result of the discovery of his most recent unethical behavior, as well as past ethical transgressions [Exhibit C]. Every time I blow the whistle as to his unethical behavior, this Board has ignored me. Why do the words transparency and accountability only seem to apply to others, not this Board or your political appointees?

Lastly, we have definitive evidence that Mr. Huntsman knowingly and intentionally committed perjury during this deposition. I am prepared to share this evidence with you immediately in closed session.

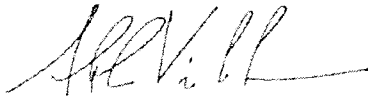
The Honorable Board of Supervisors

-4-

October 26, 2022

Should you have any questions or would like to discuss further, please feel free to contact my Chief of Staff, Commander John Satterfield at [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex Villanueva', with a stylized flourish at the end.

ALEX VILLANUEVA
SHERIFF

AV:JLS:js:pg

Attachments: A – Letter to Board – Open Challenge for Elected Leaders
 B – Letter to COC - False and Irresponsible Statements
 C – Letter to Board – Demand to Relieve Employees of Duty

ATTACHMENT A



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

DEPT. OF JUSTICE

ALEX VILLANUEVA, SHERIFF



February 16, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**OPEN CHALLENGE FOR ELECTED LEADERS TO IDENTIFY DEPUTY CLIQUE
MEMBERS WHO YOU CAN SHOW ARE "GANG MEMBERS"**

As the elected Sheriff of Los Angeles County, I demand you and other elected leaders, as well as your appointees, immediately cease and desist from using the derogatory term "deputy gangs" when referring to members of the Los Angeles County Sheriff's Department (Department). This willful defamation of character has injured both individuals and the organization. It also serves no purpose other than to fuel hatred and increase the probability of assault and negative confrontations against our people.

My personnel routinely place themselves in harm's way while serving our community and ask nothing in return, other than a paycheck and maybe a little respect for the tough job they perform. Elected officials have no problem attending the funeral of a peace officer killed in the line of duty and often fight for the opportunity to speak at the podium, but the manner in which some have enthusiastically branded my personnel as "gang members" every opportunity they get is disgusting.

Utilizing the term "gang member" as a reference to members of the Department stems from the false allegations made in a frivolous lawsuit by a now discredited deputy sheriff. The ridiculous claims made by this individual and his attorneys were self-serving, as they increased his chances of receiving a large monetary settlement from Los Angeles County (County), and both the discredited plaintiff and his attorneys were sanctioned monetarily for their failure to comply with orders of the Court.

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —

SCANNED TO BOS LIAISON TEAM
2/16/22

The false and unproven allegations in this case alleging "deputy gangs" was used as the primary basis for attacks on the Department by some members of the Board of Supervisors¹ (Board), a former member of the Board (who has been federally indicted for 20 counts of public corruption), the Office of the Inspector General, the Civilian Oversight Commission, other elected officials, and the media. Their statements have been presented as "facts" in reports by RAND, the Center for Juvenile Law & Policy, and Knock LA. The Los Angeles Times alone has referenced these unsubstantiated allegations in at least a dozen articles. These writings have served to attack and undermine the perceived credibility and legitimacy of our organization, even though they were based on what we now know to be a highly incredible source.

On November 4, 2021, the case in question was dismissed due to *"lack of evidence and absence of triable facts."* The Court also highlighted the complainant *"may not contradict his deposition testimony by proffering different testimony in a later declaration."*

On January 14, 2022, the Court additionally stated this case *"was brought for reasons other than to remedy personal harm to the plaintiff. To further their mission, plaintiff and his attorneys came up with a series of unproven allegations, including claims about ... unusual misdemeanor arrests, illegal quota programs and actions involving other deputies."*

As a sponsor of Assembly Bill 958, it is important for me to point out the specific term "deputy gangs" is not covered in California Penal Code Section 13670. The term also serves to line the pockets of attorneys who have created a "cottage industry" using the media attention gained through these attacks on the Department. At least one frivolous lawsuit actually quoted comments made on the record by the Board regarding "deputy gangs" in their pleading.²

Those who want to further undermine the perception of law enforcement use it as hate speech to promote their own agendas, such as defunding law enforcement and redirecting those funds to their own non-profit organizations, many of which are nothing more than sham corporations who operate with virtually zero accountability. Further use of the term will be evidence of your actual underlying intent, which appears to be a campaign to inflict harm upon the reputation of the Department and myself.

¹ Motion by Supervisors Sheila Kuehl and Hilda L. Solis, *Assessing County Liability in Settlements Involving Sheriff "Gangs"* (April 30, 2019), available at: <http://file.lacounty.gov/SDSInter/bos/supdocs/136078.pdf>.

² Civil Rights Complaint <https://song-dash.digitalfirstmedia.com/wp-content/uploads/2020/08/Montano-Complaint-FILED.pdf>

As the first fluently Spanish speaking Latino Sheriff in over a hundred years, who supervises a majority Latino workforce, I hope you can see the blatant racial inferences your conscious bias displays every time you choose to attack our Department with this derogatory term.

It is extremely disheartening that this Board refused to acknowledge or take any corrective action when brought to your attention on November 17, 2021, in regard to the defamatory and slanderous statements from your appointee to the Civilian Oversight Commission, Chair Priscilla Ocen, for the following statements, *"We have a problem with white supremacy in the L.A. County Sheriff's Department. We have a problem with white supremacist gangs. We already knew that LASD has a culture of impunity. They lie, they cover up gangs and murders. LASD as a whole is operating as a gang."*

Similar to the lack of action with Commissioner Ocen's remarks, and very hypocritically, the silence from this Board was deafening when you chose to ignore the shockingly irresponsible and racially charged comments made by Supervisor Holly Mitchell during an online forum advertised as, *Exposing L.A. Sheriffs Gangs, Murders, & Harassment of Families*,³ on March 27, 2021. During this *Black Lives Matter - Los Angeles* sponsored forum (Attachment A), Supervisor Mitchell stated, among other things, *"Law enforcement, the district attorney's associations, and sheriff's associations of California... are clearly such white supremacist organizations."* These types of biased blanket statements by politicians make the day-to-day challenges peace officers face even more difficult and serve to undermine our ability to safely de-escalate dangerous situations in the field. Even though this Board has chosen to ignore her behavior, we continue to believe Supervisor Mitchell owes a heartfelt apology for her grossly irresponsible and racially charged defamation of our Department, which in fact contains all races, ethnicities, sexes, religions, and sexual identities.

At this same online anti-law enforcement forum, Supervisor Hilda Solis also appeared as a guest and spoke on the topic of "deputy gangs." During which she stated the Department has engaged in *"decades of historical discrimination and racism."* Then went on to say, *"The Sheriff's Department is a very violent organization, we know in many ways, retaliation and harassment."*

Interestingly, this *Exposing L.A. Sheriffs Gangs, Murders, & Harassment of Families* event was also recognized by another guest and speaker, Valarie Vargas, as additionally being sponsored by *Check the Sheriff*. The same organization which submitted a letter to the Board on February 7, 2022, requesting to *"create a procedure to allow impeachment and removal of the sheriff."* They stated their main reason for this was due to "deputy gangs." Not only have your words encouraged much of the

³ Facebook "Exposing L.A. Sheriffs Gangs, Murders, & Harassment of Families"
<https://www.facebook.com/blmla/videos/stop-la-sheriff-attacks-family-forum/347471413336304/>


February 16, 2022

disinformation, but two Board members have actively participated in these activists' political events.

I openly challenge every elected leader, or their appointees, to provide facts to me and name individuals who they can prove are "gang members," as defined by California Penal Code Section 13670, and subject yourself to defamation laws if wrong. Using this term as a blanket statement is political cowardice and opportunistic pandering.

Should you have any questions or would like to discuss further, please feel free to contact me at [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex Villanueva', with a stylized flourish at the end.

ALEX VILLANUEVA
SHERIFF

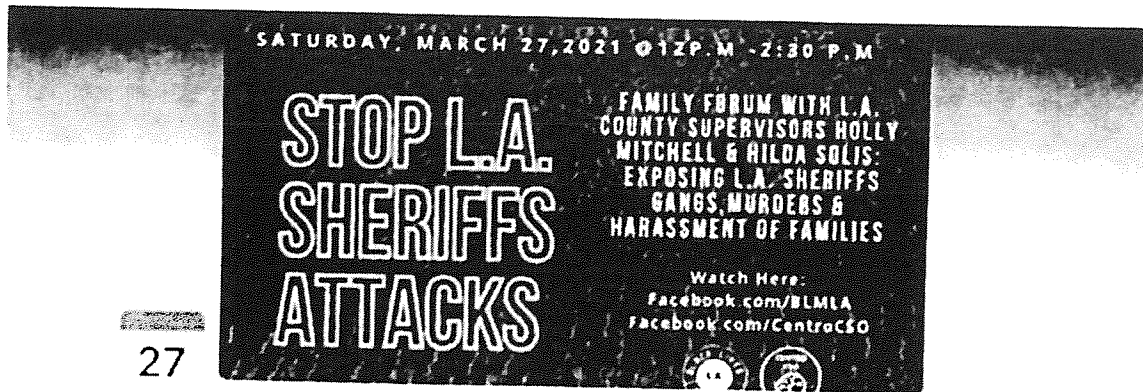
AV:JLS:ac

(Office of the Sheriff)

- c: Brian K. Williams, Executive Director, Sheriff Civilian Oversight Commission
 Tab Rhodes, Professional Peace Officers Association
 James Wheeler, President, Association for Los Angeles Deputy Sheriffs
 Cesar Romero, President, Los Angeles Sheriff's Professional Association

ATTACHMENT - A

OPEN CHALLENGE OF ELECTED LEADERS TO IDENTIFY DEPUTY CLIQUE MEMBERS
WHO YOU CAN SHOW ARE "GANG MEMBERS"



16 MAY 07 02:04 PM

Stop LA Sheriff's Attacks Forum Mar 27 @12 PM

The Live Video Hasn't Started

Interested

Going

Invite



Details

16 MAY 07 02:04 PM

Hosts



16 MAY 07 02:04 PM

Message



16 MAY 07 02:04 PM

Calderon, Angie M.

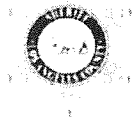
From: Wright, Adam R.
Sent: Wednesday, February 16, 2022 4:03 PM
To: hsolis1@bos.lacounty.gov; hollyjmitchell@bos.lacounty.gov; SKuehl@bos.lacounty.gov; jkhahn@bos.lacounty.gov; KBarger@bos.lacounty.gov
Cc: BOS Liaison Team; Chen, Cindy; FMcGee@bos.lacounty.gov; Mande, Lisa; gpinedo@bos.lacounty.gov; Mouradian, Anna
Subject: Sheriff, Identification of Department Personnel
Attachments: Scanned from a Xerox Multifunction Device.pdf

Good Afternoon,
Please see attached letter from Sheriff Villanueva.

Respectfully,

Sergeant Adam Wright
Liaison to the Board of Supervisors
Los Angeles County Sheriff's Department
211 West Temple Street
Los Angeles, CA 90012


ATTACHMENT B



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALE OF JUSTICE

ALEX VILLANUEVA, SHERIFF



October 3, 2022

Brian K. Williams, Executive Director
County of Los Angeles
Civilian Oversight Commission
350 South Figueroa Street, Suite 288
Los Angeles, California 90071

Dear Mr. Williams:

FALSE AND IRRESPONSIBLE ALLEGATIONS MADE AT CIVILIAN OVERSIGHT COMMISSION SPECIAL MEETING

On September 23, 2022, the Civilian Oversight Commission (COC) conducted another special hearing on "deputy gangs." During the hearing, Attorney Bert Deixler introduced information he stated was relayed to him by Captain Angela Walton. Attorney Deixler publicly stated as fact, an unknown dark colored Nissan sedan had been parked on the street directly across from Captain Walton's residence on September 20, 2022, the day she appeared in front of the COC.

Attorney Deixler went on to state Captain Walton recognized the vehicle as an "***undercover sheriff's vehicle***." Attorney Deixler then publicly displayed two images. The first image depicted the driver's side profile of a dark colored sedan. The second image depicted the rear tailgate of a Scion XB with the California license plate displayed.

Attorney Deixler stated Captain Walton told him, "... ***she would not be intimidated***." A statement which denoted Los Angeles County Sheriff's Department (Department) personnel were actively surveilling her because she had testified in front of the Civilian Oversight Commission. This accusatory sentiment was later picked up by the news and on social media.

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —

Mr. Williams

2

October 3, 2022

The Department initiated an inquiry soon after these allegations were made. The inquiry has concluded, and the findings revealed the vehicle Captain Walton suspected of being involved in surveillance of her, absolutely does not belong to the Department, absolutely was not connected to the Department in any way and was in the vicinity for reasons which absolutely were unrelated to Captain Walton in any way.

The manner in which the Department was portrayed by Attorney Deixler to the COC and public was irresponsible and unethical. A simple vetting of the information through ANY law enforcement entity could have brought forth the same results as we have provided to you. All parties involved were aware of the fact a public forum was not the venue to make those statements until they could be confirmed or disproven. Although, it is highly likely these irresponsible statements were intentionally made, in line with the COC's demonstrated mission of attacking the Department. By introducing "gossip" during your meetings and offering it to the public as reliable information, you show your commission to be unprofessional, unreliable, and desperate disciples of confirmation bias.

Additionally, there was no "full disclosure" of the fact Captain Walton, and her attorney Vincent Miller, stand to significantly gain monetarily by continued portrayal of the Department in a negative light. If the COC is now a tool for civil attorneys with multiple lawsuits against the Department to strengthen their cases, please disclose this fact. If not, then stop acting like you are. I demand the COC issues a public statement correcting the record on every one of your social media platforms.

Should you have any questions or would like to discuss further, please feel free to contact my Chief of Staff, Commander John Satterfield at [REDACTED]

Sincerely,

ALEX VILLANUEVA
SHERIFF

ATTACHMENT C



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



October 5, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

DEMAND TO RELIEVE SPECIFIED CONFIDENTIAL EMPLOYEES FROM THEIR DUTIES OF PUBLIC TRUST

Shortly after I was sworn into office on December 3, 2018, my staff alerted me to a series of illegal personnel file downloads that were launched by members of the Office of Inspector General and Constitutional Policing Advisors from the administration of Sheriff Jim McDonnell. This data breach appeared to have been initiated immediately following the primary election that was held in June 2018 and does not appear to have been done for a lawful reason. Former Sheriff McDonnell's staff had launched an inquiry into the matter, only to abandon it without proper resolution.

In early 2019, we initiated a criminal inquiry into the matter and consulted with representatives from the state Attorney General's office and the Federal Bureau of Investigation (FBI). Inspector General Max Huntsman's protestations were centered on his claims that he had permission from the incumbent to view my confidential personnel files. Our investigation indicates no such permission existed, either in writing or supported by the former sheriff, who refused to answer questions from our investigators. The investigation was turned over to the Attorney General's office in September 2021 for a prosecutorial decision. Please note this investigation names five suspects of criminal conspiracy to commit burglary and illegal removal of personnel files, among other charges.

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —

We have previously written to your office regarding the liability of permitting named felony suspects to continue working in their official capacity during the pendency of the criminal investigation. Now we have a whole new set of issues based on the extraordinary admissions from Supervisor Sheila Kuehl during the execution of search warrants by deputies assigned to our Public Corruption Unit. On live local television, Supervisor Kuehl claimed to have been alerted to the search warrants in advance by Acting County Counsel Dawyn Harrison, with information she received from Inspector General Max Huntsman. On September 21, 2022, I wrote to you listing the reasons why Mr. Huntsman needed to be relieved of his duties [Attachment A], and I have yet to receive a response.

In addition to Supervisor Kuehl's own public statements, court documents [Attachment B] reveal the names of two other individuals who alerted Supervisor Kuehl of the service of the warrant, in an apparent conspiracy to obstruct justice: Lisa Mandel, Chief of Staff, District 3, and Torie Osborn, Senior Strategist, District 3. As appointed officials who are considered confidential employees and trusted to maintain confidentiality over internal records and law enforcement operations, the alleged conduct of the four individuals referenced herein, and others who during the course of the Attorney General's investigation may also be identified, can no longer have access to Los Angeles County Sheriff's Department (Department) records, operations, or be involved in decision-making regarding oversight and/or legal representation.

Consistent with standard Department policy, Mr. Huntsman will be removed from all access to Department facilities, personnel, and databases effective immediately. This standard is applied to all Department personnel who are named as a suspect in a criminal case involving felony crimes. The list of potential charges Supervisor Kuehl and Commissioner Patricia Giggans include the following:

- California Government Code 1090, Conflict of Interest
- California Penal Code 165, Bribery of a public official or member of a board of supervisors
- California Penal Code 182.5, Conspiracy to obstruct justice
- California Penal Code 182, Conspiracy to commit any crime
- California Penal Code 503, Embezzlement
- California Penal Code 424, Theft, or misappropriation of public funds

The list of potential charges facing Mr. Huntsman, Ms. Harrison, Ms. Mandel, and Ms. Osborn include the following:

- California Penal Code 182, Conspiracy to commit any crime
- California Penal Code 182.5, Conspiracy to obstruct justice
- California Penal Code 31, Aiding and abetting a crime
- California Penal Code 135, Destruction of evidence

There is no alternate universe where county counsel can dictate the manner in which the Department is represented in court, while they are actively involved in allegedly concealing criminal activity and obstructing the investigative function of the sheriff [California Government Code 25303]. To the contrary of taking corrective action, both Supervisor Kuehl and Supervisor Hilda Solis have made public statements on social media condemning both myself and the Department for the execution of a lawful public corruption search warrant that was properly vetted, approved by a judge, and reaffirmed by a second judge. Acting County Counsel Harrison is in no position to deny compensating the attorney of our choosing, who won for us in court, based on these extraordinary set of events [Attachment C]. Her apparent motive in denying counsel was to see the search warrant overturned by the court for lack of proper counsel. It is your moral and legal obligation to pick up the costs for *Werksman Jackson & Quinn LLP*. Please refer to Ms. Harrison's own words:

"... I wanted to remind you that only the Office of County Counsel, or the law firms we retain, may represent you, in your official capacity, and the LASD... Therefore, you have no authority to retain your own counsel to represent either you or the LASD, nor is the County of Los Angeles responsible for any of the costs incurred by those law firms. I recently discovered that you improperly retained Werksman Jackson & Quinn LLP in this matter. I will notify them that they have no authority to represent you or LASD and will not be paid by the County of Los Angeles, and I will copy the Attorney General's Office."

It is not the first time we have informed you of unethical and/or incompetent representation by county counsel and contract counsel that have had negative consequences to the Department. From failing to adequately present a defense in a high-profile civil lawsuit, failing to aggressively challenge false assertions in employee lawsuits, to colluding with the Civilian Oversight Commission and the Inspector General's office to give the false impression we are not complying with the submission of subpoenaed information or testimony. It is clear you have weaponized legal representation of the Department as another avenue to discredit my administration for your political interests. This comes at great expense to the taxpayer and to our credibility, which seems to be your goal.

October 5, 2022

To be clear, the investigation is real, my authority is real, and so is that of the Attorney General who has now assumed responsibility for the investigation, which was initiated at our request. The investigation itself regarding *Peace Over Violence* was initiated based on a criminal complaint from a whistleblower, and contrary to false assertions by those involved, we do not investigate people, only allegations of criminal activity. This is true of every investigation initiated by the Department, including those by the Public Corruption Unit.

In closing, as a matter of reference, I wrote a whistleblower memorandum back in December of 2004 regarding the unfolding corrupt actions of then Division Chief Paul Tanaka [Attachment D]. As a young sergeant, I laid out publicly in detail my concerns regarding the unethical conduct and behavior of the administration of then Sheriff Lee Baca. I was laughed at, ridiculed, attacked, and had my career derailed for over a decade. The Board of Supervisors were informed of Baca and Tanaka's corruption, as were members of the Office of Independent Review, but it wasn't until the Citizen's Commission on Jail Violence and the FBI intervened, when the corruption began to halt. Needless to say, I stood my ground and was ultimately vindicated.

Today and again, I am standing my ground. You have two choices: circle the wagons and protect corruption or come clean and stand up for doing the right thing. Choose wisely, history will be your judge.

Should you have any questions or would like to discuss further, please feel free to contact my Chief of Staff, Commander John Satterfield at [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Villanueva", with a long horizontal line extending from the end of the signature.

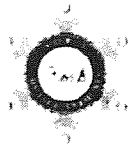
ALEX VILLANUEVA
SHERIFF

October 5, 2022

AV:JLS:js

- Attachments:** A – Letter for Removal of Max Huntsman
B – Court Documents (Declaration)
C – County Counsel Correspondence
D – Letter to LASD Executives (2004)

ATTACHMENT A



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

DEPT. OF JUSTICE

ALEX VILLANUEVA, SHERIFF



September 21, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**REQUEST FOR REMOVAL OF MAX HUNTSMAN AS INSPECTOR GENERAL
RESULTING FROM ALLEGATIONS OF CONSPIRACY TO COMMIT
OBSTRUCTION IN SEARCH WARRANT**

On February 18, 2021, in a six-page letter, I informed you of my *grave concerns with the conduct of your appointed Inspector General, Max Huntsman*. I pointed out his *zealot-like behavior which continues to create civil liability for the Los Angeles County*. I stated his *intellectual dishonesty places the public at an increased risk*. The letter ended with *I ask the Board to consider my concerns and replace the IG with one who is accredited, unbiased, and capable of maintaining a professional working relationship*.

As you were also aware at the time, Mr. Huntsman was a felony suspect in a theft of electronic information investigation, which remains an active investigation at the Office of the Attorney General. You had an opportunity to relieve Mr. Huntsman of his duties then, but declined and the Board ignored my request. Unfortunately, your failure to address the issues I pointed out to you in 2021 has now resulted in an even more serious crime allegedly occurring, which is additionally under active investigation by the Office of the Attorney General.

On September 14, 2022, as you are likely aware, public corruption search warrants were served at multiple locations. During the service at Supervisor Shelia Kuehl's residence, she stated to reporters, *I heard from County Counsel last night that she got a tip from Max Huntsman that the search would happen this morning*. In the event you have not heard the statement for yourself, it was aired by every local news channel, and it is posted on all Los Angeles County Sheriff's Department's social media accounts.

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —

Moreover, based on Supervisor Kuehl's statements and Attorney General Rob Bonta's announcement, Mr. Huntsman and the Los Angeles County Counsel have now become the focus of a criminal investigation by the Office of the Attorney General, and as such, the conflict of interest in Mr. Huntsman remaining in his current assignment is untenable. For these reasons, I demand that Mr. Huntsman be treated like any other of the over 100,000 Los Angeles County employees and be relieved of his duties, pending the outcome of the Attorney General's criminal investigation.

Given the above, it is the established pattern and practice everywhere in the Los Angeles County, by every department, that an employee is to be relieved of duty and/or reassigned upon reliable knowledge of alleged criminal activity, and an investigation is pending which could lead to termination.

Should you have any questions or would like to discuss further, please feel free to contact my Chief of Staff, John L. Satterfield, at [REDACTED]

Sincerely,


ALEX VILLANUEVA
SHERIFF

ROB BONTA
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I Street
P.O. Box 94266
Sacramento, CA 95834-2556
Telephone 916-227-6009
E-Mail Address: Lance.Winters@doj.ca.gov

January 25, 2022

Timothy K. Murakami
Undersheriff
Office of the Sheriff
County of Los Angeles
Hall of Justice
211 West Temple Street
Los Angeles, CA 90012

VIA EMAIL AND U.S. MAIL

Re: Possible criminal conduct

Dear Undersheriff Murakami:

The Department of Justice (DOJ) is in receipt of your letters regarding possible criminal conduct. Specifically, we have received: (1) letters dated July 23, 2020, and October 20, 2021, regarding possible criminal conduct by Sachi Hamai; and (2) a letter dated November 16, 2021, regarding possible criminal conduct by five individuals who purportedly engaged in acts to "unlawfully obtain and distribute confidential, protected personnel records."

As to the former matter, you request that DOJ "conduct the criminal inquiry"; as to the latter, you implicitly request that DOJ conduct any necessary inquiry and review the matter, noting "the inherent conflict(s)" for further inquiry and asking that, should we decline "further inquiry or review," to refer the matter to a district attorney's office outside of Los Angeles County. DOJ will review these matters.

Additionally, it has come to our attention that your Office has been involved in a criminal investigation of Peace Over Violence and/or Executive Director Patti (Patricia) Giggans. Specifically, it has been reported that, in February and March 2021, your Office executed search warrants at the offices of Peace Over Violence and L.A. Metro as part of a criminal investigation. (E.g., Jason Henry, *LA County Sheriff Investigating Oversight Commissioner's Nonprofit, Search Warrants Show*, L.A. Daily News, June 18, 2021.)

January 25, 2022

Page 2

DOJ requests that your Office to provide a report on the status of the investigation of Peace Over Violence and/or Executive Director Parti (Patricia) Giggans. (Cal. Const., art V, § 13 (noting Attorney General has supervisory authority over sheriff and may require "reports concerning the investigation, detection, prosecution, and punishment of crime").) Your cooperation in this request is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Lance Winters". The signature is fluid and cursive, with a prominent "L" and "W".

Lance Winters
Chief Assistant Attorney General

For ROB BONTA
Attorney General



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



204
BOS Liaison

February 18, 2021

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

THE NEED FOR AN HONEST AND OBJECTIVE INSPECTOR GENERAL

The purpose of this communication is to advise you of my grave concerns with the conduct of your appointed Inspector General (IG), Max-Gustaf Huntsman, and the publications authored by his office which directly influence the unsuspecting public's perceptions regarding both the credibility of the Los Angeles County Sheriff's Department (Department) and the legitimacy of our operations. His zealot-like behavior continues to create civil liability for the County and potentially endangers the life of deputies in the field, as he artificially stokes animosity between the Department and the community.

In addition to potentially endangering the lives of our deputies, his intellectual dishonesty places the public at an increased risk. After utilizing good communication and de-escalation strategies, deputies can only ultimately perform the detention or arrest of an individual one of two ways: 1) The person voluntarily submits to lawful authority; or, 2) The person resists and the deputy uses force to overcome their resistance and gain safe control. As the public continues to be misled by Mr. Huntsman as to the Department being engaged in widespread "unlawful conduct," they are far less likely to voluntarily comply. Statistically, this in and of itself places members of the public in situations that are far less likely to have a peaceful resolution.

The expectation of the public regarding the conduct of an IG is they are dedicated to serving the public's interest by working tirelessly to fairly assess the operations of any given organization and provide meaningful input for reforms, which may be required to adapt to an ever-changing world. Indeed, the National Association of Inspectors General posits this public expectation is best served when:

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —

SCANNED & E-MAILED TO BOS LIAISON
TEAM 2/18/21

February 18, 2021

This public expectation is best served by inspectors general when they follow the basic principles of integrity, objectivity, independence, confidentiality, professionalism, competence, courage, trust, honesty, fairness, forthrightness, public accountability, and respect for others and themselves (AIG Principles and Standards, pg. 3, 2014).

Please note the first two principles outlined above, integrity and objectivity. I will provide you a brief rundown of the fundamental defects of Mr. Huntsman's work product, starting with the most recent publications and working our way back towards the start of my administration.

The Office of Inspector General (OIG) report "Review and Analysis of Misconduct Investigations and Disciplinary Process" released in February 2021 suffers from multiple fatal defects, chief among them the fallacy of a study period (2015-2019) which encompasses two administrations without distinguishing and contrasting the data from both. Another fatal flaw is the use of individual cases in an anecdotal fashion as representative of the entire Department's operation without providing proper context with the totality of cases investigated and discipline rendered. A select quote from the introduction:

Notwithstanding the current Sheriff's assertions, we were not provided by the Sheriff, and in our review, we did not observe or find, any evidence of falsification of evidence or reports which resulted in the wrongful discipline of a department employee (pg. 4, 2021).

This statement is demonstrably false and illustrative of the nature of the report itself. The Department conducted an in-depth analysis of the Mandoan case, which is now a public document, wherein it was proven that a key exculpatory witness was identified, interviewed, and the results concealed from both the Civil Service Commission and the employee fighting the discharge (see the Department's Case Analysis, October 1, 2019).

The next production from the OIG, "Report Back on Unlawful Conduct of the Los Angeles County Sheriff's Department" was a letter dated December 14, 2020, addressed to the Civilian Oversight Commission (COC), purportedly in response to a request from Commissioner Priscilla Ocen. The starkly sophomoric report amounted to nothing more than a rehash of current and past litigation and a torturous defense of the legal fallout from Mr. Huntsman's oversteps in a homicide investigation.

This report was designed exclusively as a political tool to discredit the Department and does not appear to have any legitimate purpose in oversight, transparency, or accountability. Perhaps the most startling false statement is the section subtitled

Failure to Investigate and Prohibit Deputy Secret Societies (pg. 12). Mr. Huntsman has the Department's criminal and administrative investigations of the Kennedy Hall incident from former Sheriff Jim McDonnell's tenure, and he is aware that 26 employees were disciplined, including four who were terminated as a result of that administrative investigation. Mr. Huntsman is also aware of the Department's new policy regarding forming or participating in deputy subgroups, which was issued in February 2020 and is being vigorously enforced.

The preceding report, "The Right to Know Act: Los Angeles County Sheriff's Department Response to Police Transparency Reform," was published in November 2020, and in typical OIG fashion, deliberately used outdated information from January 2020 to make the false claim the Department was not complying with SB 1421. For the record, as of December 31, 2020, the Department achieved full compliance with SB 1421 with a 96.45 percent rate, a number Mr. Huntsman was well aware was in the making and far different than the 70 percent non-compliance rate he reported just a month earlier.

Mr. Huntsman is also aware of the issues the Department has had since the inception of SB 1421, with antiquated databases that do not communicate with each other and the severe lack of staffing to meet the new requirements (a failure of leadership by the previous administration). To wit, in a letter dated July 6, 2020, to former Board of Supervisors (BOS) Chair, Supervisor Kathryn Barger, the Department outlined six different occasions where we requested additional resources through the Chief Executive Office and were denied repeatedly. It was only through cannibalizing different functions of the Department that we were able to muster enough personnel to satisfy SB 1421 and California Privacy Rights Act requests. Comparing our operation to Los Angeles Police Department's is a dishonest comparison based on disparate funding levels, IT infrastructure, and staffing levels.

Looking through the sheer number of reports authored by the OIG, a persistent pattern emerges wherein the OIG ignores Department investigations, results of investigations, and actions taken in response to complaints from the public. The November 17, 2020 report back to the COC regarding the alleged harassment of family members after fatal deputy-involved shootings is one example of this. The report negates in its entirety the concerns of the public over impromptu memorials and gang members loitering in the vicinities of their homes, concerns which were addressed properly by the Department's report.

Examining the OIG's report's table of contents alone since its inception reveals a deferential OIG during former Sheriff McDonnell's administration, with report titles of a generic and non-inflammatory nature, unlike those published during my administration.

As a matter of fact, the OIG generated as many reports during my first two years in office as they did during all of former Sheriff McDonnell's tenure, and that includes the conspicuously "confidential" report Mr. Huntsman prepared to bury the potentially illegal actions of former Sheriff McDonnell's Assistant Sheriff, Mike Rothaus, for his purchase of a stolen vehicle from a contracted tow company.

Without question, these "reports" would be rejected by any legitimate academic institution. They are filled with unproven allegations, anecdotal data, omissions, distortions, and an overall permeation of bias and intellectual dishonesty. They are truly not the level of accuracy and authenticity expected in County government. Furthermore, if my own deputies consistently authored documents at this level, they would at the very least be placed on a performance improvement plan, and in cases of deception, omission, and lack of honesty, an administrative investigation would be conducted. I believe the responsibility for performance and accountability issues with Mr. Huntsman belongs, in part, to the OIG. Yet, they seem too hyper-focused on political activism and calls for my own resignation to focus on this duty.

Since taking office in December 2018, I have continued my reforms within the Department to enhance public safety and strengthen the ties within our communities. As the elected Sheriff serving the most populous county in the nation and employing nearly 18,000 employees, this is no easy task. Having inherited significant problems from past administrations, I remain committed to effecting positive change for the residents of Los Angeles County.

As the first progressive democratic sheriff, I have delivered on many of my campaign promises to bring reform and transparency to the Department. I have instituted major reforms regarding Immigration and Customs Enforcement (ICE), leadership diversity, wage theft, and the single most important commitment to transparency: body worn cameras. Although Mr. Huntsman authored multiple reports on the Department's cooperation with ICE, he became silent in light of the moratorium on all inmate transfers to ICE custody. Again, this amounts to false documentation by omission and does not serve to inform either the public or the Department.

As a result of these unethical reports, the Department is suffering irreparable damage and our standing in the community is being undermined by continual misleading and false attacks. It should be of great concern to all of us that his actions are eroding public trust and creating a liability for the Department. His hopelessly biased reporting will only invite future frivolous lawsuits which the hardworking taxpayers will have to waste money defending, while at the same time artificially rising tensions in the community which can endanger the lives of our deputies. This was clearly evidenced by the brutal attack on our two Compton Transit Services Bureau deputies which horrified the entire nation.

The IG serves an advisory role, just like the COC. When their efforts are driven by political agendas and not facts, they fail to serve the public's expectations of oversight and betray the reason for their existence. As a result, their work product does not inform the Department's operations and will not be considered of any value. The Department will continue, however, to provide both entities all the information they are legally entitled to receive.

As you have been advised in writing, the Department continues to investigate a data breach discovered at the beginning of 2019. The Legislature has enacted a statutory scheme defining the powers and duties of a sheriff (Government Code Sections 26600-26779). Section 26600 generally provides:

The sheriff shall preserve peace, and to accomplish this object may sponsor, supervise, or participate in any project of crime prevention, rehabilitation of persons previously convicted of a crime, or the suppression of delinquency.

A sheriff is also expressly authorized and directed to investigate public offenses that have been committed and to arrest and take before a magistrate all persons who have committed a public offense (Sections 26601-26602). There is no statutory scheme that places anyone, including members of the OIG, above the law. As such, it is with concern that I read a letter from Lawrence Middleton to County Counsel, who had retained him to purportedly provide legal guidance on this very issue. In his words:

Upon completing my analysis, I wanted to bring to Undersheriff Murakami's attention a number of issues and concerns that cause me to counsel against a continuation or escalation of the investigation. Most notably, as detailed below, because none of the potential charges being investigated are likely to lead to a successful criminal prosecution, Department personnel involved in the investigation could place themselves in jeopardy or criminal prosecution and/or civil liability if they continue (March 6, 2020).

This letter appears to be an attempt to intimidate, coerce, or otherwise dissuade the Department from carrying out our lawful duty and is unacceptable. It should be noted neither County Counsel nor Mr. Middleton has knowledge of the scope or details of the investigation, rendering such opinions ill-informed and ill-advised. I have recused myself from this inquiry and know of its details superficially.

The Department needs an IG who is not ethically compromised and is certified by the National Association of Inspectors General. I expect the work product of the OIG to adhere to professional standards as cited in the Association of Inspectors General's book, "Principles and Standards for Offices of Inspector General," also known as the Green Book. The public, the Department, and BOS all deserve accurate reporting

February 18, 2021

which is not politically motivated. I ask the BOS to consider my concerns and replace the IG with one who is accredited, unbiased, and capable of maintaining a professional working relationship. The Department's reputation is being unfairly tarnished by the IG in his personal attacks towards us. We need an IG who is fair and objective, not inflammatory and controversial.

The Department is a national trendsetter on many important issues, such as the relationship between local law enforcement and federal immigration enforcement, combatting the spread of COVID-19 in congregate living facilities and super spreader events, the Wage Theft Task Force, defending the community during periods of civil unrest, and transparency. Our efforts are often adopted as best practices by other law enforcement agencies throughout the nation. Our reputation is at stake. The IG's personal vendetta should not come at the expense of our dedicated employees who put their lives on the line each and every day in service to the community.

Should you have any questions or would like to discuss further, please feel free to contact me at [REDACTED]

Sincerely,

ALEX VILLANUEVA
SHERIFF

The Honorable Board of Supervisors

-7-

February 18, 2021

AV:JAV:ac
(Office of the Sheriff)

c: Rodrigo A. Castro-Silva, County Counsel, Office of the County Counsel

ATTACHMENT B

1 WERKSMAN JACKSON & QUINN LLP
2 ALAN J. JACKSON (Bar No. 173647)
3 CALEB E. MASON (Bar No. 246653)

4 888 W. 6th St. 4th Floor
5 Los Angeles, California 90017

6 Attorneys for Los Angeles County Sheriff's Department

CONFIRMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

SEP 22 2022

Sheri R. Carter, Executive Officer/Clerk of Court
By: Sheryl R. Humber, Deputy

7 SUPERIOR COURT OF CALIFORNIA

8 COUNTY OF LOS ANGELES - CENTRAL DISTRICT

9
10 IN RE: SEARCH WARRANT SERVED
11 ON OFFICE OF THE INSPECTOR
12 GENERAL FOR THE LOS ANGELES
13 COUNTY METROPOLITAN
14 TRANSPORTATION AUTHORITY ON
15 SEPTEMBER 14, 2022

Case No.: Misc. BH014167

(Hon. William C. Ryan - Department
56W)

DECLARATION OF MAX O.
FERNANDEZ IN RESPONSE TO
COURT'S ORDER DATED
SEPTEMBER 20, 2022.

Date: September 22, 2022
Time: 1:30 p.m.
Dept.: 56W

16
17
18
19 DECLARATION OF SGT. MAX O. FERNANDEZ

20 I, Max O. Fernandez, declare as follows:

21 1. I am employed as a sergeant for the Los Angeles County Sheriff's
22 Department ("LASD"). I am assigned as the lead investigator in the Department's
23 investigation of related to possible criminal conduct regarding the awarding of contracts
24 to Peace Over Violence (POV) by the Metropolitan Transportation Authority (MTA)
25 ("the Matter"). I am the affiant for the search warrants relating to the Matter. There are
26 two: one signed on February 26, 2021, by Judge Ronald Coen. I am also the Affiant for
27 the Search Warrant which was signed on September 8, 2022 by Judge Craig Richman. I
28

1 make this declaration from my own personal knowledge, and if called as a witness, I
2 could and would testify competently to the facts stated below.

3 2. This Supplemental Declaration supplements my Declaration filed
4 yesterday in this Matter. I make this Declaration in compliance with the Court's
5 September 20, 2022 Order, to ensure that I have fully and completely addressed the
6 questions raised by the Court. My prior Declaration addressed the Court's questions
7 about the application for and issuance of the search warrants in this Matter. This
8 Declaration provides additional information regarding Question No. 5: "Report what
9 searches have already been conducted on any computer seized under the warrant, and
10 who conducted the searches, and what information has been obtained."

11 3. I joined the LASD's Public Corruption unit in October 2020. This
12 investigation was assigned to me on or about October 26, 2020. The investigation was
13 opened a year before that, on or about September 11, 2019, when a whistleblower from
14 the MTA contacted the LASD to report what she believed to be illegal conduct,
15 including fraudulent conduct in directing contracts to politically connected individuals
16 and entities; and retaliation against her for reporting same.

17 4. I have seen public statements reported in the media made by various public
18 figures, alleging that this investigation is some sort of political payback by the Sheriff
19 against Supervisor Kuehl because of recent political developments and disagreements.
20 That allegation is false. I know that the allegation is false, because (1) I have worked on
21 this investigation for two years, and the investigation was begun a year before that, in
22 September 2019—long before the current political animosities developed; and most
23 importantly (2) this investigation is based on provable facts, credible witness testimony,
24 and an undisputed documentary record, that provides probable for the allegations that
25 County contracts were improperly awarded to Ms. Giggans and POV. The full details of
26 the investigation, including the evidence reviewed and witnesses interviewed, is set forth
27 in the affidavit I presented to the court in support of the search warrants obtained in the
28 Matter. That evidence is abundant and constitutes probable cause to believe that a crime

1 has been committed, in my professional opinion. This is a straightforward investigation
2 of corruption in the expenditure of public funds—the sort of investigation that every law
3 enforcement agency in the state conducts on a regular basis, and that prosecutorial
4 agencies regularly prosecute. This investigation has been conducted throughout
5 according to standard investigatory practices.

6 5. The full list of items seized during the searches of Supervisor Kuehl's and
7 Ms. Giggans' residences is attached hereto as Exhibit 1. As noted in my previous
8 Declaration (Paragraph 7), none of the materials seized in the search of the Office of
9 Inspector General offices have been reviewed or imaged.

10 6. Exhibit 1 identifies each item, and states whether its contents were imaged.
11 Items 20, 21, 22, 24, and 25 are paper records, and were not imaged. The technicians
12 who worked on the imaging are: Thomas Ferguson; Leo Lo; John Moore; Steven
13 Suarez; Mike Rivas; Julius Gomez; Raquel Gonzales; Claudia Iwaszczyszyn; and Brian
14 Moreno. Those technicians did not review the contents of any device.

15 7. In sum: none of the contents of any computer seized have been reviewed.
16 Of the total of 67 devices seized, 49 have been imaged, and one (1) has been partially
17 imaged. All the imaging was conducted on September 14, 15, and 16, 2022. None of
18 the contents of any of the devices have been reviewed, except for a review of recent text
19 messages and voicemails on Supervisor Kuehl's phones as set forth below.

20 8. The only devices from which any content has been reviewed are the two
21 phones seized from Supervisor Kuehl, and the only content reviewed from those phones
22 were approximately 250 text messages and two voice mails. I personally conducted that
23 review on the morning of September 16, 2022. I considered that review to be urgent for
24 the reasons set forth below.

25 9. The review of the text messages and voicemails on Supervisor Kuehl's
26 phone in the period prior to the execution of the warrant was urgent because at 8:00 a.m.
27 on September 14, 2022, while deputies were still at her premises, Supervisor Kuehl gave
28 a live television interview to Fox 11 News, in which she said the following: "KUEHL: I

1 heard from County Counsel last night that she got a tip from Max that this search would
2 happen. REPORTER: Max Huntsman? KUEHL: Yes, from Max Huntsman that this
3 search would happen this morning.”

4 10. In my professional opinion, and based on my training and experience,
5 tipping off a target of a search warrant prior to the execution of the warrant is a crime.
6 Penal Code section 148 prohibits obstructing officers in the execution of their duties,
7 including serving search warrants; and Penal Code 168 prohibits public officials
8 (prosecutors, judges, clerks, or peace officers) from disclosing the fact that a search
9 warrant has been issued, prior to its execution, for the purpose of preventing the search
10 or seizure of property. The only people who knew about the issuance of this search
11 warrant when it was issued were among those enumerated categories. So, at a
12 minimum, whoever told Max Huntsman about this warrant committed a crime.

13 11. In the concurrent search of Patricia Giggans’ residence, which took place
14 at the same time as the search of Supervisor Kuehl’s residence, we were surprised to
15 find that Ms. Giggans’ phone was not present anywhere in the house or on her person.
16 The search warrant was executed at 7 a.m. at Ms. Giggans’ residence, and she was
17 personally present when we arrived. Based on my training and experience, individuals
18 keep their phones ready to hand, and I know that Ms. Giggans owns and uses an iPhone,
19 because we have obtained numerous emails sent by her, which contain in the signature
20 line the phrase, “Sent from my iPhone.” I know from personal experience and from my
21 training that that phrase is automatically inserted into emails sent from an iPhone. It is
22 also not plausible or likely that Ms. Giggans would manually type that phrase into the
23 bottom of every email she sends.

24 12. Because I know that Ms. Giggans has an iPhone, and her phone was not
25 present in her residence or on her person, I concluded that the most likely explanation
26 for the absence of her phone was that she was aware that the warrant was going to be
27 executed, and she disposed of the phone in some manner beforehand. Ms. Giggans’
28 attorney, Mr. Austin Dove, arrived at her residence approximately 15 minutes into the

1 search. Mr. Dove spoke with the detectives executing the warrant, and said the
2 following: "There is no phone. You can search for the phone. You're entitled to search
3 the place." That statement was made by Mr. Dove to Detective Yoon Nam, who told me
4 about it that same day.

5 13. In addition to constituting a crime under the Penal Code, the act of tipping
6 off a target of a search warrant to existence of the warrant is a major concern for the
7 LASD. It creates safety and security risks for officers executing warrants, and it
8 compromises and impairs the investigation of crimes. In short, we simply cannot have
9 targets of warrants tipped off the night before. The fact that Supervisor Kuehl publicly
10 stated she had been tipped off the night before was a serious concern for me and for the
11 LASD, as to how the information had been obtained and disseminated.

12 14. Accordingly, I reviewed Ms. Kuehl's phones, looking for recent
13 communications relating to the warrant. I found them. The relevant text messages are
14 attached hereto as Exhibit 2.

15 15. At 10:17 p.m. on September 13, 2022, Lisa Mandel, Supervisor Kuehl's
16 Chief of Staff, texted Supervisor Kuehl the following (the full message is attached in
17 Exhibit 2): "Just got a call from Dawyn Harrison. She has been informed that the
18 Sheriff may obtained a search warrant for your home and Patti G's.... Per the informant,
19 the warrant is for 7 a.m. tomorrow. Let me know if you want me to do anything."

20 16. At 11:41 p.m. on September 13, 2022, Dawyn Harrison (who is Acting
21 County Counsel) texted Supervisor Kuehl the following (the full message is attached in
22 Exhibit 2): "Was the first my team heard of it. Max called CoCo tonight with his
23 'intel.'" I know from personal experience and from my training that "CoCo" refers to
24 County Counsel.

25 17. There are approximately 25 messages relating to the above two messages.
26 And the two voicemails were from Ms. Harrison, also on the evening of September 13,
27 2022. Both stated that she had an urgent matter that she needed to discuss with
28 Supervisor Kuehl.

1 18. The other investigators who have reviewed the same set of text messages I
2 reviewed from Supervisor Kuehl's phones are Detective Rafael Rafino and Lieutenant
3 Oscar Veloz.

4 I declare under penalty of perjury under the laws of the State of California that
5 the foregoing is true and correct.

6 Executed on September 21, 2022, in Los Angeles, California.

7 
8 _____
9 MAX O. FERNANDEZ
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1

CAT	ITEM #	QUAN	DESCRIPTION	DATE RECEIVED	IMAGED	PROCESSED	PORTABLE CASE	NOTES
EV	1	1	Computers, equipment, & accessories - color, [REDACTED], with power cord; from Home Ofc Desk (LOC 6) Article: CABLE Make: [REDACTED] Model: [REDACTED] Serial Number: [REDACTED] DOJ File Control Number: [REDACTED] Booked At: OTHER	9/14/2022	Y	Y	N	
EV	2	1	Computers, equipment, & accessories - [REDACTED], Blk, w/cord; home ofc desk (LOC 6) Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: [REDACTED] Model: [REDACTED] Serial Number: [REDACTED] DOJ File Control Number: [REDACTED] At: OTHER	9/14/2022	N	N	N	No Data - Drive B/O
EV	3	1	Phones/Cell - Blk [REDACTED] blk/gry case (cracked screen protector); IEMI [REDACTED]; Master BR (LOC 6) Article: Cell Phone Make: [REDACTED] Model: Unknown Serial Number: Unknown Booked At: OTHER	9/14/2022	N	N	N	No Extraction

EV	4	1	Computers, equipment, & accessories - Silv USB "Homeboy Industries"; center drawer home ofc desk (LOC 6) Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: Not Applicable Model: Not Applicable Serial Number: Not Applicable Booked At: OTHER	9/14/2022	Y	N	N	No Data in Date Range
EV	5	1	Computers, equipment, & accessories - Blu USB "██████████"; Top LT drawer home ofc desk (LOC 6) Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: Not Applicable Model: Not Applicable Serial Number: Not Applicable Booked At: OTHER	9/14/2022	Y	Y	Y	
EV	6	1	Computers, equipment, & accessories - Blk/Silv USB "██████████"; Top LT drawer home ofc desk (LOC 6) Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: Unknown Model: Not Applicable Serial Number: Not Applicable Booked At: OTHER	9/14/2022	Y	N	N	No Data in Date Range
EV	7	1	Computers, equipment, & accessories - Blk/Silv USB "██████████"; Top LT drawer home ofc desk (LOC 6) Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: Unknown Model: Not Applicable Serial Number: Not Applicable Booked At: OTHER	9/14/2022	Y	N	N	

EV	8	1	Computers, equipment, & accessories - Silv/Wht USB "Futures without violence"; LT middle drawer home ofc desk (LOC 6) Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: Unknown Model: Not Applicable Serial Number: Not Applicable Booked At: OTHER	9/14/2022	Y	N	N	
EV	9	1	Computers, equipment, & accessories - Silv/Wht USB "Futures without violence"; LT middle drawer home ofc desk (LOC 6) Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: Unknown Model: Not Applicable Serial Number: Not Applicable Booked At: OTHER	9/14/2022	Y	N	N	
EV	10	1	Computers, equipment, & accessories - Blk, [REDACTED] Ultra, 8GB in clear case, Prod Code [REDACTED]; Top LT drawer home ofc desk (LOC 6) Article: SD CARD Make: [REDACTED] Model: Unknown Serial Number: Unknown Booked At: OTHER	9/14/2022	Y	Y	Y	
EV	11	1	Computers, equipment, & accessories - Red USB "denimdayusa.org"; LT middle drawer home ofc desk (LOC 6) Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: Unknown Model: Not Applicable Serial Number: Not Applicable Booked At: OTHER	9/14/2022	Y	Y	Y	

EV	12	1	Computers, equipment, & accessories - Blu USB with silv color lanyard "AVB"; LT middle drawer home ofc desk (LOC 6) Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: Unknown Model: Not Applicable Serial Number: Not Applicable Booked At: OTHER	9/14/2022	Y	Y	N	No Data in Date Range
EV	13	1	Computers, equipment, & accessories - L. Blu PNY USB, 8GB, w/blk lanyard; LT middle drawer home ofc desk (LOC 6) Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: PNY Model: Unknown Serial Number: Unknown Booked At: OTHER	9/14/2022	Y	Y	N	No Data in Date Range
EV	14	1	Computers, equipment, & accessories - Wht/Red triangle shaped USB "GUESS logo"; LT middle drawer home ofc desk (LOC 6) Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: Unknown Model: Unknown Serial Number: Unknown Booked At: OTHER	9/14/2022	Y	N	N	No Data in Date Range
EV	15	1	Other - Silv [REDACTED] Digital Voice Recorder, [REDACTED]; LT middle drawer home ofc desk (LOC 6) Serial Number: Unknown Booked At: OTHER	9/14/2022	N	N	N	No Data in Date Range

EV	16	1	Phones/Cell - [REDACTED] Cellphone; top middle dresser drawer in SW BR (LOC 6) Article: Cell Phone Make: [REDACTED] Model: [REDACTED] Serial Number: [REDACTED] DOJ File Control Number: [REDACTED] Booked At: OTHER	9/14/2022	Y	Y	Y	
EV	17	1	Phones/Cell - [REDACTED] IMEI [REDACTED]; top middle dresser drawer in SW BR (LOC 6) Article: Cell Phone Make: [REDACTED] Serial Number: Unknown Booked At: OTHER	9/14/2022	N	N	N	No Extraction
EV	18	1	Phones/Cell - Rose Gold color, LG cell phone; top middle dresser drawer in SW BR (LOC 6) Article: Cell Phone Make: [REDACTED] Model: [REDACTED] Serial Number: [REDACTED] DOJ File Control Number: [REDACTED] Booked At: OTHER	9/14/2022	Y	Y	Y	
EV	19	1	Computers, equipment, & accessories - Silv MacBook Pro Laptop with multiple stickers; RT bottom dresser drawer SW BR (LOC 6) Article: LAP TOP COMPUTER Make: [REDACTED] Model: [REDACTED] Serial Number: [REDACTED] DOJ File Control Number: [REDACTED] Booked At: OTHER	9/14/2022	Y	N	N	Encrypted
	20	0			N	N	N	Not Booked at CIC

EV	28	1	Computers, equipment, & accessories - Thumbdrive, "██████████", Black plastic with Purple Tether Cord located in Operations Office Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: ██████████ Model: ██████████ Serial Number: Not Applicable Booked At: OTHER	9/16/2022	Y	Y	Y	
EV	29	1	Computers, equipment, & accessories - Thumbdrive, "██████████", Black plastic with Purple Tether Cord located in Operations Office Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: Centon Model: ██████████ Serial Number: Not Applicable Booked At: OTHER	9/16/2022	Y	N	N	Cloned Only
EV	30	1	Computers, equipment, & accessories - Main Server, "Dell Power Edge T-710, gray located in Server Room Article: COMPUTER (CPU) Make: ██████████ Model: ██████████ Serial Number: ██████████ Booked At: OTHER	9/16/2022	Partial	Partial	N	Terminated per Warrant
EV	31	1	Computers, equipment, & accessories - ██████████ computer tower taken from Solis's office during MTA search warrant. Service Tag ██████████ Article: COMPUTER (CPU) Make: ██████████ Model: ██████████ Serial Number: Unknown Booked At: PATROL STATION	9/16/2022	Y	Y	Y	

EV	32	1	Computers, equipment, & accessories - [REDACTED] Laptop from wiggins office during MTA search warrant Article: LAP TOP COMPUTER Make: [REDACTED] Model: [REDACTED] Serial Number: [REDACTED] Booked At: PATROL STATION	9/16/2022	Y	Y	Y	
EV	33	1	Computers, equipment, & accessories - blk/sil METRO thumbdrive from wiggins office from MTA search warrant Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: Not Applicable Model: Unknown Serial Number: Not Applicable Booked At: PATROL STATION	9/16/2022	Y	Y	Y	
EV	34	1	Computers, equipment, & accessories - [REDACTED] computer tower from wiggins office from MTA search warrant, [REDACTED] Article: COMPUTER (CPU) Make: [REDACTED] Model: [REDACTED] Serial Number: Unknown Booked At: PATROL STATION	9/16/2022	Y	Y	Y	
EV	35	1	Computers, equipment, & accessories - Blk/Sil [REDACTED] laptop from solis's office during MTA search warrant. Article: LAP TOP COMPUTER Make: [REDACTED] Model: [REDACTED] Serial Number: [REDACTED] Booked At: OTHER	9/16/2022	Y	Y	Y	

EV	36	1	Computers, equipment, & accessories - Blk/Sil [REDACTED] computer tower from Soli's office during MTA search warrant. [REDACTED] Article: COMPUTER (CPU) Make: [REDACTED] Model: [REDACTED] Serial Number: Not Applicable Booked At: OTHER	9/16/2022	Y	Y	Y	
EV	37	1	Computers, equipment, & accessories - Blk/Sil [REDACTED] computer tower from Avila's office during MTA search warrant. [REDACTED] Article: COMPUTER (CPU) Make: [REDACTED] Model: [REDACTED] Serial Number: Not Applicable Booked At: OTHER	9/16/2022	Y	N	N	
EV	38	1	Computers, equipment, & accessories - Blk/Sil [REDACTED] Computer tower from Bercerra's office during MTA search warrant. [REDACTED] Article: COMPUTER (CPU) Make: [REDACTED] Model: [REDACTED] Serial Number: Not Applicable Booked At: OTHER	9/16/2022	Y	N	N	
EV	39	1	Computers, equipment, & accessories - Sil/Org portable hard drive from Becerra's office during MTA search warrant and blk cable Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: [REDACTED] Model: Not Applicable Serial Number: [REDACTED] Booked At: OTHER	9/16/2022	N	N	N	Not Assigned - Not in Search Warrant

EV	40	1	Computers, equipment, & accessories - Sil/Ylw 2GB [REDACTED] thumbdrive from Becerra's office during MTA search warrant Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: Not Applicable Model: Not Applicable Serial Number: Not Applicable Booked At: OTHER	9/16/2022	Y	Y	Y	
EV	41	1	Phones/Cell - Blk apple cellphone from Becerra's office during MTA search warrant. Sim card attached to back. Article: Cell Phone Make: [REDACTED] Model: [REDACTED] Serial Number: Unknown Booked At: OTHER	9/16/2022	Y	Y	Y	
EV	42	1	Computers, equipment, & accessories - Blk/Sil [REDACTED] computer tower from Hernandez's office during MTA search warrant. [REDACTED] Article: COMPUTER (CPU) Make: [REDACTED] Model: [REDACTED] Serial Number: Not Applicable Booked At: OTHER	9/16/2022	Y	N	N	
EV	43	1	Computers, equipment, & accessories - Blk [REDACTED] 500GB drive from Hernandez's office, inside plastic wrap belonging to Jennifer Loew. Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: [REDACTED] Model: [REDACTED] Serial Number: [REDACTED] Booked At: OTHER	9/16/2022	Y	Y	Y	

EV	44	1	Computers, equipment, & accessories - Blk/Sil [REDACTED] computer tower from Hernandez's office during MTA search warrant. [REDACTED] Article: COMPUTER (CPU) Make: [REDACTED] Model: [REDACTED] Serial Number: Not Applicable Booked At: OTHER	9/16/2022	N	N	N	Not Booked at C/C
EV	45	1	Computers, equipment, & accessories - 2 red/blk 32GB [REDACTED] thumbdrives from Hernandez's office. Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: [REDACTED] Model: Not Applicable Serial Number: Not Applicable Booked At: OTHER	9/16/2022	Y	Y	Y	
A38	46	1	Computers, equipment, & accessories - red/blk 4GB Innovera thumbdrive from Hernandez's office Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: [REDACTED] Model: Not Applicable Serial Number: Not Applicable Booked At: OTHER	9/16/2022	Y	N	N	
EV	47	1	Computers, equipment, & accessories - blk 32GB [REDACTED] thumbdrive from Hernandez's office Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: [REDACTED] Model: Not Applicable Serial Number: Not Applicable Booked At: OTHER	9/16/2022	Y	Y	Y	

EV	48	1	Computers, equipment, & accessories - whi/grn ■■■ 64GB thumbdrive from Hernandez's office Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: ■■■ Model: Not Applicable Serial Number: Not Applicable Booked At: OTHER	9/16/2022	Y	Y	Y	
EV	49	1	Computers, equipment, & accessories - Sil/Bik/Whi METRO thumbdrive from Hernandez's office Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: Not Applicable Model: Not Applicable Serial Number: Not Applicable Booked At: OTHER	9/16/2022	Y	Y	N	No Data in Date Range
EV	50	1	Computers, equipment, & accessories - Bik/Sil ■■■ computer tower from Englund's office. S ■■■ ■■■ Article: COMPUTER (CPU) Make: ■■■ Model: ■■■ Serial Number: Not Applicable Booked At: OTHER	9/16/2022	Y	N	N	
EV	51	1	Computers, equipment, & accessories - red/sil 8GB thumbdrive from Englund's office during MTA search warrant. Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: Not Applicable Model: Not Applicable Serial Number: Not Applicable Booked At: OTHER	9/16/2022	Y	Y	Y	

EV	52	1	Electronics (audio, TV) - blk sanyo tape recorder from kuehl's house Article: Other Make: [REDACTED] Model: [REDACTED] Serial Number: Not Applicable Booked At: OTHER	9/16/2022	N	N	N	No Date in Date Range
EV	53	1	Computers, equipment, & accessories - Silver [REDACTED] computer Article: LAP TOP COMPUTER Make: [REDACTED] Model: Unknown Serial Number: [REDACTED] Booked At: OTHER	9/16/2022	N	N	N	Encrypted
EV	54	1	Computers, equipment, & accessories - SILVER APPLE COMPUTER Article: LAP TOP COMPUTER Make: [REDACTED] Model: Unknown Serial Number: [REDACTED] Booked At: OTHER	9/16/2022	N	N	N	Partial Image
EV	55	1	Phones/Cell - rose gold [REDACTED] cellphone with blu case taken from Kuehl's residence. Article: Cell Phone Make: [REDACTED] Model: Not Applicable Serial Number: Not Applicable Booked At: OTHER	9/16/2022	Y	Y	Y	

EV	56	1	Computers, equipment, & accessories - SILVER COMPUTER Article: LAP TOP COMPUTER Make: [REDACTED] Model: Unknown Serial Number: [REDACTED] Booked At: OTHER	9/16/2022	Y	Y	Y	
EV	57	1	Computers, equipment, & accessories - sil drive and whi cable from kuehl's residence Article: OTHER Make: [REDACTED] Model: [REDACTED] Serial Number: [REDACTED] Booked At: OTHER	9/16/2022	N	N	N	CD Player
EV	58	1	Phones/Cell - ROSE GOLD [REDACTED] Article: Cell Phone Make: [REDACTED] Model: [REDACTED] Serial Number: [REDACTED] Booked At: OTHER	9/16/2022	N	N	N	Damaged Phone/No Extraction
EV	59	1	Computers, equipment, & accessories - sil computer drive Article: OTHER Make: [REDACTED] Model: [REDACTED] Serial Number: Not Applicable Booked At: OTHER	9/16/2022	N	N	N	Damaged Phone/No Extraction
EV	60	1	Cameras: Equip & Access - sil nikon coolpix digital camera from kuehl's residence Article: CAMERA Make: nikon Model: Not Applicable Serial Number: Not Applicable Booked At: OTHER	9/16/2022	Y	N	N	

EV	61	1	Cameras: Equip & Access - blk [REDACTED] sx110 digital camera from kuehls residence. Article: CAMERA Make: [REDACTED] Model: Not Applicable Serial Number: Not Applicable Booked At: OTHER	9/16/2022	Y	Y	Y	
EV	62	1	Computers, equipment, & accessories - red [REDACTED] 4 GB thumbdrive with zelda paperwork from kuehls residence Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: sandisk Model: Not Applicable Serial Number: Not Applicable Booked At: OTHER	9/16/2022	Y	N	N	
EV	63	1	Computers, equipment, & accessories - blu 16GB [REDACTED] thumbdrive from kuehls residence Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: [REDACTED] Model: Not Applicable Serial Number: Not Applicable Booked At: OTHER	9/16/2022	Y	Y	Y	
EV	64	1	Computers, equipment, & accessories - USB DRIVE [REDACTED] 1GB Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: [REDACTED] Model: [REDACTED] Serial Number: [REDACTED] Booked At: OTHER	9/16/2022	Y	N	N	

EV	65	1	Computers, equipment, & accessories - whi 256GB ■■■ thumbdrive from kuehls residence Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: ■■■ Model: Not Applicable Serial Number: Not Applicable Booked At: OTHER	9/16/2022	Y	Y	Y	
EV	66	1	Computers, equipment, & accessories - USB DRIVE 1GB Article: EXTERNAL DRIVES (HARD DRIVE, USB) Make: SCAN DISK Model: ■■■ Serial Number: ■■■ Booked At: OTHER	9/16/2022	Y	N	N	
EV	67	1	CDs/Video - cd disc labeled LA political roast from kuehs residence Booked At: OTHER	9/16/2022	N	N	N	Not Assigned Not in Search Warrant

EXHIBIT 2

To: [illegible]
From: [illegible]
Subject: [illegible]

[illegible text]

[illegible text]

[illegible text]

To: [illegible]
From: [illegible]
Subject: [illegible]

[illegible text]

[illegible text]

[illegible text]

1
2
3 **PROOF OF SERVICE - 1013A(3), 2015.5 C.C.P.)**

4 STATE OF CALIFORNIA)
5) ss.
6 COUNTY OF LOS ANGELES)

7 I am employed in the County of Los Angeles, State of California a ove th ag o 1 an no part t th withi
8 action m busines addres i 88 Wes Sixt Street Suit 400 Lo Angeles Californi 90017.

9 O Septembe 22 2022, I serv d t e foregoi g document, described as

10 **SUPPLEMENTAL DECLAR TION OF SG ., MAX FERNANDEZ UR UANT TO COUR 'S**
11 **O DER DATED SEP EMBER 0, 022**

12 on all interest d partes li te below by tr ns itting to all interest d partes a true co y hereof as follows:

<p>13 Cheryl O'Connor, Esq. 14 JONES DAY 15 3161 Michelson Drive, Suite 800 16 Irvine, CA 92612 17 [REDACTED]</p>	<p>18 Robert Dugdale, Esq. 19 KENDALL BRILL & KELLY LLP 20 10100 Santa Monica Blvd., Suite 1725 21 Los Angeles, CA 90067 22 [REDACTED]</p>
<p>23 Harvinder S. Anand, Esq. 24 ANAND LAW GROUP 25 790 E. Colorado Blvd., # 900 26 Pasadena, CA 91101 27 [REDACTED]</p>	<p>28 Dawyn Harrison, Esq. Office of the County Counsel, 648 Hahn Hall of Admin. 500 W Temple St, Los Angeles, CA 90012 [REDACTED]</p>

29 ☒ **BY MAIL** by placing a true copy thereof enclosed in a sealed envelope addressed as set forth above. I am
30 readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it
31 would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles,
32 California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid
33 if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

34 ☒ **BY ELECTRONIC TRANSMISSION** by transmitting a PDF version of the document(s) by electronic mail to the
35 party(s) identified on the service list using the e-mail address(es) indicated.

36 ☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

37 Executed on September 22, 2022, in Los Angeles, California

38 
Michele K irk

ATTACHMENT C



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH MAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2711

DAWYN R. HARRISON
Acting County Counsel

September 21, 2022

CONFIDENTIAL

THIS MATERIAL IS SUBJECT TO THE
ATTORNEY-CLIENT AND/OR THE ATTORNEY
WORK PRODUCT PRIVILEGES

TELEPHONE
(213) 974-1801
FACSIMILE
(213) 626-7446
TDD
(213) 633-6901

VIA EMAIL AND U.S. MAIL

The Honorable Alex Villanueva
Sheriff, Los Angeles County
211 West Temple Street, 8th Floor
Los Angeles, California 90012

Re: Response to Your September 20, 2022 Letter

Dear Sheriff Villanueva:

This in response to your letter dated September 20, 2022, stating you are refusing Bill Seki as counsel for the County of Los Angeles Sheriff's Department ("LASD") and engaging the appropriate counsel.

First, all the issues raised in your letter are moot. Yesterday, California Attorney General Rob Bonta notified Undersheriff Murakami that his office is assuming responsibility for: a) any investigation into whether individuals committed a crime by giving advance warning of the search warrants to Supervisor Kuehl and Patricia Giggans; and b) the underlying investigation of Peace Over Violence, Patricia Giggans, Supervisor Sheila Kuehl, Los Angeles Metropolitan Transportation Authority, etc., including the warrants issued in 2021 and 2022. As you acknowledged previously, the Attorney General has the authority to assume these responsibilities because he has complete supervisory authority over you and may direct your and LASD's investigative activities. In the Attorney General's letter he stated the LASD "should cease its investigative activity and refrain from any actions in furtherance of these investigations, including public statements or court filings related to the investigations." Based on that directive, you did not have authority to send your September 20, 2022, letter, nor does the LASD require legal services relating to the continued investigation by the Attorney General. To the extent that counsel is required for the LASD to explain prior conduct in connection with the 2021 and 2022 warrant proceedings, Mr. Seki will continue to represent the LASD.

The Honorable Alex Villanueva
September 21, 2022
Page 2

Second, I wanted to remind you that only the Office of County Counsel, or the law firms we retain, may represent you, in your official capacity, and the LASD.¹ Further, even if all of the requirements of Government Code section 31000.6 – Employment of Legal Counsel to Assist Assessor or Sheriff; Conflicts of Interest – are met and conflict of interest counsel is deemed appropriate for you in your official capacity, the conflict counsel must be retained through my office.² Therefore, you have no authority to retain your own counsel to represent either you or the LASD, nor is the County of Los Angeles responsible for any of the costs incurred by those law firms. I recently discovered that you improperly retained Werksman Jackson & Quinn LLP in this matter. I will notify them that they have no authority to represent you or LASD and will not be paid by the County of Los Angeles, and I will copy the Attorney General's Office.

Very truly yours,



DAWYN R. HARRISON
Acting County Counsel

DRH:gl

Enclosures

c: Timothy K. Murakami, Undersheriff

John L. Satterfield, Commander
Chief of Staff

¹ Government Code section 25203 establishes that the board of supervisors shall "direct and control the conduct of litigation in which the county, or any public entity of which the board is the governing body, is a party." Los Angeles County Charter Article VI, section 21 vests County Counsel with "exclusive charge and control of all civil actions and proceedings in which the County or any officer thereof, is concerned or is a party" (footnotes omitted). By law, the Office of County Counsel is charged with providing legal advice, on behalf of the Board, to constituent entities and officials within the County. California Government Code section 23005 (County exercises authority "only through the board of supervisors" or its authorized agents); id. § 25203 (the Board shall "direct and control the conduct of litigation in which the county, or any public entity of which the board is the governing body, is a party"); Los Angeles, California, County Charter Article VI, section 21 (County Counsel is vested with "exclusive charge and control of all civil actions and proceedings in which the County or any officer thereof, is concerned or is a party" (footnotes omitted)).

² Government Code section 31000.6; Please see the attached orders from *County of Los Angeles v. Sheriff Alex Villanueva, et al.* regarding assignment of counsel.



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



September 20, 2022

Dawyn Harrison, Acting County Counsel
County of Los Angeles – Office of the County Counsel
500 West Temple Street, Suite 648
Los Angeles, California 90012

Dear Ms. Harrison:

DEMAND FOR DEFENSE COUNSEL

It appears clear you have no intention of removing your office's control as counsel to the Department on this matter. Unless I misunderstood, you insist we continue to communicate and seek advice from your Senior Assistant County Counsel, Mr. Jason Gonzalez, and Mr. Bill Seki, as stated in your letter.

As you are aware, the morning of the search warrant service Supervisor Shelia Kuehl stated to reporters, *"I heard from County Counsel last night that she got a tip from Max Huntsman that the search would happen this morning."* In the event you have not heard the statement for yourself, it was aired by every local news channel, and it is posted on all LASD social media accounts.

Ms. Kuehl's allegation that you, or a representative from your office, and Mr. Huntsman provided her with advanced knowledge of a criminal search warrant in which she was a suspect makes it unethical and inappropriate for your office to have further access to information or decision making regarding this matter. Moreover, by retaining the services of Bill Seki, there is a clear further potential for you, or your office, to interfere in the filing of motions and overall employment status of Mr. Seki. I must also highlight, based on Supervisor Kuehl's statements and Attorney General Rob Bonta's announcement today, both you and your office are likely to become the focus of a criminal investigation by the Office of the Attorney General, and as such the conflict of interest is undeniable.

Since you intend to continue blocking any independent counsel, we are forced to seek appropriate counsel in order to prevent further interference and/or obstruction of our investigation by your office. Under the State Bar Rule 1.6, the potential for Mr. Seki to report information or communications to your office, and seek approval or denial for legal strategy, regarding our investigation disqualifies him as counsel. Based on this, we can no longer accept Mr. Seki as counsel and decline his further legal services.

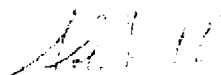
Ms. Harrison

-2-

September 20, 2022

If I misunderstood your position, please advise. Due to the exigency of this pending matter, the Department will engage the appropriate counsel and inform you once retained. Should you have any questions, please contact Undersheriff Timothy Murakami, at [REDACTED] Thank you for your anticipated cooperation with this matter.

Sincerely,



ALEX VILLANUEVA
SHERIFF

AV:JLS:js

c: Jason Gonzalez, Senior Assistant County Counsel



**COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL**

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

DAWYN R. HARRISON
Acting County Counsel

September 20, 2022

TELEPHONE
(213) 974-1801
FACSIMILE
(213) 626-7446
TDD
(213) 633-0901

CONFIDENTIAL

THIS MATERIAL IS SUBJECT TO THE
ATTORNEY-CLIENT AND OR THE ATTORNEY
WORK PRODUCT PRIVILEGES

VIA EMAIL AND U.S. MAIL

The Honorable Alex Villanueva
Sheriff, Los Angeles County
211 West Temple Street, 8th Floor
Los Angeles, California 90012

Re: Response to Your September 19, 2022 Letter

Dear Sheriff Villanueva:

I am in receipt of your letter from yesterday requesting counsel to handle the court proceedings related to the warrants issued on Wednesday, September 14, 2022 ("2022 Warrants"). After reviewing the letter, I believe Undersheriff Murakami has not had a chance to let you know that Bill H. Seki, a partner at Seki, Nishimura & Watase, was assigned to handle the 2022 Warrants matters last week. It was our understanding, based on your and Undersheriff Murakami's press statements, that you were recused from handling the 2022 Warrants. As a result, we communicated directly with Undersheriff Murakami about assigning the defense of the 2022 Warrants to Mr. Seki and his firm on September 16, 2022, the day he made a request for counsel. Your department did not seek my office's assistance when it prepared the 2022 Warrants nor did it request to use Mr. Seki's professional services to assist in the preparation of the 2022 Warrants. Therefore, we had to quickly gather the necessary facts and perform an ethical and legal review when the Undersheriff requested counsel on September 16, 2022.

By way of background, Mr. Seki has been representing your department on the warrants issued in February and March of 2021 to the Los Angeles County Metropolitan Transportation Authority (Metro), Office of the Inspector General of the Metro (OIG), and Peace Over Violence ("2021 Warrants") since March 2021. Mr. Seki has actively responded to multiple motions challenging the warrants,


The Honorable Alex Villanueva
September 20, 2022
Page 2

communicated with your department about the warrants, and made several appearances defending the warrants for your department, including the last one in front of the Honorable Eleanor Hunter on September 1, 2022, addressing the scope of the 2021 Warrants and ordering the assignment of a Special Master.

When Mr. Seki was retained to provide his professional services for the 2021 and 2022 Warrants, confidentiality silos were created. Those confidentiality silos are in effect and will remain that way until the conclusion of these matters. As to the other claims you make in your letter, I deny them and will not further acknowledge them with a response.

If you have any questions about the 2021 or 2022 Warrants, please contact Mr. Seki at (213) 481-2869, or Senior Assistant County Counsel Jason Gonzalez at (213) 974-1975.

Very truly yours,



DAWYN R. HARRISON
Acting County Counsel

DRH:gl

c: Timothy K. Murakami, Undersheriff

John L. Satterfield, Commander
Chief of Staff



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



September 19, 2022

Dawyn Harrison, Acting County Counsel
County of Los Angeles - Office of the County Counsel
500 West Temple Street, Suite 648
Los Angeles, California 90012

Dear Ms. Harrison:

DEMAND FOR DEFENSE COUNSEL

Per Government Code § 995, this correspondence will serve as my demand as the elected Sheriff of Los Angeles County Sheriff's Department (Department) for defense counsel regarding: the service of search warrants against Metropolitan Transit Authority (MTA)/Kuehl/Giggans/Peace over Violence, wherein the Board of Supervisors is obligated to provide a defense. As you are aware, in Supervisor Kuehl's press interview¹, she explicitly named Max Huntsman, the Head of the Office Inspector General (OIG) and County Counsel, as involved in forewarning her on the service of the search warrant as to the exact date and time, which unequivocally shows your office cannot be involved, or provide legal advice regarding this matter and must assign separate and independent counsel to my office. Based on Supervisor Kuehl's statements, you or your office interfered in this matter, along with Mr. Huntsman. Consequently, your office and Mr. Huntsman, must legally and ethically recuse yourselves and any of your contract counsel from this matter, and provide me and the Los Angeles County Sheriff's Department independent counsel.

As you are aware, Government Code § 995, except as otherwise provided in Sections 995.2 and 995.4, upon request of an employee or former employee, a public entity shall provide for the defense of any civil action or proceeding brought against him, in his official or individual capacity or both, on account of an act or omission in the scope of his employment as an employee of the public entity. For the purposes of this part, a cross-action, counterclaim or cross-complaint against an employee or former employee shall be deemed to be a civil action or proceeding brought against him.

¹ LASDHQ Twitter Account, Statement by Supervisor Shelia Kuehl to the media
<https://twitter.com/LASDHQ/status/1570579644469774327?s=20&lang=en>

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —

Ms. Harrison

-2-

September 19, 2022

Moreover, Government Code § 995.2 (b), provides in part: If an employee or former employee requests in writing that the public entity, through its designated legal counsel, provide for a defense, the public entity shall, within 20 days, inform the employee or former employee whether it will or will not provide a defense, and the reason for the refusal to provide a defense.

Furthermore, as you are also aware, Government Code § 25303 provides in part: This section shall not be construed to affect the independent and constitutionally and statutorily designated investigative and prosecutorial functions of the sheriff and district attorney of a county. The board of supervisors shall not obstruct the investigative function of the sheriff of the county nor shall it obstruct the investigative and prosecutorial function of the district attorney of a county.

Finally, Los Angeles County Code of Ordinances § 6.44.190. provides in part: The OIG shall not disclose, without the Sheriff's authorization, any of the Sheriff's Department's confidential personnel, investigative, or disciplinary information unless such information is already a matter of public record.

Should you fail to provide defense counsel in this matter, I will ask the court to order you, on behalf of the Board of Supervisors, to comply with their obligation by a Petition for Writ of Mandate.

As you are also aware, if you deny my demand for counsel, I am entitled to recover from the public entity such reasonable attorney's fees, costs and expenses as are necessarily incurred in defending the action or proceeding if the action or proceeding arose out of an act or omission in the scope of his employment as an employee of the public entity. See, Sparks v. Kern County (2009) 173 Cal App. 4th 194.

Your response in writing is due by the end of the next business day from the date of this letter, Tuesday, September 20, 2022. Upon receipt, we will advise of the firm of my choosing. Should you have any questions, please contact my Chief of Staff, Commander John Satterfield, at [REDACTED]. Thank you for your anticipated cooperation with this matter.

Sincerely,



ALEX VILLANUEVA
SHERIFF

Fwd: Latest MTA/Kuehl/Giggans warrants

From: [REDACTED] <[REDACTED]@counsel.lacounty.gov>
Sent: Wednesday, September 14, 2022 5:39 PM
To: [REDACTED] <[REDACTED]@law.com>
Cc: [REDACTED] <[REDACTED]@counsel.lacounty.gov>
Subject: Latest MTA/Kuehl/Giggans warrants

Hi Bill

I know you've had some conversations with Lana today about the newest round of warrants served by LASD this morning in the MTA/Kuehl/Giggans matter, and I just wanted to advise that County Counsel is not currently authorizing you to appear/wake on those warrants on behalf of the Sheriff's Department. Please let me know if you have any questions. Thanks.

[REDACTED]
[REDACTED]
Assistant County Counsel
[REDACTED] Division



Los Angeles County Sheriff's Department

September 16 at 11:49 AM

...

LA County Counsel Terminates LASD's Lawyer Same Day Supervisor Kuehl's Warrant Is Challenged in Court

In an unprecedented move of retaliation after Wednesday's lawful service of a search warrant on the residence of Supervisor Shelia Kuehl and others, the Board of Supervisor's Office of County Counsel has terminated the services of LASD's legal representation. Simply put, the Board of Supervisors and County Counsel fired our lawyer the same day our search warrant was challenged in court and an emergency hearing was set for September 22, 2022.

This is exactly the type of obstruction, interference, and political shenanigans which Sheriff Alex Villanueva fights against daily. We are now forced into a position of being unrepresented with no County authorization to pay for legal representation and reduced to solicit pro bono representation in this matter.

If Supervisor Shelia Kuehl, Commissioner Patty Giggins, The Board of Supervisors, County Counsel and the Office of the Inspector General are as committed to transparency and accountability as they continuously state, then why are they scared for these electronic devices to be examined and fighting the search warrant?

Find Latest MTA/Kuehl/Giggins warrants

From: [REDACTED]
Sent: Wednesday, September 14, 2022, 11:49 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

ATTACHMENT D

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: December 17, 2004

FILE NO.

FROM: ALEX VILLANUEVA, SERGEANT CARSON STATION	TO: DIVISION CHIEFS AND COMMANDERS
---	------------------------------------

SUBJECT: AN OPEN LETTER

The purpose of this memorandum is to dispel any rumors and inform you of my intentions regarding my future with our Department. As you all well know, I have been exhausting all administrative remedies to address my denial of promotion stemming from the 2003 Lieutenant Examination, and now I have read the most recent Intent to Promote teletype for lieutenants. As expected, I was not included on this list for reasons you know in more detail than I do, as I can only speculate what transpires behind closed doors.

Up to this point in time my experience, education, leadership, and communication skills have always served me well. During my ten years experience with the United States military I was privileged to have been promoted six times to positions of higher rank and responsibility. Perhaps this experience has burnished in me an expectancy of merit based promotions, and this expectancy was unrealistically carried over to our Department.

From what I have come to understand regarding ethical administrative behavior, I find no legal or moral justification for the activities you have engaged in over the course of the last year and a half. From rewriting oral interview scoring standards in order to deliberately suppress exam scores, providing secret exam preparation classes for the privileged few, and gaming the appeals process in order to gerrymander the candidate pool, you have compromised your integrity and that of the Department's.

Perhaps you have succumbed to a moral inversion, wherein you believe your actions and those of your peers are in the best interest of the Department and supported by civil service rules. Your decision making is a result of group-think and the feeling of infallibility, making it difficult for you to see beyond your own career success. I want to encourage each and every one of you to take a moment and engage in critical reflexivity, the ability to see the organization through someone else's experience.

My organizational experience has told me that I do not count, no matter what my qualifications may be, how hard I work, or how many bright ideas I possess. I do not get "invited" to apply to jobs, nor are jobs created exclusively for me. There is no captain or higher pushing aside more qualified individuals in order to make room for me, or steering me in the "right" direction. There is no rater who overlooks my shortcomings and gives me undeserved outstanding evaluations or 100 AP's. My queries are addressed with attorneys and mind-numbing technical rationality.

Promoting dozens of individuals to the rank of lieutenant is a wonderful opportunity to assert organizational values such as meritocracy, equality, and diversity, while at the same time promoting efficiency and effectiveness, and boosting the moral of the Department. Instead you deliberately chose the values of cronyism, nepotism, and tokenism. These have been the same values you have been espousing with just about every promotional process within our ranks. This negatively impacts public safety by promoting corruption and incompetence.

I am curious to know just how much public resources you will squander as you attempt to defend the indefensible. Deliberately attempting to suppress or retard the upward mobility of Latinos on our Department is illegal, immoral, and politically incomprehensible. Each and every one of you contributes to this unfolding tragedy by your actions or inactions. I will say this: as a Latino, I do not seek special favors, accommodations, or any sort of "affirmative action" in order to receive a promotion. I expect to be promoted because there is a clearly identified universal standard based on bona fide occupational qualifications, not golf handicaps or quotas.

It has been painful watching you lie, obfuscate, conceal, mislead, or otherwise attempt to hide the truth. I want to encourage you to come to grips with the damage you inflict on our institution, and do what's right. In an interesting parallel to our Department, NASA swore after the Challenger tragedy that it should never happen again, then along came Columbia. After spending over \$30 million addressing Bouman, it is truly frightening to behold how little has been learned.

Leadership is defined by action, not position, and I plan to act decisively to assert my rights, not only as an employee, but as a citizen and proud resident of this County. Your legacy and the future of equality and equal opportunity in Los Angeles County are at a crossroads. I hope you make the right choices for the benefit of the County and the Department, and I must remind you that it is 2004, not 1964. Just as in Martin Luther King's day, I am confident of the supremacy of a simple idea - all men are created equal.

AV:av