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Exempt from filing fees pursuant to
Government Code Section 6103

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

COUNTY OF LOS ANGELES,

Petitioner,

v.

HON. ALEX VILLANUEVA, SHERIFF
OF LOS ANGELES COUNTY,

Respondent.

Case No.: **22STCP00120**

PETITION BY COUNTY OF LOS ANGELES
FOR ORDER TO SHOW CAUSE RE:
CONTEMPT BY SHERIFF ALEX
VILLANUEVA FOR REFUSAL TO OBEY
SUBPOENAS REQUIRING PERSONAL
APPEARANCE AT LOS ANGELES
COUNTY SHERIFF CIVILIAN OVERSIGHT
COMMISSION'S SEPTEMBER, OCTOBER,
AND NOVEMBER 2021 MEETINGS;
REPORT AND CERTIFICATION OF FACTS
BY CIVILIAN OVERSIGHT COMMISSION

Date: Order to Show Cause TBD

Time:

Dept.:

1 **TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF**
2 **RECORD:**

3 **PLEASE TAKE NOTICE THAT** Petitioner County of Los Angeles (the “County”)
4 hereby respectfully petitions the Court to issue an order directing Hon. Alex Villanueva, Sheriff
5 of Los Angeles County (“Sheriff Villanueva” or the “Sheriff”), to appear before the Court and
6 show cause why he should not be held in contempt for refusing to appear virtually and testify on
7 oral examination before the Los Angeles County Sheriff Civilian Oversight Commission (the
8 “COC”) on September 23, 2021, October 21, 2021, and November 18, 2021, as required by
9 subpoenas for personal appearance dated August 25, 2021, October 15, 2021, and October 22,
10 2021, respectively (together, the “Subpoenas”).

11 This petition is made pursuant to Government Code Sections 25170, *et seq.*, 25303.7,
12 25303, and 53060.4, subd. (a); Measure R; Code of Civil Procedure § 1211, *et seq.*; Los Angeles
13 County Code Sections 3.79.032, 3.79.070, 3.79.180 and 6.44.190.F(5); and the legal authorities
14 set forth in the attached Report and Certification by the COC.

15 To conduct meaningful oversight and to “actually” hold Sheriff Villanueva and the
16 Sheriff’s Department “accountable,” the COC has three sources of subpoena power: (1) Los
17 Angeles County Code Section 3.79.032, which the Los Angeles County Board of Supervisors
18 delegated in January 2020; (2) Government Code Section 25303.7, which the Legislature
19 enacted, effective January 1, 2021; and (3) Measure R, which the County’s voters approved in
20 March 2020. The Subpoenas required Sheriff Villanueva to provide sworn testimony before the
21 COC regarding two important topics—the Sheriff’s reasons for initiating highly suspect
22 investigations of public officials overseeing the Sheriff’s Department and the Department’s
23 policy on “deputy cliques,” which have plagued the Sheriff’s Department for decades. Sheriff
24 Villanueva disobeyed all three Subpoenas by refusing to appear before the COC and by declining
25 to testify under oath. Indeed, Sheriff Villanueva has flatly declared he will “not agree to be
26 placed under oath” under any circumstance.

The Sheriff’s outright refusal to comply with the Subpoenas subjects him to the contempt procedures set forth in Government Code Sections 25173 and 25303.7 and Code of Civil Procedure Section 1211(a). When, as here, a person “neglects or refuses to *appear* . . . or refuses to *testify*” in response to a COC subpoena issued under County Code Section 3.79.032, the witness “shall be *deemed* in contempt, and the chairman of the body shall report the fact to the judge of the superior court of the county.” Gov’t Code § 25173 (emphases added). “Upon receipt of the report,” the Court “shall” require the contemnnor to appear and answer the charge. *Id.* § 25174. When the defendant appears, the Court “has jurisdiction of the matter.” *Id.* § 25175. “The person charged may purge himself of the contempt in the same way, and the same proceeding shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness [subpoenaed] to appear and give evidence on the trial of a civil cause before a superior court.” *Id.*

These same contempt procedures apply for a recalcitrant witness who “fails to attend” in compliance with a subpoena issued under Government Code Section 25303.7. *See* Gov’t Code § 25303.7(b)(3)(A)–(C). The OIG must first “certify the facts” regarding the witness’s “fail[ure] to attend.” *See* Gov’t Code § 25303.7(b)(3)(A). “The court shall thereupon issue an order directing the person to appear before the court and show cause why they should not be ordered to comply with the subpoena,” and the Superior Court shall have jurisdiction of the matter. *Id.* § 25303.7(b)(3)(B). “The same proceedings shall be had, the same penalties imposed, and the person charged may purge themselves of the contempt in the same way as in a case of a person who has committed a contempt in the trial of a civil action before a superior court.” *Id.* § 25303.7(b)(3)(C).

Sheriff Villanueva also is subject to contempt for his flagrant disregard of the Subpoenas under Measure R. *See* Civ. Proc. Code § 1209(a)(10) (providing “[d]isobedience of a subpoena duly served, or refusing to be sworn or answer as a witness” is a basis for contempt); *see also* Measure R (directing that its provisions “shall be interpreted in a manner that applies the [COC’s] new duties and powers broadly, not restrictively”).

1 The COC's "Report," "Certification of Facts," and "Affidavit," pursuant to Government
2 Code Sections 25173 and 25303.7(b)(3)(A) and Code of Civil Procedure Section 1211(a),
3 respectively, is attached hereto as **Exhibit A** and incorporated herein.

4 For the reasons set forth herein and in the attached Report and Certification, the COC
5 respectfully requests that the Court issue an order for Sheriff Villanueva to appear and show
6 cause why he should not be held in contempt for failure to comply with the Subpoenas. The
7 COC also respectfully seeks an order compelling Sheriff Villanueva to comply forthwith with
8 the Subpoenas by appearing at the COC's next noticed meeting after issuance of an order by this
9 Court and by submitting to oral examination and testifying before the COC as a witness by
10 making under-oath statements. A proposed order to show cause is respectfully lodged herewith.

11 This filing is based on this Notice and Petition; the attached Report and Certification of
12 the facts by the COC, which is incorporated herein; the concurrently-filed Request for Judicial
13 Notice and the exhibits thereto; the concurrently-filed Declaration of Harvinder S. Anand and the
14 exhibits thereto; the concurrently-filed Proofs of Service for Subpoenas; the concurrently lodged
15 Proposed Order; such other matters of which this Court may or must take judicial notice; and
16 such further argument and evidence as may be presented at or before any hearing on this matter.

17 Dated: January 12, 2022

Respectfully submitted,

ANAND LAW GROUP, P.C.

19 By: /s/ Harvinder S. Anand
20 HARVINDER S. ANAND

21 Attorneys for Petitioner County of Los
22 Angeles

EXHIBIT A

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Government Code Section 6103

8 Attorneys for Petitioner County of Los Angeles

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

11 COUNTY OF LOS ANGELES,

12 Petitioner,

13 v.

14 HON. ALEX VILLANUEVA, SHERIFF
15 OF LOS ANGELES COUNTY,

16 Respondent.
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Case No.:

REPORT AND CERTIFICATION BY LOS
ANGELES COUNTY SHERIFF CIVILIAN
OVERSIGHT COMMISSION OF REFUSAL
BY SHERIFF ALEX VILLANUEVA TO
OBEY SUBPOENAS REQUIRING
PERSONAL APPEARANCE AT ITS
SEPTEMBER, OCTOBER, AND
NOVEMBER 2021 MEETINGS;
MEMORANDUM OF POINTS AND
AUTHORITIES; SUPPORTING
DECLARATION AND EXHIBITS

Date: Order to Show Cause TBD
Time:
Dept.:

[[Proposed] Order to Show Cause Re:
Contempt, Request for Judicial Notice, and
Declaration of Harvinder S. Anand Lodged
Concurrently Herewith]

1 Pursuant to Government Code Sections 25173 and 25303.7(b)(3)(A) and Code of Civil
2 Procedure Section 1211(a), the Los Angeles County Sheriff Civilian Oversight Commission (the
3 “COC”) hereby respectfully submits the attached “Report,” “Certification of Facts,” and
4 “Affidavit,” respectively, regarding the refusal of the Hon. Alex Villanueva, Sheriff of Los
5 Angeles County, to obey three subpoenas directing him to appear virtually and testify before the
6 COC on September 23, 2021, October 21, 2021, and November 18, 2021 (together, the
7 “Subpoenas”). The County of Los Angeles respectfully requests that the Court issue an order to
8 show cause re: contempt for Sheriff Villanueva’s disobedience of the Subpoenas.

9 This filing is based on the attached Memorandum of Points and Authorities, the attached
10 Declaration of Priscilla Ocen and the exhibits thereto, the accompanying Petition, and the
11 concurrently-filed Declaration of Harvinder S. Anand, Request for Judicial Notice, and Proofs of
12 Service for Subpoenas.

13 Dated: January 11, 2022

Respectfully submitted,

ANAND LAW GROUP, P.C.

15 By: /s/ Harvinder S. Anand
16 HARVINDER S. ANAND

17 Attorneys for Petitioner County of Los
18 Angeles

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION.**

3 The County of Los Angeles (the “County”) is yet again left with no choice but to seek
4 judicial relief to force Los Angeles County Sheriff Alex Villanueva (“Sheriff Villanueva” or the
5 “Sheriff”) to comply with lawful oversight subpoenas. This filing concerns three Los Angeles
6 County Sheriff Civilian Oversight Commission (the “COC”) subpoenas, requiring Sheriff
7 Villanueva to appear at the COC’s meetings on September 23, 2021 (the “September 2021
8 Subpoena”), October 21, 2021 (the “October 2021 Subpoena”), and November 18, 2021 (the
9 “November 2021 Subpoena”; collectively, the “Subpoenas”).

10 To conduct meaningful oversight and to “actually” hold Sheriff Villanueva and the
11 Sheriff’s Department “accountable,” the COC has three sources of subpoena power: (1) Los
12 Angeles County Code Section 3.79.032, which the Los Angeles County Board of Supervisors
13 (the “Board”) delegated in January 2020; (2) Government Code Section 25303.7, which the
14 Legislature enacted, effective January 1, 2021; and (3) Measure R, which the County’s voters
15 approved in March 2020. Each source of power grants the COC considerable discretion in
16 issuing subpoenas to fulfill its oversight responsibilities.

17 In valid exercise of its subpoena power, the COC sought the Sheriff’s sworn testimony
18 regarding two important topics. The September 2021 Subpoena properly sought testimony from
19 Sheriff Villanueva regarding his reasons for initiating highly suspect investigations of public
20 officials overseeing the Sheriff’s Department. None of the investigations has led to any criminal
21 charges, suggesting the Department is pursuing the investigations to chill oversight or even to
22 intimidate public officials. The October 2021 and November 2021 Subpoenas reasonably sought
23 the Sheriff’s testimony regarding the equally important topic of the Department’s policy on
24 “deputy cliques,” which have plagued the Sheriff’s Department for decades.

25 All of the Subpoenas are well within the COC’s authority to obtain the Sheriff’s direct
26 testimony on important public interest matters. Sheriff Villanueva therefore did not have any
27 lawful basis to object to any of them. Yet, the Sheriff did not appear at the COC’s September or
28 November 2021 meetings, and he only agreed to appear “voluntarily” at the October meeting and

1 would not agree to provide under-oath testimony. Even then, the Sheriff appeared at the wrong
2 time and he left the October 2021 meeting before his scheduled appearance under the subpoena.
3 The Sheriff thereby improperly attempted to dictate the terms of his appearances before the COC
4 and flouted the COC's subpoena power with regard to each of the Subpoenas. The Sheriff's
5 disregard of the Subpoenas continues his long, troubling record of not complying with a single
6 oversight subpoena over the last 18 months, despite two Los Angeles Superior Court Orders that
7 specifically upheld both the COC's and the Office of Inspector General's ("OIG") subpoena
8 power.¹ The County thus must seek an Order to Show Cause ("OSC") for contempt for Sheriff
9 Villanueva's disobedience of the Subpoenas.

10 The County respectfully requests that the Court require the Sheriff to comply with all of
11 the Subpoenas.

12 *First*, the Court has the power to issue an OSC re: contempt under the three sources of
13 COC subpoena power.

14 *Second*, an OSC is warranted here to vindicate the COC's broad discretion under County
15 Code Section 3.79.032 and Government Code Section 25303.7 to subpoena the Sheriff to testify
16 before the COC "whenever" it "deems" necessary or important. Measure R similarly grants the
17 COC power to subpoena witnesses "pertinent to its investigations and oversight." The COC
18 properly exercised its subpoena authority in furtherance of its oversight function to examine the
19 Sheriff on two highly important and deeply concerning topics: the Sheriff's intimidation of
20 oversight officials and deputy cliques in the Department. Accordingly, the Subpoenas are valid.

21 *Third*, Sheriff Villanueva's claim that he cannot be placed under oath under any
22 circumstance is meritless. The law is settled that the Sheriff is required to "testify" and submit to
23 "examination" by making under-oath statements in compliance with an oversight subpoena, just
24 like any other witness. Despite being given numerous opportunities, the Sheriff has not and

25 ///

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27
28 ¹ The OIG also oversees the Sheriff's Department, and it has independent subpoena power
under Government Code Section 25303.7.

1 cannot cite any legal authority to support his claim that he is exempt from giving sworn
2 testimony under a subpoena.²

3 *Fourth*, Sheriff Villanueva’s failure to comply is plainly willful, and a court order
4 holding the Sheriff in contempt clearly is necessary to force him to comply with valid oversight
5 subpoenas. Indeed, the Sheriff’s latest excuses for not complying with the Subpoenas are merely
6 a continuation of his endless machinations to delay and deny meaningful oversight.

7 This OSC therefore should issue. A person who “neglects or refuses to appear . . . or
8 refuses to testify” to a subpoena issued under County Code Section 3.79.032 “shall be *deemed* in
9 contempt, and the chairman of the body shall report the fact to the judge of the superior court of
10 the county.” Gov’t Code § 25173 (emphasis added); *see also* Gov’t Code § 25303.7(b)(3)(A)–
11 (C) (a witness is subject to contempt for “fail[ing] to attend” as required by subpoena); Code
12 Civ. Proc. § 1209(a)(10) (“[d]isobedience of a subpoena duly served, or refusing to be sworn or
13 answer as a witness” is a basis for contempt). The County respectfully requests that the Court
14 issue the requested OSC.

15 **II. FACTUAL AND PROCEDURAL BACKGROUND.**

16 A. The COC Has Broad Subpoena Power To Assist the Board of Supervisors with Its
17 Duty To Supervise the Sheriff and the Sheriff’s Department.

18 The Board is required to supervise all county officers, including Sheriff Villanueva, to
19 ensure they “faithfully perform their duties.” Gov’t Code § 25303. The Board created the COC
20 in 2016 to assist in supervising the Sheriff and the Sheriff’s Department. *See* L.A. Cty. Code
21 § 3.79.010; *see also League of Women Voters v. Countywide Crim. Justice Coordination Com.*,
22 203 Cal.App.3d 529, 551 (1988) (holding “the [Los Angeles County] board of supervisors may
23 ///

24 _____
25 ² Sheriff Villanueva recently filed an improper motion to quash the COC’s November 2021
26 Subpoena in unrelated litigation involving an OIG subpoena, but that motion did not argue that
27 the November 2021 Subpoena does not require him to make under-oath statements. The Sheriff
28 has thereby conceded that he had no legal basis to refuse to be sworn. *Benach v. Cty. of Los Angeles*, 149 Cal.App.4th 836, 852 (2007) (issues not raised or supported by citation to authority are waived).

1 . . . create commissions or committees to which it delegates authority”); Gov’t Code § 31000.1.
2 As its name declares, the Sheriff Civilian Oversight Commission’s very purpose is to provide
3 “oversight” of the Sheriff’s Department. L.A. Cty. Code § 3.79.010. The mission of the COC is:

4 [T]o improve public transparency and accountability with respect to the Los
5 Angeles County Sheriff’s Department, by providing robust opportunities for
6 community engagement, ongoing analysis and oversight of the Department’s
7 policies, practices, procedures, and advice to the Board of Supervisors, the
8 Sheriff’s Department, and the public.

9 *Id.* § 3.79.020. The Board has directed the COC, *inter alia*, to “make recommendations to the
10 Board of Supervisors . . . on the Sheriff’s Department’s operational policies and procedures that
11 affect the community” and to “[i]nvestigate . . . and make recommendations to the Board of
12 Supervisors . . . on systemic Sheriff-related issues or complaints affecting the community.” *Id.*
13 § 3.79.030.A.–B. The Board also requires the COC to “[f]unction as a bridge between the
14 Sheriff’s Department and the community by . . . bringing an additional perspective to the
15 Sheriff’s Department decision-making to ensure an ongoing balance between the sometimes
16 competing factors of ensuring public safety and [protecting] constitutional, civil and human
17 rights.” *Id.* § 3.79.030.H.

18 To perform these important functions, the COC “*shall . . . obtain[] answers from the*
19 *Sheriff to community concerns about the Sheriff’s Department’s operations, practices and*
20 *activities.*” *Id.* § 3.79.030.H (emphases added); *see also* § 3.79.030.A. The Sheriff’s
21 Department is required to attend and participate in COC meetings. L.A. Cty. Code § 3.79.070
22 (“The Sheriff, or a senior ranking member of the Sheriff’s Department . . . shall attend and
23 participate in all the meetings of the Commission, but shall not have voting rights.”).

24 The COC has three sources of broad subpoena power: County Code Section 3.79.032,
25 Government Code Section 25303.7, and Measure R.

26 County Code Section 3.79.032. Consistent with its duty to supervise all county officers,
27 the Board has broad authority to compel any person’s testimony “whenever” the Board “*deems it*
28 *necessary or important to examine any person as a witness upon any subject or matter within the*
jurisdiction of the board.” Gov’t Code § 25170 (emphases added). The Board delegated its

1 broad subpoena power to the COC in January 2020 by enacting Section 3.79.032, entitled
2 “Access Information.”³ (RJN, Exh. 1 at 7 [Board Stmt. of Proceedings, dated Jan. 28, 2020].)
3 The Board explained that it granted the COC subpoena power “to access Sheriff’s Department
4 information, documents, and testimony necessary for its oversight function.” (*Id.* at 1 (Analysis
5 by County Counsel).) Consistent with the Board’s broad subpoena power, Section 3.79.032
6 states that the COC is authorized to “compel production of . . . information . . . when *deemed*
7 necessary by action of the Commission.” L.A. Cty. Code § 3.79.032 (emphasis added).

8 Government Code section 25303.7. Effective January 1, 2021, the Legislature enacted
9 Section 25303.7 to confirm the Board’s authority to create oversight bodies to assist the Board
10 with its duty to supervise the Sheriff under Government Code section 25303. Gov’t Code
11 § 25303.7; (*see also* RJN, Exh. 2 [Legislative Counsel’s Digest]).⁴ Among other things, Section
12 25303.7 explicitly permits the Board to grant the COC subpoena power over the Sheriff’s
13 Department. Gov’t Code § 25303.7(b)(1). Effective January 1, 2021, the Board adopted a
14 motion vesting the COC with subpoena power under Section 25303.7. (RJN, Exh. 3, at 13
15 [Board Stmt. of Proceedings, dated Nov. 10, 2020].)

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19 ³ The Board is the County’s “local legislative bod[y].” *Johnson v. Cty. of Mendocino*, 25
20 Cal.App.5th 1017, 1030 (2018). The Chair of the COC is a “department head” of the County.
21 L.A. Cty. Code § 2.02.190.I (defining “[d]epartment head” to include the “chairman of any
22 commission or committee other than [exceptions not applicable here]”). State law specifically
23 permits the Board to delegate its broad subpoena power to the COC. Gov’t Code § 53060.4(a)
24 (providing a “legislative body of a . . . county may delegate to a county or city official or
department head its authority to issue subpoenas . . . , in order to enforce any local law or
ordinance”); *see also League of Women Voters*, 203 Cal.App.3d at 551. Accordingly, the Board
properly delegated its subpoena power to the COC under Government Code Section 53060.4(a).

25 ⁴ “The Legislative Counsel’s Digest is printed as a preface to every bill considered by the
26 Legislature . . . to assist the Legislature in its consideration of pending legislation.” *Jones v.*
27 *Lodge at Torrey Pines P’ship*, 42 Cal.4th 1158, 1169 (2008) (internal quotations and citations
28 omitted). “Although the Legislative Counsel’s summary digests are not binding, they are
entitled to great weight . . . as a primary indication of legislative intent.” *Mt. Hawley Ins. Co. v.*
Lopez, 215 Cal.App.4th 1385, 1401 (2013), *as modified* (May 29, 2013) (internal quotations and
citations omitted); *see also Jones*, 42 Cal.4th at 1170.

1 Measure R. The COC’s third source of subpoena power is Measure R, which 72.85% of
2 County’s voters approved in March 2020.⁵ Measure R amended Los Angeles County Code
3 Section 3.79.190 to provide that “[c]onsistent with state law, including, but not limited to the
4 Peace Officer’s Bill of Rights, the Commission [*i.e.*, the COC] has the power to subpoena and
5 require attendance of witnesses and the production of books and papers pertinent to its
6 investigations and oversight, and to administer oaths.”⁶

7 B. The September 2021 Subpoena: Sheriff Villanueva Refused To Provide Sworn
8 Testimony About His Motives for Announcing Public Investigations of Oversight
9 Officials.

10 The COC issued the September 2021 Subpoena to examine Sheriff Villanueva about
11 “whether [he] is abusing his power by attempting to intimidate public officials with oversight
12 responsibilities of the Sheriff and the Sheriff’s Department.”⁷ (Recording, Statements before the
13 COC, July 15, 2021, starting at 3:45:48.)⁸

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18 ⁵ (See RJN, Exh. 4 [Los Angeles County, California, Measure R, Civilian Police Oversight
19 Commission and Jail Plan Initiative (March 2020), *available at*
20 [https://ballotpedia.org/Los_Angeles_County,_California,_Measure_R,_Civilian_Police_Oversig
ht_Commission_and_Jail_Plan_Initiative_\(March_2020\)](https://ballotpedia.org/Los_Angeles_County,_California,_Measure_R,_Civilian_Police_Oversight_Commission_and_Jail_Plan_Initiative_(March_2020))].)

21 ⁶ (See RJN, Exh. 5 [Proposed Ordinance of Measure R, *available at*
22 [https://www.lavote.net/docs/rccc/election-info/03032020_Proposed-Ordinance-of-Measure-
R.pdf?v=4](https://www.lavote.net/docs/rccc/election-info/03032020_Proposed-Ordinance-of-Measure-R.pdf?v=4)].)

23 ⁷ The COC issued the September 2021 Subpoena on August 25, 2021, under each of its
24 three sources of subpoena power. (Declaration of Patricia Ocen, dated Jan. 10, 2022 (“Ocen
25 Decl.”), ¶ 5 & Exh. 1.) It was served on Sheriff Villanueva on August 27, 2021. (Declaration of
26 Harvinder S. Anand, dated Jan. 10, 2022 (“Anand Decl.”) ¶¶ 3-4 & Exh. 1 [Email Re Service] &
27 Exh. 2 [Proof of Service of Subpoena].)

28 ⁸ The COC’s July 2021 meeting was recorded and is available at
[https://lacountyboardofsupervisors.webex.com/recording/service/sites/lacountyboardofsupervisor
s/recording/a84cd790c7b31039bbde005056815191/playback](https://lacountyboardofsupervisors.webex.com/recording/service/sites/lacountyboardofsupervisor/s/recording/a84cd790c7b31039bbde005056815191/playback).

1 The COC made clear that it wanted to examine Sheriff Villanueva about his motives for
2 opening unprecedented investigations into oversight officials,⁹ not to obstruct the investigations.
3 Commissioner Robert C. Bonner, a retired federal judge and a former United States Attorney,
4 explained that the purpose of examining Sheriff Villanueva was not to ask questions about the
5 underlying investigations, but to ask Sheriff Villanueva, “Why did he authorize these
6 investigations?” (*Id.* (starting at 3:57:24).) Commissioner Bonner observed that it is “unusual to
7 publicly announce criminal investigation of anybody” and even “unethical.” (*Id.* (starting at
8 3:57:38).)

9 Sheriff Villanueva refused to appear at the COC’s September 2021 meeting. The Sheriff
10 wrote to the COC on September 9, 2021, claiming that he “simply [was] not available to attend
11 the COC meeting on September 23, 2021” because he was “booked the entire day with previous
12 commitments planned ahead of time.” (Ocen Decl., Exh. 3.) Sheriff Villanueva asserted he
13 would “be out of the office on two separate speaking engagements, a meeting, and a Town Hall
14 event.” (*Id.*) The Sheriff, however, committed to “arrang[ing] [his] schedule to be available
15 during the last three months of [the 2021] calendar year” to attend COC meetings. (*Id.*)

16 The County thereafter sought to confirm that Sheriff Villanueva would appear pursuant to
17 subpoena at the COC’s October 2021 meeting and testify under oath until he was discharged, as
18 the September 2021 Subpoena required. (Anand Decl., ¶ 5 & Exh. 6, at 2.) The Sheriff’s own
19 September 9, 2021, letter to the COC conceded that the Sheriff had no scheduling conflict that
20 precluded him from appearing at the COC’s October 2021 meeting. (Ocen Decl., Exh. 3.) The
21 County made clear that the Sheriff would not be able to dictate the terms of his appearance,
22 stating that Sheriff Villanueva would be required to testify—*i.e.*, make under-oath statements—
23 before the COC until he was discharged. (Anand Decl., ¶ 5 & Exh. 6, at 2.)

24 Sheriff Villanueva wrote to the COC on September 22, 2021, insisting that he would only
25 “voluntarily appear . . . for one hour” at the COC’s October 21, 2021 meeting. (Ocen Decl., Exh.

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27 ⁹ In May 2021, Commissioner Sean Kennedy issued a Memorandum outlining six dubious
28 investigations, including two involving the Inspector General and the former Chair of the COC,
that appear to be retaliatory. (Ocen Decl., ¶ 5 & Exh. 2.)

1 4.) The Sheriff claimed in his letter that “no subpoenas are needed as per [a] prior agreement.”
2 (*Id.*) There was no such agreement. (Ocen Decl. ¶ 7.) Although the COC had invited the
3 Sheriff to appear voluntarily on prior occasions, the COC did not ever agree that all of Sheriff
4 Villanueva’s appearances would be voluntary or that the COC would not ever subpoena him.
5 (*Id.*) The Sheriff did not appear before the COC on September 23, 2021. (*Id.*) On October 1,
6 2021, the Sheriff again wrote to the COC directly, stating unequivocally that he would only
7 “voluntarily . . . agree to attend” the COC’s October 2021 meeting and that he would “not agree
8 to be placed under oath.” (Ocen Decl. ¶ 9 & Exh. 6.)

9 C. The October 2021 Subpoena: Sheriff Villanueva Refused To Testify Regarding
10 Deputy Cliques at the October 2021 COC Meeting.

11 At its September 2021 meeting, the COC voted to issue a second subpoena—the October
12 2021 Subpoena—for Sheriff Villanueva’s testimony at its October 2021 meeting regarding the
13 important topic of “deputy cliques” or “subgroups” in the LASD.¹⁰ During the September 2021
14 meeting, the COC considered a long-awaited report by the Rand Corporation, which concluded
15 that deputy subgroups “negatively impact[] community trust, and community members want[] to
16 see that [the Sheriff’s Department] [is] taking the matter seriously.”¹¹ The COC voted to issue
17 the October 2021 Subpoena to Sheriff Villanueva because the COC determined it was necessary
18 and important to hear directly from the Sheriff regarding the Department’s policy on deputy
19 cliques. For example, the COC wanted Sheriff Villanueva to explain, “Why isn’t he adopting the
20 COC’s proposed policy,” which would prohibit participation in, joining, or soliciting others to
21 join a deputy clique. (Recording, Statements before the COC, Sept. 23, 2021, starting at

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25 ¹⁰ The COC issued the October 2021 Subpoena on October 15, 2021, under Measure R.
26 (Ocen Decl. ¶ 10 & Exh. 7.) It was served on Sheriff Villanueva on October 15 and 18, 2021.
(*See* Anand Decl. ¶¶ 3, 7 & Exhs. 4-5 [Proofs of Service of Subpoena].)

27 ¹¹ *See Understanding Subgroups Within the Los Angeles County Sheriff’s Department,*
28 *Community and Department Perceptions with Recommendations for Change*, dated Sept. 10,
2021 (available at https://www.rand.org/pubs/research_reports/RRA616-1.html).

1 2:59:15;¹² *see also* Ocen Decl., Exh. 5, at 4 [COC’s Proposed Policy Prohibiting Deputy
2 Cliques].)

3 As discussed above, the Sheriff only agreed to appear “voluntarily” on October 21, 2021,
4 without being placed under oath. (*Id.*) The October 2021 Subpoena required the Sheriff to
5 appear virtually before the COC at 10 a.m. on October 21, 2021. (Ocen Decl. ¶ 10.) The Sheriff,
6 however, appeared virtually at approximately 9 a.m. and then chose to leave before the subpoena
7 appearance time. (*Id.*)

8 D. The November 2021 Subpoena: Sheriff Villanueva Again Refused To Testify
9 Regarding Deputy Cliques at the November 2021 COC Meeting.

10 At its October 2021 meeting, the COC voted to issue a third subpoena to Sheriff
11 Villanueva, requiring him to attend its November 2021 meeting.¹³ The issue of deputy cliques in
12 the Department is so critical that the COC decided to devote its entire November meeting to that
13 topic. (Recording, Statements before the COC, Oct. 21, 2021, starting at 1:35:52.)¹⁴ The COC
14 felt it was imperative that Sheriff Villanueva respond under oath to the COC’s questions about
15 deputy cliques, and the COC remained hopeful the Sheriff would attend its next meeting
16 pursuant to the November 2021 Subpoena. (*Id.* (starting at 1:36:10 & 1:52:00).)

17 On November 17, 2021, Sheriff Villanueva filed a motion to quash the November 2021
18 Subpoena in an unrelated OSC proceeding filed by the County to enforce a subpoena issued on
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21 ¹² The COC’s September 2021 meeting was recorded and is available at
22 [https://lacountyboardofsupervisors.webex.com/recording/service/sites/lacountyboardofsupervisor](https://lacountyboardofsupervisors.webex.com/recording/service/sites/lacountyboardofsupervisor/s/recording/20edad86feb51039be590050568fa1a2/playback)
23 [s/recording/20edad86feb51039be590050568fa1a2/playback](https://lacountyboardofsupervisors.webex.com/recording/service/sites/lacountyboardofsupervisor/s/recording/20edad86feb51039be590050568fa1a2/playback).

24 ¹³ The COC issued the November 2021 Subpoena on October 22, 2021, under each of its
25 three sources of subpoena power. (Ocen Decl. ¶ 11 & Exh. 8.) It was served on Sheriff
26 Villanueva on October 29, 2021. (*See* Anand Decl. ¶¶ 3, 10 & Exh. 8 [Proof of Service of
27 Subpoena].)

28 ¹⁴ The COC’s October 2021 meeting was recorded and is available at
[https://lacountyboardofsupervisors.webex.com/recording/service/sites/lacountyboardofsupervisor](https://lacountyboardofsupervisors.webex.com/recording/service/sites/lacountyboardofsupervisor/s/recording/c843867f14b5103aaf9a0050568ff3e5/playback)
[s/recording/c843867f14b5103aaf9a0050568ff3e5/playback](https://lacountyboardofsupervisors.webex.com/recording/service/sites/lacountyboardofsupervisor/s/recording/c843867f14b5103aaf9a0050568ff3e5/playback).

1 February 21, 2021 *by the* *OIG* under its independent subpoena authority.¹⁵ (Anand Decl. ¶ 12;
2 RJN, Exh. 6 [Motion to Quash, *County of Los Angeles v. Villanueva*, LASC Case No.
3 21STCP03366].) At approximately 8:03 p.m. on November 17, 2021, the evening before the
4 COC’s November 2021 meeting, Sheriff Villanueva wrote to the COC directly to complain about
5 statements made by COC Chair Ocen and “to advise . . . that the [Department] will cease its
6 participation in future COC meetings.” (Ocen Decl., Exh. 9.) The Sheriff flatly stated that he
7 “will not allow [his] department members to attend a COC meeting.”¹⁶ (*Id.*) The Sheriff did not
8 appear before the COC on November 18, 2021. (Ocen Decl. ¶ 12.)

9 E. Sheriff Villanueva’s Refusal To Comply With the Three COC Subpoenas Is a
10 Continuation of His Pattern of Defying Every Oversight Subpoena for 18 Months,
11 Despite Two Prior Court Orders.

12 Sheriff Villanueva’s noncompliance with the COC’s Subpoenas reveals his contempt of
13 lawful oversight and continues his pattern of defying every oversight subpoena he has received
14 from both the COC and OIG since May 2020. The Sheriff previously disobeyed the COC’s first
15 subpoena, issued in May 2020, which sought to question the Sheriff about the effects of COVID-
16 19 in the jails. (Ocen Decl. ¶ 14.) In November 2020, the Honorable Holly J. Fujie granted the
17 County’s petition for an order to show cause re: contempt. (*See* RJN, Exh. 7, at 8 [*County of Los*
18 *Angeles v. Villanueva*, LASC Case No. 20STCP02073, Minute Order, dated Nov. 20, 2020].)
19 Not surprisingly, the Sheriff thereafter appeared “voluntarily” before the COC to discuss that
20 topic, which the COC at that time was willing to accept. (Ocen Decl. ¶ 14.)

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23 ¹⁵ After months of contending otherwise, Sheriff Villanueva did not claim in that motion
24 that he is exempt from testifying under oath in response to a subpoena. (RJN, Exh. 6.) In its
25 opposition, the County will contend, *inter alia*, that the motion was improperly filed in the
unrelated proceeding to enforce the OIG’s February 25, 2021 subpoena and that the motion is
meritless. (Anand Decl. ¶ 12.)

26 ¹⁶ In response to a subpoena from the COC requiring his appearance on November 18,
27 2021, Sheriff’s Department Detective Mark Lillienfeld adopted the Sheriff’s positions. (Ocen
28 Decl., Exh. 13.) Detective Lillienfeld initially stated he would only appear “voluntarily and not
under subpoena,” but he also failed to appear on November 18, 2021. (*Id.*)

1 As discussed above, Sheriff Villanueva also disregarded an OIG subpoena. The OIG's
2 February 25, 2021, subpoena sought to obtain the Sheriff's testimony regarding the important
3 topic of "deputy secret societies" in the Sheriff's Department. (RJN, Exh. 8, at 5 [Certification
4 attached to Petition, *County of Los Angeles v. Villanueva*, LASC Case No. 21STCP03366].)
5 Instead of appearing on the date directed in the subpoena, the Sheriff filed a meritless petition to
6 quash the subpoena or for a protective order. (*Id.* at 7.) The Honorable James C. Chalfant ruled
7 that "[t]o fulfill his duties, the Inspector General is entitled to engage with the Sheriff on issues
8 such as deputy secret societies" and dismissed the petition. (*Id.* at 12.) After the dismissal,
9 Sheriff Villanueva appeared before the OIG on September 7, 2021, but he insisted he was only
10 doing so "voluntarily" and he refused to be sworn or to have his testimony transcribed. (*Id.* at 9-
11 10.) The OIG suspended the proceeding to enforce its subpoena. (*Id.*) The County's OSC
12 Petition to enforce the February 25, 2021 OIG subpoena is pending before the Honorable
13 Malcolm H. Mackey. (Anand Decl. ¶ 12.)

14 **III. THE COURT SHOULD ISSUE AN OSC RE: CONTEMPT AND REQUIRE**
15 **SHERIFF VILLANUEVA TO ANSWER FOR HIS REFUSAL TO OBEY THE**
16 **COC'S SUBPOENAS.**

17 The Court should issue an OSC re: contempt for Sheriff Villanueva's refusal to comply
18 with the three COC Subpoenas. Contempt is manifestly warranted by the Sheriff's disregard for
19 laws granting the COC subpoena authority. The Subpoenas were a valid exercise of the COC's
20 subpoena power, which permits the COC to issue subpoenas whenever it deems necessary or
21 important, including for the serious subjects at issue in the Subpoenas here—the intimidation of
22 oversight officials and deputy cliques in the Department. It is also clear that the Sheriff must
23 testify under oath; indeed, the Sheriff has never been able to refute the County's authorities that
24 he must do so. Moreover, the Sheriff's long and flagrant *pattern* of noncompliance makes clear
25 that he will not comply with oversight subpoenas unless ordered to do so.

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1 A. An OSC Re: Contempt Should Issue Under Each of the COC’s Three Sources of
2 Subpoena Power.

3 The COC has three independent sources of subpoena power: (1) County Code Section
4 3.79.032, (2) Government Code Section 25303.7, and (3) Measure R. The Court should issue an
5 order to show cause re: contempt based on the Sheriff’s refusal to comply with the Subpoenas.
6 *See* Gov’t Code §§ 25173-75 & 25303.7(b)(3)(A)–(C); L.A. County Code § 3.79.032; Code Civ.
7 Proc. § 1209(a)(10); *cf. Parris v. Zolin*, 12 Cal.4th 839, 851 (1996) (“[T]he purpose of a . . .
8 contempt proceeding is to maintain the dignity of the administrative tribunal and enforce its
9 orders.”).

10 1. A Witness Who Refuses To Comply with a Subpoena Issued Under the
11 COC’s Board-Delegated Authority Is “Deemed” To Be in Contempt and
12 He Must Appear in Court to Answer the Charge.

13 Under Government Code Section 53060.4, the Board delegated its Section 25170
14 subpoena power to the COC in County Code Section 3.79.032. As Judge Fujie ruled in 2020,
15 COC subpoenas issued under this delegated authority are enforced in the same fashion as Board
16 subpoenas. (*See* RJN, Exh. 7, at 2-3 [Minute Order (applying Government Code provisions)]);
17 *see also Stephens v. Ahrens*, 179 Cal. 743, 747 (1919) (“An agent has authority, not only to do
18 the things expressly authorized, but ‘to do everything necessary or proper and usual, in the
19 ordinary course of business, for effecting the purpose of his agency.’”) (quoting Civ. Code
20 § 2319); *Ripani v. Liberty Loan Corp.*, 95 Cal.App.3d 603, 611 (1979) (same); *Robbins v. Pac.*
21 *E. Corp.*, 8 Cal.2d 241, 285 (1937) (explaining “every delegation of authority. . . unless the
22 contrary be made known, carries with it, as an incident, the power to do all those acts, naturally
23 and ordinarily done in such cases, and which are necessary and proper to be done in the case in
24 hand in order to effectuate the purpose for which the authority in question was created”) (internal
25 quotations omitted). Accordingly, the enforcement mechanisms in Government Code Sections
26 25173-25175 apply to the Subpoenas.

27 When, as here, a person “neglects or refuses to *appear* . . . or refuses to *testify*” in
28 response to a COC subpoena issued under Section 3.79.032, the witness “shall be deemed in

1 contempt, and the chairman of the body shall report the fact to the judge of the superior court of
2 the county.” Gov’t Code § 25173 (emphases added). The Court should “issue an order directing
3 [Sheriff Villanueva] to appear before the court and show cause why he should not be punished as
4 for contempt.” (See RJN, Exh. 7 at 8 [Minute Order]); cf. *Parris*, 12 Cal.4th at 846 (interpreting
5 former Government Code § 11525, replaced with § 11455.10, *et seq.*, for disobedience of an
6 administrative subpoena). The Court may direct service of its order by any manner permitted by
7 the Code of Civil Procedure. See Code Civ. Proc. § 262.7 (“If an action is begun against a
8 sheriff, all process and orders may be served by any person in the manner provided in this
9 code.”). If issued, the County will personally serve Sheriff Villanueva with the OSC re:
10 contempt. (Anand Decl. ¶ 14.)

11 When Sheriff Villanueva appears before the Court, the matter is to proceed in the
12 same manner as if the contempt had occurred in an action before the superior court:

13 The person charged may purge himself of the contempt in the same way, and
14 the same proceeding shall be had, and the same penalties may be imposed,
15 and the same punishment inflicted as in the case of a witness subpoenaed to
appear and give evidence on the trial of a civil cause before a superior court.

16 Gov’t Code § 25175. As in *Parris*, Section 25175 “does no more than provide a means by which
17 the equivalent of a pending action is created in the superior court.” 12 Cal.4th at 846. The Court
18 may adjudge Sheriff Villanueva to be in contempt for disobedience of the Subpoenas, which was
19 “not committed in the immediate view and presence of the court, or of the judge at chambers.”
20 Code Civ. Proc. § 1211(a).

21 2. A Witness Who Fails To Attend in Accordance with a Section 25303.7 or
22 Measure R Subpoena Also Is Subject to a Contempt Proceeding.

23 Section 25303.7 is an independent legal ground to hold Sheriff Villanueva in contempt
24 because the Sheriff “fail[ed] to attend” the COC’s September 2021 and November 2021
25 meetings as he was required. Gov’t Code § 25303.7(b)(3)(A)–(C).

26 Under this section, the COC must first “certify the facts” regarding the witness’s
27 “fail[ure] to attend.” See Gov’t Code § 25303.7(b)(3)(A). This certification and request for an
28 order to show cause meets that requirement. “The court shall thereupon issue an order directing

1 the person to appear before the court and show cause why they should not be ordered to comply
2 with the subpoena,” and the Superior Court shall have jurisdiction of the matter. *Id.*
3 § 25303.7(b)(3)(B). Under this section too, “[t]he same proceedings shall be had, the same
4 penalties imposed, and the person charged may purge themselves of the contempt in the same
5 way as in a case of a person who has committed a contempt in the trial of a civil action before a
6 superior court.” *Id.* § 25303.7(b)(3)(C).

7 Sheriff Villanueva also is subject to contempt for his noncompliance with the Subpoenas
8 under Measure R. *See* Civ. Proc. Code § 1209(a)(10) (providing “[d]isobedience of a subpoena
9 duly served, or refusing to be sworn or answer as a witness” is a basis for contempt); (*see also*
10 RJN, Exh. 5, at 3 [Measure R directing that its provisions “shall be interpreted in a manner that
11 applies the [COC’s] new duties and powers broadly, not restrictively”]).

12 For all of these reasons, the Sheriff’s refusal to comply with the Subpoenas justifies an
13 OSC re: contempt.¹⁷

14 3. This Filing Supports the Issuance of an Order To Show Cause.

15 This filing is the COC’s “report” and “certification of the facts” required by Government
16 Code Sections 25174 and 25303.7(b)(3)(A), respectively, for the Court to initiate a contempt
17 proceeding based on Sheriff Villanueva’s noncompliance. This filing also is the “affidavit”
18 required to initiate an indirect contempt proceeding based on the Sheriff’s noncompliance with
19 the Subpoenas in violation of Measure R. Civ. Proc. Code § 1211(a).

20 Three counts of contempt are appropriate, one each for Sheriff Villanueva’s failure to
21 comply with the three Subpoenas. “Each act, or failure to act, considered alone [can] be the
22 basis for a contempt proceeding.” *In re Stafford*, 160 Cal.App.2d 110, 113 (1958) (collecting
23 cases; internal quotations omitted); *Ex Parte Stice*, 70 Cal. 51, 58 (1886) (upholding two counts
24 of contempt for witness’s refusal to be sworn on two dates) (cited in *In re Stafford*). The Court
25 need not request any other briefing, and may on the basis of this report, certification, and

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27 ¹⁷ Refusing to be sworn as a witness is so significant that it may even be prosecuted
28 criminally. *See* Penal Code § 166(a)(6) (providing the “contumacious and unlawful refusal of a
person to be sworn as a witness” is punishable as a misdemeanor).

1 affidavit, issue an order to show cause why the Sheriff should not be held in contempt of all three
2 Subpoenas. *Arthur v. Superior Ct.*, 62 Cal.2d 404, 408 (1965) (when “facts constituting [an
3 indirect] contempt [are presented to the court], an order to show cause must be issued, and a
4 hearing on the facts must be held by the judge”).

5 B. The COC Properly Issued the Subpoenas in Exercise of Its Oversight of the
6 Sheriff’s Department.

7 The COC validly issued the Subpoenas to fulfill its duty to engage in meaningful
8 oversight of the Sheriff. As set forth in greater detail below, the COC may issue subpoenas
9 whenever it “deems” appropriate, and the COC properly determined that the Sheriff’s testimony
10 was necessary and important to examine the highly concerning topics of the Sheriff’s
11 intimidation of oversight officials and deputy subgroups within the Sheriff’s Department.
12 Accordingly, the COC was well within its authority to issue the Subpoenas.

13 County Code Section 3.79.032 and Government Code Section 25303.7 confer broad
14 discretion to the COC to issue subpoenas whenever it “deems” appropriate to fulfill the COC’s
15 duty of conducting oversight over the Sheriff and the Sheriff’s Department. L.A. Cty. Code
16 § 3.79.032 (“when deemed necessary”); Gov’t Code § 25303.7(b)(1) (“whenever . . . it deems it
17 necessary or important”). Likewise, the Board is responsible for ensuring Sheriff Villanueva
18 “faithfully perform[s] [his] duties.” Gov’t Code § 25303. To fulfill this mandate, the Legislature
19 granted the Board broad authority to compel any person’s testimony “whenever” the Board
20 “*deems* it necessary or important *to examine* any person as a witness upon any subject or matter
21 within the jurisdiction of the board.” Gov’t Code § 25172 (emphases added). The Board
22 delegated its subpoena power to the COC to aid the Board in discharging its duties. L.A. Cty.
23 Code §§ 3.79.010, 3.79.032; (*see also* RJN, Exh. 1, at 7). The County Code thus also authorizes
24 the COC to “[a]ccess . . . *testimony* necessary to the [COC’s] oversight function . . . when
25 *deemed* necessary.” L.A. Cty. Code § 3.79.032 (emphases added).

26 The plain text of County Code Section 3.79.032 and Government Code Section 25303.7
27 define the scope of the COC’s subpoena power, and they evince the COC’s broad discretion to
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1 subpoena the Sheriff for examination whenever the COC deems necessary or important.¹⁸ See
2 *Murillo v. Fleetwood Enterprises, Inc.*, 17 Cal.4th 985, 990 (1998) (explaining a court “must
3 attempt to effectuate the probable intent of the Legislature, as expressed through the actual words
4 of the statutes in question”). County Code Section 3.79.032 and Government Code Section
5 25303.7 do not make any exception for subpoenas to the Sheriff, nor do they impose any
6 additional requirements for such subpoenas.

7 Legislative history confirms that the Legislature made a policy choice to grant sheriff
8 oversight bodies broad subpoena power and significant discretion so they would be empowered
9 to “actually” hold sheriff’s departments “accountable.” (RJN, Exh. 9, at 2 [Assembly Report].)
10 Legislative history also makes clear that this reform was intended to improve the functioning of
11 government by adding “additional checks and balances to counties in California.” (RJN, Exh.
12 10, at 6 [Senate Report].) Indeed, the text of the statute itself affirms that the OIG’s investigative
13 powers and authority—including subpoena power—enhance the functioning of government and
14 “shall not be considered to obstruct the investigative functions of the sheriff.” Gov’t Code
15 § 25303.7(d).

16 Like County Code Section 3.79.032 and Government Code Section 25303.7, Measure R
17 also confers broad subpoena power on the COC to achieve its duty to oversee the Sheriff and the
18 Sheriff’s Department. Measure R grants the COC subpoena power to “require attendance of
19 witnesses and the production of books and papers . . . *pertinent* to its investigations and
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21 ¹⁸ “Deems” means “to come to think or judge,” [https://www.merriam-](https://www.merriam-webster.com/dictionary/deem)
22 [webster.com/dictionary/deem](https://www.merriam-webster.com/dictionary/deem) (accessed Jan. 10, 2022), and its inclusion in County Code Section
23 3.79.032 and Government Code Section 25303.7 “exudes deference” to the COC in issuing
24 subpoenas, including to the Sheriff. Cf. *Webster v. Doe*, 486 U.S. 592, 600 (1988). Numerous
25 courts have so interpreted the word “deems” in other contexts. *Raymond B. v. Superior Ct.*, 102
26 Cal.App.3d 372, 377 (1980) (explaining provision requiring that “probation officer make such
27 investigation ‘[a]s he deems necessary to determine whether proceedings in the juvenile court
28 should be commenced’” meant “whatever investigation he thinks is reasonable for the exercise
of his discretion”); *Webster*, 486 U.S. at 600 (“In allowing termination whenever the Director [of
the Central Intelligence Agency] ‘shall deem [it] necessary or advisable,’ and not simply when
the dismissal is necessary or advisable, [the statute at issue] fairly exudes deference to the
Director”) (emphases in original); *Adams v. FAA*, 1 F.3d 955, 956 (9th Cir. 1993) (per
curiam) (explaining that statute permitting FAA Secretary to rescind delegation “for any reason
which he deems appropriate” meant the issue was committed to the “administrator’s discretion”).

oversight.” (RJN, Exh. 5, at 3 (emphasis added).) “Pertinent” has been defined to be synonymous with “relevant.” *See In re Fratus*, 204 Cal.App.4th 1339, 1350 (2012). Voters enacted Measure R to “empower the [COC] to effectively investigate” issues within its jurisdiction. (*See* RJN, Exh. 5, at 3.) The measure specifically directs that its provisions “shall be interpreted in a manner that applies the [COC’s] new duties and powers broadly, not restrictively.” (*Id.*)

The COC issued the Subpoenas to examine Sheriff Villanueva directly regarding two important public interest matters. Questioning the Sheriff regarding his concerning investigations of oversight officials is well within the COC’s duties to oversee the Sheriff’s Department. With respect to deputy cliques, Judge Chalfant has already ruled that “[t]o fulfill his duties, [the OIG] is entitled to engage with the Sheriff on issues such as deputy secret societies.” (RJN, Exh. 11 at 7 [Decision on County’s Demurrer].) Like the OIG, the COC is an oversight body entitled to examine Sheriff Villanueva about that important topic. The COC has deemed that only Sheriff Villanueva can answer questions about those weighty topics, making him necessary and important to the COC’s inquiries. L.A. Cty. Code § 3.79.032; Gov’t Code § 25303.7(b)(1). The Subpoenas therefore are proper.

C. Sheriff Villanueva’s Testimony Must be Under Oath.

The Sheriff has repeatedly refused to provide testimony under oath, as he is legally required when appearing in response to a COC subpoena. As the County has communicated to the Sheriff numerous times (most recently in the Petition to enforce the OIG subpoena), the Sheriff’s position is wholly without merit. Indeed, Sheriff Villanueva has conceded the issue by not claiming in his motion to quash the November 2021 Subpoena that he is exempt from testifying in response to the COC’s subpoenas. *Benach*, 149 Cal.App.4th at 852. This Court should therefore compel the Sheriff to answer the COC’s questions under oath.

1. The Subpoenas Require the Sheriff To Be “Examined” and To “Testify” as a “Witness,” and That Means He Must Make Under-Oath Statements.

All of the COC’s sources of subpoena power permit the COC to require under-oath testimony, and the October and November 2021 Subpoenas specifically informed the Sheriff that

1 his testimony at the COC meetings would be under oath. (Ocen Decl., Exhs. 7-8.) Measure R
2 explicitly empowers the COC to administer oaths, while County Code Section 3.79.032 clearly
3 states that the COC has the authority to hear “testimony.” (*See* RJN, Exh. 5 [Measure R]); L.A.
4 County Code § 3.79.032. Numerous legal authorities confirm that the term “testify” has a
5 precise meaning that requires a witness to make “under oath” statements. *E.g., Stern v. Superior*
6 *Ct.*, 78 Cal.App.2d 9, 13 (1947) (“Testimony is limited to that sort of evidence which is given by
7 witnesses speaking under oath or affirmation.”); *In re Heather H.*, 200 Cal.App.3d 91, 95 (1988)
8 (explaining that “unsworn testimony does not constitute ‘evidence’ within the meaning of the
9 Evidence Code”); *see also* Civ. Code § 14(a) (providing that “every mode of oral statement,
10 under oath or affirmation, is embraced by the term ‘testify’”); Penal Code § 7 (same—“every
11 mode of oral statement, under oath or affirmation, is embraced by the term ‘testify’”).

12 Additionally, Government Code Section 25303.7(b)(1) incorporates Code of Civil
13 Procedure section 1985 (“Section 1985”), which also mandates under-oath testimony. *See* Gov’t
14 Code § 25303.7(b)(1) (providing the COC “shall issue a subpoena . . . in accordance with
15 Sections 1985 to 1985.4, inclusive, of the Code of Civil Procedure”). The plain text of Code of
16 Civil Procedure Section 1985(a) itself and the defined terms used therein make clear that a
17 subpoena issued under Section 1985(a) requires a “witness” to make “under oath” statements.
18 Code of Civil Procedure Section 1985(a) provides that “[t]he process by which the attendance of
19 a witness is required is the subpoena. It is a writ or order directed to a person and requiring the
20 person’s attendance at a particular time and place to *testify* as a *witness*.” Civ. Proc. Code
21 § 1985(a) (emphases added). Indeed, the term “testify” in Code of Civil Procedure Section
22 1985(a) means making “under oath or affirmation” statements. *See id.* § 17(b)(5)(B) (“‘Testify’
23 includes any mode of oral statement made under oath or affirmation.”). This meaning of
24 “testify” is reinforced by the definition of and obligations imposed on a “witness,” as that term is
25 defined. Civ. Proc. Code § 1878 (“A witness is a person whose declaration under oath is
26 received as evidence for any purpose, whether such declaration be made on *oral examination*, or
27 by deposition or affidavit.”) (emphasis added); *see also People v. Lopez*, 71 Cal.App.4th 1550,
28 1555 (1999) (“No person other than a [criminal] defendant has a right to refuse to be sworn as a

1 witness.”); Evid. Code § 911(a) (“Except as otherwise provided by statute . . . [n]o person has a
2 privilege to refuse to be a witness.”).

3 The text of Government Code Section 25303.7 itself also supports the County’s position
4 that the Sheriff must testify under oath. The COC has authority to issue a subpoena to “[a]ny
5 officer of the county,” such as the Sheriff, “whenever [the COC] deems it necessary or important
6 to *examine*” the officer “in relation to the discharge of their official duties on behalf of the
7 sheriff’s department.” Gov’t Code § 25303.7(b)(1)(B) (emphasis added). To “examine” a
8 witness “is commonly understood to mean interrogation with questions and answers.” *Globe*
9 *Indem. Co. v. Superior Ct.*, 6 Cal.App.4th 725, 730 (1992).

10 2. An Appearance Pursuant to a COC Subpoena Is a “Proceeding” Under the
11 Evidence Code, Which Also Requires Under-Oath Statements.

12 The Court should also conclude that the Subpoenas require under-oath statements
13 because the Sheriff’s appearance pursuant to a COC subpoena is a “proceeding” that requires
14 “witness testimony” under the Evidence Code, which also mandates under-oath statements.

15 Evidence Code Section 901 (“Section 901”) broadly defines a “proceeding” as follows,
16 which would include the Sheriff’s appearance before the COC pursuant to the Subpoenas:

17 “Proceeding” means *any* action, hearing, *investigation*, inquest, or *inquiry*
18 (whether conducted by a court, administrative agency, hearing officer,
19 arbitrator, legislative body, or any other person *authorized by law*) in which,
20 pursuant to law, *testimony* can be *compelled* to be given.

21 *See* Evid. Code § 901 (emphases added). The comment to Section 901 confirms that
22 “‘proceeding’ is defined to mean all proceedings of whatever kind in which *testimony* can be
23 compelled by law to [be] given.” *Id.* (Law Revision Comm’n cmt.) (emphasis added).

24 The Sheriff’s appearance pursuant to the Subpoenas is a Section 901 “proceeding”
25 because it clearly falls within this definition. The COC is conducting an “investigation” that is
26 authorized by law by both Government Code Section 25303.7 and the County Code. Gov’t Code
27 § 25303.7(b)(1)(B); L.A. Cty. Code § 3.79.030.B. Because the COC has subpoenaed Sheriff
28 Villanueva to appear and be examined, his “testimony” is “compelled to be given” under the

1 County Code, Government Code Section 25303.7, Code of Civil Procedure Section 1985(a), and
2 Measure R. Finally, the Sheriff is required to make under-oath statements because “[e]very
3 witness before testifying shall take an oath or make an affirmation or declaration in the form
4 provided by law” *See* Evid. Code § 710.

5 There is thus no legal support for the Sheriff to avoid this OSC re: contempt on the basis
6 that he prefers not to testify under oath. Indeed, refusing to be sworn as a witness is so
7 significant that it alone is a basis for contempt and may even be prosecuted as a misdemeanor.
8 *See* Gov’t Code § 25173 (providing that a person who “refuses to *testify* . . . shall be deemed in
9 contempt”) (emphasis added); Code Civ. Proc. Code § 1209(a)(10) (providing “[d]isobedience of
10 a subpoena duly served, or refusing to be sworn or answer as a witness” is a basis for contempt);
11 *cf.* Penal Code § 166(a)(6) (providing the “contumacious and unlawful refusal of a person to be
12 sworn as a witness” is punishable as a misdemeanor).

13 D. The Sheriff’s Refusal to Comply with Five Oversight Subpoenas Over 18 Months
14 Proves His Willful Intent and Warrants this OSC Re: Contempt.

15 An OSC re: contempt should issue for the Sheriff’s defiance of each of the three
16 Subpoenas.

17 “The facts essential to jurisdiction for a contempt proceeding are: (1) the making of the
18 order; (2) knowledge of the order; (3) ability of the respondent to render compliance; and
19 (4) wilful disobedience of the order.” *In re Liu*, 273 Cal.App.2d 135, 140 (1969). As discussed
20 above, the first requirement is met because the COC had jurisdiction to and issued the Subpoenas
21 under its authority granted in County Code Section 3.79.032, Government Code Section
22 25303.7, and Measure R. The remaining requirements are also met because Sheriff Villanueva
23 knew about the Subpoenas and he had an “ability . . . to render compliance,” but he willfully
24 disobeyed each of the Subpoenas. *Id.* The Sheriff first offered pretextual scheduling excuses for
25 not complying with the September 2021 Subpoena. When cornered, Sheriff Villanueva revealed
26 his true intent by refusing to acknowledge the validity of all the Subpoenas and by also refusing
27 to appear pursuant to subpoena or testify at the COC’s October and November 2021 meetings.

1 Sheriff Villanueva’s pattern of noncompliance with all other previous oversight subpoenas also
2 proves his willfulness and makes an OSC re: contempt appropriate.

3 *First*, the Sheriff’s noncompliance with each of the Subpoenas was clearly willful and his
4 initial scheduling objection was pretextual. Sheriff Villanueva could have complied with the
5 September 2021 Subpoena because he did not provide any irreconcilable scheduling conflict that
6 actually precluded him from appearing at the COC’s September 2021 meeting. Indeed, the
7 contradictory explanations provided by the Sheriff and his attorney regarding the Sheriff’s
8 purported scheduling conflicts (Anand Decl. ¶ 5) confirm that the reasons the Sheriff offered
9 were dubious and insincere. Such flimsy excuses do not relieve any witness from complying
10 with a lawful order to appear. At least one court has affirmed a contempt citation when a person
11 does “little to attempt to mitigate the effect of his absence from [a] proceeding[.]” *See Arthur*,
12 62 Cal.2d at 411 (affirming contempt citation against attorney even though “it may be true that
13 he could not avoid the conflict”); *see also In re Karpf*, 10 Cal.App.3d 355, 364 (1970)
14 (explaining trial court found that “wholly unsatisfactory” explanations did not excuse attorney’s
15 failure to appear); *Hilao v. Est. of Marcos*, 103 F.3d 762, 765 (9th Cir. 1996) (“The fact that
16 Appellants have made no attempt to explain or excuse their failure to appear suggests that the
17 failure was deliberate.”); *cf. Thaxton v. State Pers. Bd.*, 5 Cal.App.5th 681, 696 (2016)
18 (explaining litigant’s “fail[ure] to appear or provide any reasonable explanation as to his inability
19 to appear. . . [made the record] clear . . . [he was] engaging in gamesmanship”).

20 After Sheriff Villanueva claimed he had scheduling conflicts for the September COC
21 meeting, the COC subpoenaed him to appear pursuant to the September 2021 Subpoena at its
22 October 2021 meeting. (Ocen Decl. ¶ 8.) Although the Sheriff was admittedly available, he
23 would only agree to appear “voluntarily” and without being sworn. (*Id.* ¶ 9.) The Sheriff later
24 asserted the same position—that he would only appear voluntarily and without being sworn—
25 with respect to the October and November 2021 Subpoenas. (*Id.*) Those positions exposed that
26 the Sheriff’s initial scheduling claim for defying the September 2021 Subpoena was pretextual.
27 Sheriff Villanueva has defied each of the Subpoenas because he simply does not recognize either
28

1 the COC's subpoena authority or his obligation to testify under oath, like every subpoenaed
2 witness.

3 Here, the Sheriff had an "ability . . . to render compliance" by appearing at the COC's
4 three meetings in September, October, and November 2021. *In re Liu*, 273 Cal.App.2d at 140.
5 He simply refused to do so. Sheriff Villanueva had no justification for leaving the COC's
6 October meeting before his scheduled appearance time or for refusing to testify under oath as the
7 October 2021 Subpoena required. It is apparent the Sheriff only attended briefly at the wrong
8 time to feign an attempt to comply with October 2021 Subpoena.

9 *Second*, Sheriff Villanueva's history of not complying with a single oversight subpoena
10 for 18 months also proves he willfully disobeyed the Subpoenas. Repeatedly disobeying
11 numerous subpoenas "provides even stronger evidence of bad faith." *See Gordon v. Cty. of*
12 *Alameda*, No. CV-06-02997-SBA, 2007 WL 1750207, at *3 (N.D. Cal. June 15, 2007) (making
13 finding for litigant missing two scheduled depositions). "[F]lagrant disregard of numerous court
14 orders over a period of nine months clearly demonstrates that [the litigant] is acting willfully."
15 *Id.* "Willfulness is merely a purpose or willingness to commit the act, or make the omission in
16 issue in the contempt hearing." *In re Karpf*, 10 Cal.App.3d at 372. A court will "not construe
17 'willful' as pertaining to contempt as meaning only a deliberate intention to disregard a court
18 order, but rather as encompassing an indifferent disregard of the duty to obey it promptly." *Id.*
19 Indeed, only two days after 72.85% of the voters passed Measure R to grant the COC subpoena
20 power, Sheriff Villanueva disdainfully dismissed it as a "taxpayer-funded public shaming
21 effort." (Anand, Decl. ¶ 13 & Exh. 10 [*See Los Angeles Times*, Mar. 5, 2020].) The Sheriff's
22 outright refusal to accept the validity of any oversight subpoena since March 2020 proves he will
23 not comply with the Subpoenas without a court order.

24 This is true even though the County cited overwhelming legal authorities to the Sheriff's
25 attorney establishing that Sheriff Villanueva is required to testify under oath in response to a
26 subpoena, just like every other witness. (*See supra*, Section III.C.; RJN, Exh. 8 [Petition].)
27 Sheriff Villanueva ignored all these authorities. Indeed, Sheriff Villanueva conceded that his
28 refusal to testify under oath is not a valid basis for noncompliance with the COC's Subpoenas

1 because the Sheriff's own motion to quash the November 2021 Subpoena, which is completely
2 improper for other reasons (including because the Sheriff filed it in an OSC proceeding brought
3 by the County about an *OIG* subpoena), does not even dispute that Sheriff Villanueva must
4 testify under oath. (RJN, Exh. 6 [Motion].) The Sheriff has thus conceded he had no legal basis
5 for repeatedly defying the Subpoenas by claiming he was immune from providing under-oath
6 testimony. *E.g., Luri v. Greenwald*, 107 Cal.App.4th 1119, 1125 (2003) ("A basic principle of
7 motion practice is that the moving party must specify for the court and the opposing party the
8 grounds upon which that party seeks relief."); *Benach*, 149 Cal.App.4th at 852 ("Issues do not
9 have a life of their own: If they are not raised or supported by argument or citation to authority,
10 they are waived.") (internal quotations and alterations omitted).

11 The Sheriff's long, tortured history of not complying with a single oversight subpoena for
12 18 months is inexcusable and warrants this OSC re: contempt for failure to comply with the three
13 COC Subpoenas. *Drum v. Superior Ct.*, 139 Cal.App.4th 845, 854 (2006) (explaining "the trial
14 court would have been well within its authority to hold [an attorney] in contempt of court for his
15 repeated refusal to acknowledge the express orders of the court to appear and explain his
16 disrespectful behavior"); *see also Sec. & Exch. Comm'n v. First Fin. Grp. of Texas, Inc.*, 659
17 F.2d 660, 670 (5th Cir. 1981) ("Appellants' persistent refusal to comply with the district court's
18 orders throughout [the] litigation justified the district court's imposition of [a contempt]
19 sanction."); *Gordon*, 2007 WL 1750207, at *3 ("[R]epeated failure to cooperate clearly
20 demonstrates that [a person] is acting willfully and in bad faith.").

21 **IV. CONCLUSION.**

22 For the reasons stated herein, the COC respectfully requests that the Court issue the
23 requested OSC re: contempt.

24 Dated: January 11, 2022

Respectfully submitted,

ANAND LAW GROUP, P.C.

26 By: /s/ Harvinder S. Anand
27 HARVINDER S. ANAND

28 Attorneys for County of Los Angeles

DECLARATION OF PRISCILLA OCEN

I, PRISCILLA OCEN, declare as follows:

1. I am Chair of the Los Angeles County Sheriff Civilian Oversight Commission (the "COC").

2. I write this declaration in support of the COC's Report and Certification of Refusal by Sheriff Alex Villanueva To Obey Subpoenas Requiring Personal Appearance at Its September, October, and November 2021 Meetings.

3. I make this declaration based on my personal knowledge, except as to information stated upon information and belief, which I believe to be true. If called to testify as a witness, I could and would testify competently to the facts stated herein.

4. The COC has nine members. I have been a member of the COC since its creation in 2016. I have been Chair of the COC since August 2021.

5. On August 25, 2021, the COC issued a subpoena for personal appearance requiring Sheriff Alex Villanueva to attend its September 2021 meeting (the "September 2021 Subpoena"), a true and correct copy of which is attached hereto as **Exhibit 1**. In May 2021, Commissioner Sean Kennedy issued a Memorandum outlining six investigations initiated by the Sheriff's Department, including two involving the Inspector General and the former Chair of the COC. Commissioner Kennedy concluded that the investigations appear to be retaliatory. A true and correct copy of Commissioner Kennedy's Memorandum is attached hereto as **Exhibit 2**.

6. Sheriff Villanueva wrote to the COC on September 9, 2021, stating that he "simply [was] not available to attend the COC meeting on September 23, 2021" because he was "booked the entire day with previous commitments planned ahead of time." A true and correct copy of Sheriff Villanueva's letter is attached hereto as **Exhibit 3**. Sheriff Villanueva asserted in his letter that he would "be out of the office on two separate speaking engagements, a meeting, and a Town Hall event." The Sheriff, however, committed to "arrang[ing] [his] schedule to be available during the last three months of [the 2021] calendar year" to attend COC meetings.

7. Sheriff Villanueva wrote to the COC on September 22, 2021, stating that he would only "voluntarily appear . . . for one hour" at the COC's October 21, 2021 meeting. A

1 true and correct copy of Sheriff Villanueva's letter is attached hereto as **Exhibit 4**. The Sheriff
2 claimed in his letter that "no subpoenas are needed as per [a] prior agreement." There was no
3 such agreement. Although the COC had invited the Sheriff to appear voluntarily on prior
4 occasions, the COC did not ever agree that all of Sheriff Villanueva's appearances would be
5 voluntary or that the COC would not ever subpoena him. The Sheriff did not appear before the
6 COC on September 23, 2021.

7 8. At its September 2021 meeting, the COC voted to issue a second subpoena—the
8 October 2021 Subpoena—for Sheriff Villanueva's testimony at its October 2021 meeting. The
9 COC issued the October 2021 Subpoena to obtain the Sheriff's testimony regarding his efforts to
10 eliminate "deputy cliques" from the LASD. The COC had previously issued its Proposed Policy
11 Prohibiting Deputy Cliques on April 15, 2021, a true and correct copy of which is attached
12 hereto as **Exhibit 5**.

13 9. Sheriff Villanueva wrote to the COC on October 1, 2021, stating that he would
14 only "voluntarily . . . agree to attend" the COC's October 2021 meeting and that he would "not
15 agree to be placed under oath." A true and correct copy of Sheriff Villanueva's letter is attached
16 hereto as **Exhibit 6**.

17 10. The COC issued the October 2021 Subpoena on October 15, 2021, a true and
18 correct copy of which is attached hereto as **Exhibit 7**. The October 2021 Subpoena required the
19 Sheriff to appear virtually before the COC at 10 a.m. on October 21, 2021. The Sheriff,
20 however, appeared virtually at approximately 9 a.m. and chose to leave before the subpoena
21 appearance time.

22 11. At its October 2021 meeting, the COC voted to issue a third subpoena to Sheriff
23 Villanueva, requiring him to attend its November 2021 meeting (the "November 2021
24 Subpoena"). The COC issued the November 2021 Subpoena on October 22, 2021, a true and
25 correct copy of which is attached hereto as **Exhibit 8**.

26 12. At approximately 8:03 p.m. on November 17, 2021, the evening before the COC's
27 November 2021 meeting, Sheriff Villanueva wrote to the COC to complain about statements I
28 had made and "to advise . . . that the [Department] will cease its participation in future COC

1 meetings.” A true and correct copy of Sheriff Villanueva’s letter is attached hereto as **Exhibit 9**.
2 The Sheriff stated in his letter that he “will not allow [his] department members to attend a COC
3 meeting.” Although Sheriff Villanueva’s statements and claims about me in his letter are
4 completely baseless, I will not respond to them as part of this filing. The Sheriff did not appear
5 before the COC on November 18, 2021.

6 13. In response to a subpoena from the COC requiring his appearance on November
7 18, 2021, Sheriff’s Department Detective Mark Lillienfeld adopted the Sheriff’s positions.
8 Through a letter from Undersheriff Murakami to the COC on November 10, 2021, Detective
9 Lillienfeld initially stated he would only appear “voluntarily and not under subpoena,” but
10 Detective Lillienfeld also failed to appear on November 18, 2021. A true and correct copy of
11 Undersheriff Murakami’s letter is attached hereto as **Exhibit 10**.

12 14. Sheriff Villanueva did not appear before the COC under its first subpoena to him
13 in May 2020, which sought to question the Sheriff about the effects of COVID-19 in the jails.
14 After the Honorable Holly J. Fujie granted the County’s petition for an order to show cause re:
15 contempt, the Sheriff thereafter appeared “voluntarily” before the COC to discuss that topic,
16 which the COC at that time was willing to accept.

17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct. Executed on January 11, 2022 at Los Angeles, California.

19 

20 PRISCILLA OCEN
21 Chair, Los Angeles County Sheriff Civilian
22 Oversight Commission
23
24
25
26
27
28

EXHIBIT 1

CIVILIAN OVERSIGHT COMMISSION
Address: 350 S. Figueroa St., Suite 288
Los Angeles, CA 90071
Phone: (213) 253-5678

SUBPOENA FOR PERSONAL APPEARANCE

**BEFORE THE LOS ANGELES COUNTY
CIVILIAN OVERSIGHT COMMISSION**

THE LOS ANGELES COUNTY SHERIFF CIVILIAN OVERSIGHT COMMISSION, TO (name, address, telephone number, and email address of witness, if known): Sheriff Alex Villanueva, Los Angeles County Sheriff's Department, Hall of Justice, 211 West Temple Street, Los Angeles, CA 90012



1. **YOU ARE HEREBY ORDERED, PURSUANT TO GOVERNMENT CODE SECTION 25303.7 AND LOS ANGELES COUNTY CODE SECTIONS 3.79.032, 3.79.070, 3.79.190 (Measure R), AND 6.44.190.F(5), TO APPEAR AS A WITNESS** before the Los Angeles County Sheriff Civilian Oversight Commission at the date, time, and place shown below **UNLESS** you make an agreement with the person named in item 2:

- a. Date: **September 23, 2021** Time: **10:00 a.m.**
- b. Address: ***During the COVID-19 pandemic, in lieu of appearing in person, please appear virtually via WebEx by accepting the calendar invitation sent to avillan@lasd.org; then on the day of your appearance, click on the calendar entry to the meeting and join the meeting by clicking on the link that will appear as "Join Event."***

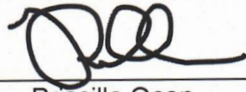
2. **IF YOU HAVE ANY QUESTIONS REGARDING THIS SUBPOENA, INCLUDING THE DATE AND TIME SET FOR YOUR APPEARANCE OR HOW TO APPEAR VIRTUALLY, PLEASE CONTACT THE FOLLOWING PERSON BEFORE THE DATE AND TIME ON WHICH YOU ARE TO APPEAR:**

- a. Name of subpoenaing parties: **Chair of the Civilian Oversight Commission and Inspector General Max Huntsman**
- b. Telephone number: **(213) 253-5678, 213-974-6100, respectively.**

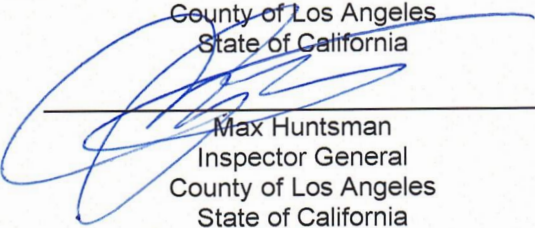
3. **Witness Fees**: You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person name in item 2.

**DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY A COURT.
YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND
ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.**

Date issued: August 25, 2021



Priscilla Ocen
Chair of the Sheriff Civilian Oversight Commission
County of Los Angeles
State of California



Max Huntsman
Inspector General
County of Los Angeles
State of California

PROOF OF SERVICE OF SUBPOENA FOR PERSONAL APPEARANCE

1. I served this Subpoena for Personal Appearance by personally delivering a copy to the person served as follows:
 - a. Person served (name):
 - b. Address where served:
 - c. Date of delivery:
 - d. Time of delivery
 - e. Witness fees (check one):
 - (1) ☐ were offered or demanded and paid. Amount\$ _____
 - (2) ☐ were not demanded or paid
 - f. Fee for service\$ _____
2. I received this subpoena for service on (date): _____
3. Person serving:
 - a. ☐ Not a registered California process server.
 - b. ☐ California sheriff or marshal.
 - c. ☐ Registered California process server.
 - d. ☐ Employee of independent contractor of a registered California process server
 - e. ☐ Exempt from registration under Business and Professions Code section 22350(b)
 - f. ☐ Registered professional photocopier
 - g. ☐ Exempt from registration under Business and Professions Code section 22451
 - h. Name, address, telephone number and, if applicable, county of registration and number

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

Date: _____



(Signature)

EXHIBIT 2

LOS ANGELES COUNTY SHERIFF
CIVILIAN OVERSIGHT COMMISSION MEMORANDUM

FROM: Sean Kennedy, COC commissioner

TO: Lael Rubin, COC chair, Brian Williams, COC executive director

DATE: May 27, 2021

RE: Villanueva administration's investigation of oversight officials, etc.

I. INTRODUCTION

I write to voice concern about what appears to be a pattern of LASD officials announcing they have opened “criminal investigations” of various department heads, oversight officials, and professionals. These highly publicized criminal investigations have never resulted in charges being filed, suggesting an ulterior motive. The Los Angeles County Sheriff Civilian Oversight Commission (COC) should call for an investigation to ascertain whether Sheriff Alex Villanueva is abusing his power or extorting public officials.

Section II of this memo identifies the Villanueva administration's pattern of accusing public officials and other professionals who are in conflict with the department of committing crimes, followed by an analysis of the implications of that pattern. Subsection A catalogues the individual incidents in which the Sheriff or his deputies publicly announced that the LASD was opening an investigation of a public official or professional even though no criminal charges were ever filed. Subsection B highlights commentary from experts regarding the propriety of these announcements, particularly the alleged “criminal investigations” of officials conducting oversight of the department. Subsection C examines whether such announcements constitute extortion under California law. Finally, Section III concludes with a plea for an investigation by an independent body.

II. LEGAL ANALYSIS

A. Is the Villanueva Administration Misusing Its Investigative Powers to Target Oversight Officials and Political Adversaries?

Over the past 24 months, members of the Villanueva administration have made highly unusual announcements that the LASD has opened “criminal investigations” of

oversight officials and other professionals who have publicly criticized the department about budgetary and policy issues. The number and similarity of the announcements suggest a pattern of targeting oversight officials for investigation. Despite the high-profile announcements, none of the targets has ever been charged with any criminal offenses. The totality of the evidence raises serious questions about the motives for and legitimacy of the fruitless investigations.

1. The LASD’s Pattern of Announcing “Criminal Investigations” of Oversight Officials, Department Heads, and Advocates in Conflict with the Department

In April 2019, a person identifying himself as an LASD sergeant called then County Counsel Mary Wickham on her personal cell phone and directed her to turn herself in at a sheriff’s station to avoid being arrested at home for violating a 2006 grand jury summons. Maya Lau, *Man Claiming to be Sheriff’s Official Phoned Threat to County Counsel, Sparking Probe*, L.A. Times (Apr. 22, 2019). Wickham at the time was pursuing legal action against Sheriff Villanueva over his reinstatement of Carl Mandoyan, a disgraced former deputy with a Grim Reapers tattoo who had been fired by the previous administration for violating policies regarding domestic violence and dishonesty. *Id.* Wickham, several supervisors, and other county officials all objected to the call as an intimidation tactic. For example, Interim Inspector General Rod Castro-Silva stated, “These threats are a hostile act intended to intimidate a public official doing her job on behalf of Los Angeles County, the Board of Supervisors, and the residents we serve.” Celeste Fremon, *Updated: Man Claiming to Be LA Sheriff’s Sergeant Threatens County Counsel with Arrest*, WitnessLA (Apr. 22, 2019). The LASD claimed the call was a “common scam” regarding jury service, but other county officials noted that details of this call differed from prior common jury-scam calls and that the name the caller had used to identify himself was the actual name of an LASD sergeant. *Id.* In the end, Wickham was never arrested or prosecuted, and no information has ever been released about the source of the call.

In August 2019, LASD Undersheriff Timothy Murakami¹ announced the opening of a “criminal investigation” of Los Angeles County Inspector General Max Huntsman for accessing and reviewing confidential personnel files in the course of conducting oversight of the Department. Maya Lau, *L.A. County Sheriff’s Top*

¹ Some LASD deputies have alleged that Murakami has a “Cavemen” tattoo. Frank Stoltz, *East LA Sheriff’s Deputies File Suit Claiming Harassment, Violence by “Banditos” Clique*, LAist (Sept. 18, 2019). Murakami has denied being a member of the clique.

Watchdog is under investigation—by the L.A. County Sheriff, L.A. Times (Aug. 4, 2019). Prior to this announcement Villanueva had been informed by Huntsman that the OIG was releasing a report² critical of his reinstatement of Mandoyan. *Id.* Villanueva warned Huntsman there would be “consequences” for releasing the report. *Id.*

Murakami told reporters that the LASD was investigating whether Huntsman had committed “conspiracy, theft of government property, unauthorized computer access, theft of confidential files, unlawful dissemination of confidential files, civil rights violations, and burglary.” *Id.* Murakami suggested that the FBI was assisting the department in the investigation. *Id.* No representative of the FBI has ever confirmed that claim.³

Later press accounts reported that the LASD was also investigating Diana Teran, the former constitutional policing advisor to previous sheriff James McDonnell, for the same conduct.⁴ Marc Brown & Lisa Bartley, *LASD Has “Criminal Investigation” into Its Own Watchdog*, ABC7 Investigations (Aug. 14, 2019). Villanueva blamed Teran for the termination of Mandoyan, causing him to harbor resentment against her as well. Jorge Luis Macias, *The Controversial Hiring of Mandoyan*, La Opinión (July 31, 2019). Despite the sensational announcement twenty months ago, the LASD has not provided any updates on the investigation, nor have any charges been filed against Huntsman or Teran.

On December 2019, the LASD announced that they had opened a criminal investigation of Hollywood-producer-turned-juvenile-justice-advocate Scott Budnick,⁵

² Office of Inspector General County of Los Angeles, *Initial Implementation by Los Angeles County Sheriff’s Department of the Truth and Reconciliation Process* (July 2019).

³ The Department of Justice Manual states: “DOJ generally will not confirm the existence of or otherwise comment on ongoing investigations. Except as provided in subparagraph C of this section, DOJ personnel shall not respond to questions about the existence of an ongoing investigation or comment on its nature or progress before charges are filed.” *DOJ Manual*, §1-7.400 – Disclosure of Information Concerning Ongoing Criminal, Civil, and Administrative Investigations (2018), available at <https://www.justice.gov/jm/jm-1-7000-media-relations>. Exceptions to the no-comment policy require prior approval from the U.S. Attorney or Assistant Attorney General. *Id.*

⁴ Diana Teran served as a constitutional policing advisor for LASD from November 2015 through November 2018, when newly elected Sheriff Alex Villanueva announced that he was abolishing the positions. Frank Stoltze, *Alex Villanueva Says He would Eliminate the LA Sheriff’s Constitutional Policing Advisors*, LAist (Nov. 21, 2018).

⁵ Governor Jerry Brown in 2012 named Budnick “California’s volunteer of the year.” The Board of Supervisors also named him Los Angeles County’s volunteer of the year. President Obama in 2015 appointed Budnick to serve on the advisory council of My Brother’s Keeper Alliance, which

as well as Blair Berk and Michael Cavalluzzi, two prominent attorneys recruited by Budnick to represent a juvenile accused of participating in a robbery-murder of a police officer. Alene Tchekmedyian, “*Hangover*” *Producer Helped a Teen Convicted in Killing. Now He’s Under Investigation*, L.A. Times (Dec. 15, 2019). The LASD claimed they were investigating Budnick and the defense attorneys for witness tampering and obstruction of justice. The LASD served a search warrant on Budnick’s social media accounts. *See In re Search Warrant for All Records Associated with Google Account Scottarcla@gmail.com*, No. BH 012910, Order Quashing Search Warrant (Nov. 12, 2020). Budnick successfully moved to unseal the affidavit in support of the request for the search warrant. *Id.* After Judge William Ryan ruled that the search warrant had improperly issued without probable cause, it was quashed, and all seized documents were returned to Budnick. *Id.* No charges were filed against Budnick, Berk, or Cavalluzzi.

On March 30, 2020, the Board of Supervisors voted unanimously to put the county’s chief executive, Sachi Hamai, in charge of disaster preparedness and response, thereby removing Sheriff Villanueva as head of the emergency operations center over his objection. Alene Tchekmedyian, *L.A. Supervisors Remove Sheriff Alex Villanueva as Head of Emergency Operations Center*, L.A. Times (Mar. 31, 2020). Villanueva’s resentment of Hamai increased after she advised him that the LASD would suffer budget cuts along with all other county agencies due to reduced revenues as a result of the pandemic.

During a July 22, 2020 Facebook Live session, Sheriff Villanueva referenced Hamai’s participation on the board of the United Way-Los Angeles. The United Way describes its mission as “to permanently break the cycle of poverty for our most vulnerable neighbors: low-income families, students, veterans and people experiencing homelessness.” <https://www.unitedwayla.org/en/about/mission>. Villanueva suggested that Hamai was enriching herself through granting a public contract to the United Way in violation of section 1090 of the Government Code. <https://www.facebook.com/LosAngelesCountySheriffsDepartment/videos/vb.225060950854159/309753690178503/?type=2&theater>.⁶ In fact, section 1090 is inapplicable

identifies innovative solutions to eliminate gaps and increase achievement opportunities for boys and young men of color.

⁶ The accusation may have been a preplanned strategy. Near the end of the Facebook Live session, Vivian “Bibi” Villanueva, the sheriff’s wife, submitted a written question asking, “Is it a felony for the County CEO to be part of the board of the United Way?” The Sheriff responded that it was a felony, citing Cal. Government Code § 1090.

because Hamai was a volunteer board member who received no compensation and therefore had no financial interest in any public contract with the United Way. Nevertheless, Villanueva later reported Hamai in a letter to the Attorney General's office. After Hamai threatened to sue for defamation and a "toxic work environment created by a fellow department head," the County settled for \$1.5 million and agreed to provide security for her and her family. Ian Spiegelman, *Sheriff Villanueva's Alleged Grudge against L.A. County's CEO Results in a \$1.5 Million Settlement*, L.A. Magazine (Aug. 27, 2020).

During an April 2020 public meeting, several supervisors discussed with budget officials whether department heads who overspent on their budgets were committing a misdemeanor. Villanueva—who apparently became defensive about the LASD's projected budget shortfall—interjected, "I could go on for a long, long time about a long list of felony crimes and the consequences of them—and they're done by public officials. Good luck with that if you're gonna scare me with the claim about a misdemeanor crime." Alene Tchekmedyan & Jaclyn Cosgrove, *Sheriff's Sexist Shur and Accusations of "Blood Money" Ramp up Feud with L.A. County Supervisors*, L.A. Times (July 27, 2020). The comment prompted Supervisor Kathryn Barger to ask Villanueva whether he was making a "veiled threat." *Id.* Villanueva has never retracted his dramatic claim, nor elaborated whom in county government he was asserting had committed felonies.

In February 2021, LASD officials told the press that they had executed search warrants on LA Metro and Peace over Violence as part of a "criminal investigation" regarding contractual services that Peace over Violence provided to subway riders who been harassed or assaulted during transit. Jason Henry, *L.A. County Sheriff Searches Offices of LA Metro, Oversight Board Member in Criminal Probe*, Pasadena Star News (Feb. 19, 2021). Peace over Violence is a non-profit organization "dedicated to building healthy relationships, family, and communities free from sexual, domestic and interpersonal violence." <https://www.peaceoverviolence.org/about-us>. Patti Giggans, the executive director of Peace over Violence, had just finished serving two consecutive terms as chair of the COC. During Giggans's tenure, the COC clashed with Villanueva on many issues, including asking him to resign and successfully litigating his obligation to comply with a subpoena to testify before the commission. *See City News Service, Sheriff's Oversight Commission Calls on Villanueva to Resign over Management of the Agency*, L.A. Times (Oct. 15, 2020); Allen Tchekmedyan, *L.A. County Sheriff Cannot Ignore Watchdog's Subpoena, Judge Rules*, L.A. Times (Nov. 20, 2020).

Deputy Eric Ortiz told the press, “The search warrant was signed by a judge and partially sealed in connection to an ongoing investigation.” *Id.* The article on the search notes: “It is uncommon for the Sheriff’s Department to conduct investigations into other county agencies. The Los Angeles County District Attorney’s Office typically handles public corruption cases in the county through its Public Integrity Division. The Sheriff’s Department did not respond to questions about whether it is working with other agencies, nor would it address whether it has taken steps to avoid any conflicts related to investigating a commissioner.” Jason Henry, *L.A. County Sheriff Searches Offices of LA Metro, Oversight Board Member in Criminal Probe*, Pasadena Star News (Feb. 19, 2021).

According to defense counsel, LASD officials have confirmed in writing they don’t believe that Giggans committed any crime, but that letter has never been made public. Frank Stoltze, *Sheriff to DA: Let’s Probe Corruption Together. DA to Sheriff: No Thanks*, LAist (Mar. 5, 2021). LASD officials nevertheless continue to represent that there is a criminal investigation pending; for example, on March 11, 2021, LASD spokesman John Satterfield responded to an email from a third party asking about funding for Peace Over Violence by stating, “We will not be renewing or renegotiating an MOU while we have an active criminal investigation.”⁷

Facing so many objections to the LASD investigating other department heads and oversight officials, Sheriff Villanueva recently proposed creating a joint task force with the District Attorney’s Office to fight government corruption and target venal politicians. Los Angeles District Attorney George Gascón declined the unorthodox proposal, stating that the office already has “significant expertise” in investigating public corruption and that he did “not want to compromise our ability to engage in that work in an independent manner.” Frank Stoltze, *Sheriff to DA: Let’s Probe Corruption Together. DA to Sheriff: No Thanks*, LAist (Mar. 5, 2021). Shortly thereafter, Villanueva endorsed a fledgling campaign to recall Gascon. *Id.*

2. The “Criminal Investigations” Never Result in Charges Being Filed, But Are Invoked to Chill Oversight and Criticism of the LASD

Because none of the above investigations has ever resulted in charges being filed against the accused officials, there is good reason to question their legitimacy.

⁷ Peace over Violence had previously been contracted to provide anonymous hotline services to the LASD, a requirement of the Prison Rape Elimination Act. The service is similar to that provided by LA Metro and for which the LASD had sought contact information on callers who were also promised anonymity in reporting sexual violence.

Villanueva’s targeted investigations are conducted by a team that reports directly to the undersheriff and includes a member who was accused of serious misconduct before being rehired. Alene Tchekmedyan, *Sheriff Rehired Corruption Investigator Accused of Posing as a Deputy in Bizarre Jail Incident*, L.A. Times (Oct. 23, 2019). Moreover, the LASD’s early public disclosure of the existence of the alleged criminal investigations suggests that the motive is to chill oversight of the Department, not to pursue a prosecution. For example, after Murakami announced the investigation of Huntsman, he urged the Board of Supervisors to recuse Huntsman and appoint an “interim inspector general” until their alleged investigation was concluded. Maya Lau, *L.A. County Sheriff’s Top Watchdog is under investigation—by the L.A. County Sheriff*, L.A. Times (Aug. 4, 2019). To date, the investigation has been pending for over two years.

While no one is above the law, public officials should not be targeted for criminal investigation as a means of chilling their performance of oversight functions over the LASD. The same is true of advocates working on behalf of accused people in the criminal justice system; they should not be targeted for criminal investigation merely because they have taken positions that influential LASD investigators disagree with. In preparing this memo, I interviewed several of the targets. They described their feelings of distress and intimidation after being publicly accused of criminal conduct by LASD officials, especially since—in their view—there was no evidence to support the accusations. Hamai was apparently so intimidated that she requested and received security as part of her settlement with the county over the alleged harassment by the Sheriff.

B. Experts Sound the Alarm about the Impropriety of LASD’s Retaliatory “Criminal Investigations”

After the LASD announced its investigation of OIG employees for doing their jobs, observers sounded the alarm. Michael Gennaco, a former federal prosecutor who had conducted oversight of the LASD prior to the creation of the OIG, called the investigation “unconscionable.” Maya Lau, *L.A. County Sheriff’s Top Watchdog is under investigation—by the L.A. County Sheriff*, L.A. Times (Aug. 4, 2019). The *Los Angeles Times* editorial board objected to the practice as well, writing:

Villanueva is now sheriff, and his broad, irresponsible and unsupported allegations of criminality aren’t aired on private message boards. His statements are public. They are amateurish and undignified—and again, unsupported—and they diminish

public confidence in the department. If there is a dispute over the proper interpretation of county ordinances that grant the IG access to personnel files, the proper response is to file a lawsuit, not to launch a criminal probe of the civilian authorities that oversee the department.

Editorial: L.A. County Thought it Was Getting a Progressive Sheriff. Instead, Like Trump, Alex Villanueva Is Painting His Political Adversaries as Criminals, L.A. Times (Aug. 16, 2019).

Experts continued to object as more “criminal investigations” were announced. Ann Skeet, senior director of leadership ethics at the Markkula Center for Applied Ethics at Santa Clara University, highlighted the retaliatory aspect of Villanueva’s accusations against Hamai, noting that it “does actually seem to be a pattern of his” and that “it seems to be primarily aimed at women.” Jaclyn Cosgrove & Alene Tchekmedyian, *L.A. County CEO to Receive \$1.5 Million in Security over Alleged Harassment by Sheriff*, L.A. Times (Aug. 26, 2020). Retired LASD commander Rod Kusch, who once headed the Internal Criminal Investigations Bureau, took the position that “the sheriff has no business investigating Giggans and her organization” because “you just don’t want to have a situation that makes you appear as if you have an agenda toward any particular entity.” He stressed, “The idea is to have a completely unbiased investigation.” Frank Stoltze, *Sheriff to DA: Let’s Probe Corruption Together. DA to Sheriff: No Thanks*, LAist (Mar. 5, 2021). Professor Laurie Levenson, who holds a chair in ethical advocacy at Loyola Law School, questioned Villanueva’s attempt to initiate a “joint task force” on public corruption, since chief prosecutors, not local law enforcement officials, usually spearhead such efforts. “It’s like he wants to be the DA,” she said. *Id.*

C. The LASD’s Use of “Criminal Investigations” to Thwart Oversight Officials from Carrying out Official Duties May Constitute Extortion

Sheriff Villanueva’s accusations of criminal conduct by oversight officials raise concerns about extortion.⁸ See Cal. Pen. Code §§ 518-524. Section 518 of the Penal

⁸ Alex Villanueva is not the first elected sheriff to use his criminal investigative and arrest powers to intimidate perceived adversaries. In 2013, Sheriff Lee Baca and his undersheriff, Paul Tanaka, directed two sergeants to dissuade a female FBI agent from investigating civil rights offenses perpetrated by custody deputies in Men’s Central Jail. When the FBI agent failed to heed their warning, the sergeants left a voicemail for her supervisor stating that the agent had been named in a criminal complaint, and then went to the agent’s home and told her she that she would be arrested.

Code defines “extortion” as “the obtaining of property or other consideration from another, with his or her consent, or *the obtaining of an official act of a public officer*, induced by a wrongful use of force or fear, or under color of official right.” Cal. Pen. Code § 518 (emphasis added.)⁹ The term “official act” refers to “only those acts performed by a [public] officer in his official capacity, which make some use of his public office.” *People v. Norris*, 40 Cal.3d 51, 56 (1985). Section 519 further states, “Fear, such as will constitute extortion, may be induced by a threat of any of the following: ... *To accuse the individual threatened, or a relative of his or her, or a member of his or her family, of a crime.*” Cal. Pen. Code § 519.3 (emphasis added).

Given the above, one who threatens to accuse a public officer of committing a crime in order to illegally obtain an official act of that officer commits extortion. *Isaacs v. Superior Court*, 79 Cal.App. 3d 260, 263 (1978). Indeed, the model jury instructions define “official act extortion” as follows:

1. The defendant threatened to accuse another person of a crime;
2. When making the threat, the defendant intended to use that fear to obtain the other person’s consent;
3. As a result of the threat, the other person consented to do an official act;
4. As a result of the threat, the other person then did an official act.

CALCRIM 1830.

Villanueva’s conversation with Huntsman prior to the release of the OIG report on his illegal reinstatement of Mandoyan likely constitutes official acts extortion. The authorizing ordinance for the Inspector General directs him to “investigate” and issue “public reports” about the LASD. L.A. County Code § 6.44.190. As such, reporting on the sheriff’s misconduct in reinstating Mandoyan is certainly part of the Inspector

Jack Leonard & Robert Faturechi, *Sheriff’s Officials Taped Threat to Arrest FBI Agent, Prosecutors Say*, L.A. Times (Dec. 16, 2013). Of course, Baca, Tanaka, and other LASD employees were eventually convicted of obstruction of justice—in part because of the sergeants’ false accusations and threats to arrest the FBI agent—and they all served time or are currently serving time in federal prison.

⁹ There can be no doubt that section 518 covers threatening or blackmailing public officers to obtain official acts. The original 1872 extortion statute only covered threatening people to obtain “money or other property from another,” which prompted an appellate court to reverse a conviction for threatening a judge to obtain an appointment as a receiver because the statute did not extend to threats to obtain public offices or official acts. *People v. Robinson*, 130 Cal.App. 664, 667-68 (1933). In response to *Robinson*, the legislature in 1939 amended section 518 to prohibit extortion of public officers to obtain official acts. Stats. 1939, ch. 601, p. 2017, §1.

General's "official duties." Despite this, Villanueva threatened Huntsman with "consequences" if he published the report. After Huntsman nevertheless released the OIG report, the undersheriff announced that the LASD was investigating him for felonies. Thus, Villanueva attempted to use the natural human fear of being wrongfully accused of a crime to induce Huntsman to refrain from releasing a damaging report about his own misconduct. The timing and public nature of the accusation support an inference of intent to extort.

The fact that Villanueva's threat ultimately failed to dissuade Huntsman from releasing the OIG report does not insulate him from liability because the statutory scheme for extortion explicitly criminalizes attempted extortion. Cal. Pen. Code § 524. Attempted extortion occurs when one person accuses another person of a crime with "specific intent to commit extortion" and engages in "a direct ineffectual act done towards its commission." *People v. Sales*, 116 Cal.App. 4th 741, 749 (2004). The courts have held that section 524 applies to official acts extortion. *Isaacs*, 79 Cal.App. 3d at 263.

III. CONCLUSION

The Villanueva administration's pattern of announcing "criminal investigations" of oversight officials and other perceived political enemies has persisted for over two years. While these heavily publicized criminal investigations have never resulted in the filing of any criminal charges, the targeted officials remain obligated to conduct oversight of the Department with a sword of Damocles hanging over their heads. The likelihood is high that such investigations have chilled meaningful civilian oversight of the LASD.

To date, the COC has remained silent in the face of substantial evidence that the Sheriff is engaging in extortion or some other abuse of power. The COC should request an independent investigation by an entity unaffected by the announced investigations, such as the Office of the California Attorney General or the U.S. Department of Justice.

EXHIBIT 3



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



September 9, 2021

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

Dear Mr. Williams:

SUBPOENA FOR PERSONAL APPEARANCE FOR SEPTEMBER 23, 2021

I am in receipt of your subpoena dated August 25, 2021, for my personal appearance at the Civilian Oversight Commission (COC) meeting on September 23, 2021.

In a letter to you dated January 25, 2021, I conveyed that I fully recognize there will be occasions when the COC needs to hear directly from me on my visions, policies, and overall plans for the Los Angeles County Sheriff's Department (Department). I have made it abundantly clear that I welcome fair and impartial oversight. We also agreed that I would commit to arranging my schedule once a trimester (every four months) to attend COC meetings.

I conveyed to the COC I am not always the person with specific details and rely on my knowledgeable staff for that information. If the COC will provide the Department, in advance, with the questions and/or areas of concern you need information on, I can then arrange for the person most proficient on those topics to be in attendance. For the record, I have already voluntarily made personal appearances at the COC meetings dated January 21, 2021, May 20, 2021, and July 15, 2021, in excess of my commitment.

I also previously indicated that as the Sheriff of Los Angeles County (County), serving over 10 million residents and managing an organization of 18,000

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —

Mr. Williams

-2-

September 9, 2021

employees, my schedule is extremely busy and my calendar is usually filled months, if not years, in advance. I am simply not available to attend the COC meeting on September 23, 2021. I am booked for the entire day with previous commitments planned ahead of time. I will be out of the office on two separate speaking engagements, a meeting, and a Town Hall event.

I will arrange my schedule to be available during the last three months of this calendar year. As you are aware, the County Ordinance Section 3.79.070 does not require my attendance at all meetings and out of respect for me and my office, I would advise you try and coordinate with my office as to my availability before issuing any further subpoenas.

Should you have any questions, please feel free to contact my Chief of Staff, Commander Jorge A. Valdez, at (213) 229-3001.

Sincerely,

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

ALEX VILLANUEVA
SHERIFF

EXHIBIT 4



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



September 22, 2021

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

Dear Mr. Williams:

**VOLUNTARY ATTENDANCE AT THE CIVILIAN OVERSIGHT COMMISSION
MEETING ON OCTOBER 21, 2021**

Consistent with my commitment to voluntarily appear at a Civilian Oversight Commission (COC) meeting, I will virtually attend the COC meeting October 21, 2021, at 10:00 a.m., for one hour. This will be my fourth voluntary attendance at the COC meeting and no subpoenas are needed as per our prior agreement.

Should you have any questions, please feel free to contact my Chief of Staff, Commander Jorge A. Valdez, at (213) 229-3001.

Sincerely,

ALEX VILLANUEVA
SHERIFF

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

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EXHIBIT 5

CIVILIAN OVERSIGHT COMMISSION'S PROPOSED POLICY PROHIBITING DEPUTY CLIQUES

PREAMBLE TO PROPOSED POLICY

The policy set forth below is based on the following factual findings:

The existence of deputy cliques within the Los Angeles Sheriff's Department (LASD) dates back at least to 1971 and continues to the present. Deputy cliques are groups of Sheriff's deputies, assigned to a particular LASD patrol station or unit, who self-associate, self-identify and exclude other deputies assigned to the same station or unit, and thus are a subgroup within a particular station or unit. The deputy cliques identify themselves by name, e.g., the Banditos, the Executioners, the Regulators, the Grim Reapers, the Rattlesnakes, the Cowboys, etc., and often their members have common or matching tattoos or use hand signals, and engage in other rituals similar to street gangs.

The existence of deputy cliques within the LASD for the past fifty years has created myriad internal and external problems. Internally, the deputy cliques hurt morale within the LASD and create a shadow-system of supervision and leadership in conflict with each station's actual supervision and chain of command. Externally, the deputy cliques foster an "us-against-them culture" that leads to frequent and excessive uses of force, dishonesty, racial profiling, and the enforcement of a code of silence. The totality of deputy clique misconduct has eroded trust and mutual respect between the LASD and the communities they are supposed to serve.

The more notorious deputy cliques—such as the Vikings, the Wayside Whites, the Regulators, the 2000 Boys, 3000 Boys, the Jump Out Boys, the Posse, the Grim Reapers, the Banditos, and the Executioners—have generated scandals that cast the Department in a negative light and lawsuits that ultimately cost the County millions of dollars in settlements and judgments. The Los Angeles County Counsel has estimated that the clique-related misconduct and uses of force have cost the taxpayers at least \$55 million in settlements. The actual settlement costs are likely much higher than this because LASD leadership has refused to investigate whether any deputy involved in a shooting is affiliated with a deputy clique.

For decades, independent oversight bodies and commissions have identified deputy cliques as a serious problem within the LASD and recommended that the leadership take affirmative action to eradicate deputy cliques.

In 1992, the Kolts Commission investigated use-of-force problems associated with patrol deputy cliques, such as the Vikings, and concluded that some members “appeared at least in times past to have engaged in behavior that is brutal and intolerable and is typically associated with street gangs.” (Kolts Report at 323.) The Kolts Commission recommended that LASD officials “conduct an immediate, thorough Internal Affairs investigation to root out, and punish severely any lingering gang-like behavior by its deputies.” (Id. at 332.) The LASD leadership declined to implement this recommendation.

In 1999, the United States Commission on Civil Rights released a report on use of force and police misconduct in Los Angeles, which addressed deputy cliques within the LASD. (Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination: Vol. V the Los Angeles Report.) The Commission stated, “Serious allegations persist that groups of deputies have formed associations that harass and brutalize minority residents.” (Id. at 220). While the Sheriff had testified at one of the hearings that the LASD had no cliques, the Commission noted that he had recently acknowledged the existence of “an organized vigilante group of LASD employees” called the Posse that assaulted mentally ill inmates in their custody. (Id.) The Commission recommended, “The LASD should initiate a careful investigation into allegations of other deputy gangs,” and urged the United States Department of Justice to open an investigation, as well. (Id.)

In 2012, the Citizens Commission on Jail Violence (CCJV) investigated use-of-force problems associated with custody deputy cliques, such as the 2000 Boys and the 3000 Boys. Like the Kolts Commission, the CCJV concluded that “the Department has a long history of deputy cliques” and that “these subcultures within the Department contributed to acts of insubordination, aggressive behavior, and excessive force in the jails for many years.” (CCJV Report at 101.) The CCJV warned, “Cliques of deputies that resist or undermine supervision, violate Department policies, exert negative influences over deputies, use frequent and excessive force against inmates, and engage in violent behavior against members of the public and other deputies represent threats to the very integrity, ethics, and mission of the Department.” (Id. at 104.) The CCJV recommended that

“Department leaders should actively discourage membership in deputy cliques and avoid promoting or condoning a culture of allegiance to a subpart of the Department.” (Id. at 115.)

Despite these prior findings and recommended reforms, deputy cliques within the LASD have persisted. For example, a relatively new deputy clique, the Banditos, has emerged at the East Los Angeles station. Several female deputies have alleged they were pressured to provide sexual favors to Banditos in order to remain working at the station. At a September 18, 2018 off-training party, several Banditos severely beat new deputies whom they didn’t want to work with at the East Los Angeles station. The Office of Inspector General (OIG) found that that the LASD internal investigation of the incident deliberately ignored the assailants’ clique-affiliation as a motive for the assaults. The OIG concluded, “Substantial evidence exists to support the conclusion that the Banditos are gang-like and their influence has resulted in favoritism, sexism, racism, and violence.” (OIG, Analysis of the Criminal Investigation of Alleged Assault by Banditos (Oct. 2020) at 29.)

Another new clique, the Executioners, has emerged at the Compton station. According to a recent whistleblower lawsuit filed by a Compton deputy, the Executioners exclude African Americans and women, and assault and retaliate against other deputies who challenge their authority at the station. “Prospects” who want to join the Executioners allegedly “chase ink” (i.e., seek to obtain permission to get an Executioners tattoo) by shooting somebody to prove that they are worthy of wearing their tattoo. The whistleblower has testified that the two deputies involved in the fatal shooting of Andres Guardado were prospects seeking to join the Executioners at the time of the shooting.

While some of the historic deputy cliques are gone, there is evidence that a number of deputy cliques are still in existence. They include: the Banditos (East LA station),¹ the Cowboys (Lancaster Station),² the Executioners,³ the Grim Reapers,⁴ the Rattlesnakes (Palmdale and Lancaster stations),⁵ and the Regulators (Century Station).⁶

¹ See 50 Years of Deputy Gangs in the Los Angeles County Sheriff’s Department, Loyola Law School, Jan. 2021, at pp. 4-7.

² Ibid., p. 10.

³ Ibid., pp. 10-11.

⁴ Ibid., p. 12.

⁵ Ibid., p.18.

⁶ Ibid., p. 18.

Efforts short of an outright ban on participation in deputy cliques have been ineffective. For example, despite a new policy adopted by the Sheriff in February 2020, there has not been one instance in which a deputy has been disciplined for his participation in a deputy clique.

In view of the foregoing, the only effective way of eradicating deputy cliques is to adopt the policy below which clearly prohibits, henceforward,⁷ participation in, joining, or soliciting others to join a deputy clique.

MANUAL OF POLICY AND PROCEDURES

3-01/ - Joining and Participation in Deputy Cliques is Prohibited

Department personnel shall not participate in, join or solicit other Department personnel to join a deputy clique. A deputy clique is a group of Sheriff's deputies, assigned to a particular LASD station, unit or bureau, who self-associate, self-identify and exclude other deputies assigned to the same station or unit, and thus are a subgroup within a particular station or unit. Deputy cliques identify themselves by name, *e.g.*, the Banditos, the Executioners, the Regulators, the Grim Reapers, the Rattlesnakes, the Cowboys, etc., and often their members have common or matching tattoos or use hand signals, and/or engage in other rituals and behaviors similar to street gangs.

Any Department employee who participates in or joins a deputy clique, or solicits another employee to join a deputy clique, will be subject to discipline.⁸

Deputy cliques include but are not limited to the Banditos, the Executioners, the Regulators, the Grim Reapers, the Rattlesnakes, and the Cowboys and participation in or joining these deputy cliques is specifically prohibited.

This policy supersedes and replaces 3-01/050.83 of 2/14/2020

⁷ The Policy set forth below is not intended to be retroactive. However, an employee of the LASD who joins, participates in a deputy clique, or solicit another employee to join a deputy clique on or after the effective date on which this Policy is adopted is subject to discipline for violation of the Policy.

⁸ The Table of Discipline must provide for this as a distinct MPP violation. The range discipline for violation of this policy should range from reprimand, involuntary re-assignment, to and including termination.

EXHIBIT 6



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



October 1, 2021

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

Dear Mr. Williams:

**VOLUNTARY ATTENDANCE AT THE CIVILIAN OVERSIGHT COMMISSION
MEETING ON OCTOBER 21, 2021**

On September 22, 2021, I sent you a letter confirming my voluntary attendance at the Civilian Oversight Commission (COC) meeting scheduled for October 21, 2021. As indicated in my letter, this will be my fourth voluntary attendance this year.

It is my understanding you intend to place me under oath at this meeting. Please confirm with my office if this is your intention. I agree to attend; however, I will not agree to be placed under oath.

If you wish to engage in a productive dialogue regarding any misconceptions you may have on a particular topic, I am also available to participate in an ad hoc committee meeting.

Should you have any questions, please feel free to contact my Chief of Staff, Commander Jorge A. Valdez, at (213) 229-3001.

Sincerely,

ALEX VILLANUEVA
SHERIFF

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

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EXHIBIT 7

CIVILIAN OVERSIGHT COMMISSION

Address: 350 S. Figueroa St., Suite 288
Los Angeles, CA 90071
Phone: (213) 253-5678

SUBPOENA FOR PERSONAL APPEARANCE**BEFORE THE LOS ANGELES COUNTY
CIVILIAN OVERSIGHT COMMISSION****THE LOS ANGELES COUNTY SHERIFF CIVILIAN OVERSIGHT COMMISSION, TO:**

Hon. Alex Villanueva, Sheriff of Los Angeles County
Los Angeles County Sheriff's Department, Hall of Justice,
211 West Temple Street, Los Angeles, CA 90012



1. **YOU ARE HEREBY ORDERED, PURSUANT TO LOS ANGELES COUNTY CODE SECTION 3.79.190 (Measure R), TO APPEAR AS A WITNESS** before the Los Angeles County Sheriff Civilian Oversight Commission at the date, time, and place shown below **UNLESS** you make an agreement with the person(s) named in item 2:

a. Date: **October 21, 2021**

Time: **10:00 a.m.**

b. Address: ***During the COVID-19 pandemic, in lieu of appearing in person, please appear virtually via WebEx by accepting the calendar invitation sent to avillan@lasd.org; then on the day of your appearance, click on the calendar entry to the meeting and join the meeting by clicking on the link that will appear as "Join Event."***

Note: Your oath or affirmation will be taken by a person authorized to administer oaths in the State of California. Your testimony will be taken on oral examination and it will be video recorded.

2. **IF YOU HAVE ANY QUESTIONS REGARDING THIS SUBPOENA, INCLUDING THE DATE AND TIME SET FOR YOUR APPEARANCE OR HOW TO APPEAR VIRTUALLY, PLEASE CONTACT THE FOLLOWING PERSON(S) BEFORE THE DATE AND TIME ON WHICH YOU ARE TO APPEAR:**

- a. Name of subpoenaing parties: **Chair of the Civilian Oversight Commission**
b. Telephone number: **(213) 253-5678**

3. **Witness Fees:** You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person(s) named in item 2.

**DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY A COURT.
YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND
ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.**

A handwritten signature in black ink, appearing to read "Priscilla Ocen".

Date issued: October 15, 2021

Priscilla Ocen
Chair of the Sheriff Civilian Oversight Commission
County of Los Angeles
State of California

PROOF OF SERVICE OF SUBPOENA FOR PERSONAL APPEARANCE

1. I served this Subpoena for Personal Appearance by personally delivering a copy to the person served as follows:
 - a. Person served (name):
 - b. Address where served:

 - c. Date of delivery:
 - d. Time of delivery
 - e. Witness fees (check one):
 - (1) ☐ were offered or demanded and paid. Amount\$ _____
 - (2) ☐ were not demanded or paid
 - f. Fee for service\$ _____
2. I received this subpoena for service on (date): _____
3. Person serving:
 - a. ☐ Not a registered California process server.
 - b. ☐ California sheriff or marshal.
 - c. ☐ Registered California process server.
 - d. ☐ Employee of independent contractor of a registered California process server
 - e. ☐ Exempt from registration under Business and Professions Code section 22350(b)
 - f. ☐ Registered professional photocopier
 - g. ☐ Exempt from registration under Business and Professions Code section 22451
 - h. Name, address, telephone number and, if applicable, county of registration and number

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

Date: _____



(Signature)

EXHIBIT 8

CIVILIAN OVERSIGHT COMMISSION

Address: 350 S. Figueroa Street, Suite 288
Los Angeles, CA 90017
Phone: (213) 253-5678

SUBPOENA FOR PERSONAL APPEARANCE**BEFORE THE LOS ANGELES COUNTY
CIVILIAN OVERSIGHT COMMISSION**

**THE LOS ANGELES COUNTY CIVILIAN OVERSIGHT COMMISSION, TO
Sheriff Alex Villanueva,
Los Angeles County Sheriff's Department, Hall of Justice,
211 West Temple Street, Los Angeles, CA 90012**



1. **YOU ARE HEREBY ORDERED, PURSUANT TO GOVERNMENT CODE SECTION 25303.7 and COUNTY CODE SECTIONS 3.79.032, 3.79.070, 3.79.190 (Measure R) and 6.44.190(F)(5), TO APPEAR AS A WITNESS** before the Los Angeles County Sheriff Civilian Oversight Commission at the date, time, and place shown below **UNLESS** you make an agreement with the person named in item 2:

a. Date: **November 18, 2021**

Time: **9:00 a.m.**

b. Address: *During the COVID-19 pandemic, in lieu of appearing in person, please appear virtually via WebEx by accepting the calendar invitation sent to avillan@lasd.org; then on the day of the appearance, click on the calendar entry to the meeting and join the virtual appearance by clicking on the link that will appear as **Join event**.*

Note: *Your testimony will be taken on oral examination under oath.*

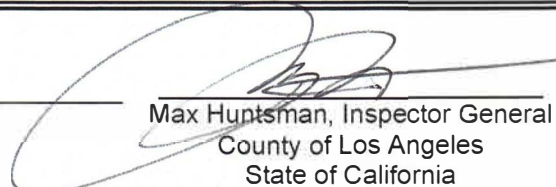
2. **IF YOU HAVE ANY QUESTIONS REGARDING THIS SUBPOENA, INCLUDING THE DATE AND TIME SET FOR YOUR APPEARANCE OR HOW TO APPEAR VIRTUALLY, PLEASE CONTACT THE FOLLOWING PERSON(S) BEFORE THE DATE AND TIME ON WHICH YOU ARE TO APPEAR :**


- a. Name of subpoenaing parties: **Inspector General Max Huntsman and Priscilla Ocen, Chair of the Civilian Oversight Commission**
b. Telephone number: **Max Huntsman 213-974-6100; Priscilla Ocen 213-253-5678**

3. **Witness Fees:** You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person name in item 2.

**DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY A COURT.
YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND
ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.**

Date issued: 10/27/21


Max Huntsman, Inspector General
County of Los Angeles
State of California


Priscilla Ocen Chair
Civilian Oversight Commission
County of Los Angeles
State of California

(Proof of Service on Reverse)

Page 1 of 2

SUBPOENA FOR PERSONAL APPEARANCE

PROOF OF SERVICE OF SUBPOENA FOR PERSONAL APPEARANCE

1. I served this Subpoena for Personal Appearance by personally delivering a copy to the person served as follows:
 - a. Person served (name):
 - b. Address where served:

 - c. Date of delivery:
 - d. Time of delivery:
 - e. Witness fees (check one):
 - (1) ☐ were offered or demanded and paid. Amount\$ _____
 - (2) ☐ were not demanded or paid
 - f. Fee for service\$ _____
2. I received this subpoena for service on (date): _____
3. Person serving:
 - a. ☐ Not a registered California process server.
 - b. ☐ California sheriff or marshal.
 - c. ☐ Registered California process server.
 - d. ☐ Employee of independent contractor of a registered California process server
 - e. ☐ Exempt from registration under Business and Professions Code section 22350(b)
 - f. ☐ Registered professional photocopier
 - g. ☐ Exempt from registration under Business and Professions Code section 22451
 - h. Name, address, telephone number and, if applicable, county of registration and number

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

Date: _____



(Signature)

EXHIBIT 9



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



November 17, 2021

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

Dear Mr. Williams:

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT'S PARTICIPATION AT CIVILIAN OVERSIGHT COMMISSION MEETINGS

The purpose of this letter is to advise the Civilian Oversight Commission (COC) that the Los Angeles County Sheriff's Department (Department) will cease its participation in future COC meetings pending an apology or retraction of defamatory and slanderous statements from Commission Chair Priscilla Ocen.

As stated in previous letters to this Commission, I am troubled the COC continues to be manipulated by false narratives and agendas of political activist who are not interested in public safety for the residents of Los Angeles County. Rather than build bridges between the communities we serve, the COC is driving a wedge by making unsubstantiated, reckless statements about the Department. This irresponsible behavior is creating a platform dominated exclusively by anti-law enforcement activists who do not represent the public. As the most transparent Sheriff in Department history, I have enacted many reforms since taking office to better serve the community. The Department is now the most diverse it has been since its creation. The ranks within the Department now mirror the communities we serve.

As a Latino Sheriff who manages a department that is now over 51 percent Latino, I am offended and appalled by Ms. Ocen's statements to the media that, *"We have a problem with white supremacy in the L.A. County Sheriff's Department. We have a problem with white supremacist gangs. And the*

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Sheriff who is tasked with managing the department has looked the other way.” To make such a libelous statement with no facts and no proof of any kind, exposes her and the Commission to liability regarding these statements that she knows are untrue.

Ms. Ocen has stated in the past that, “*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.*” Name one example where the Department operates as a gang. She speaks as though she is an expert and misinforms the public who expect a commissioner to rely on information that is validated and corroborated. Slander is not protected as opinion, where it is stated as fact. She states these extreme comments as facts.

What is true is wherever there has been misconduct, as in any organization, there has been consequences, and for that there is proof. Her conduct cannot go on without consequence. These extremist statements that defile both a dedicated department of deputies that risk their own lives in service to their communities every day is reckless and does not further any goals of the public, which she supposedly serves. I will advise the respective collective bargaining units of her defamatory statements for review by their legal counsel of any and all remedies. Additionally, I will also inform the contract cities inviting them to demand proof from your Commission of these extreme statements, because you increase risk and liability costs to these contract cities by permitting her irresponsible rhetoric and false narrative, to taint potential jury pools who will be tasked with deciding the outcome of lawsuits.

Calling any member of the Department a murderer is reprehensible, slanderous, and completely irresponsible. Referring to the entire Department as liars who cover up gangs and murders is what one would expect to hear from the lunatic fringe and conspiracy theorist, not a sitting member of the COC who is appointed by the Board of Supervisors (BOS).

As a reminder to the COC, the Department does not have gangs. This is a false narrative you are spreading and the lawsuit used as the basis for this lie was thrown out of court due to lack of evidence, absence of triable facts, and the complainant “may not contradict his deposition testimony by proffering different testimony in a later declaration.” You continue to ignore the fact I have been the only Sheriff in Department history to address a problem of subgroups left by past administrations. I crafted a constitutional sound policy

which was implemented on February 14, 2020. In addition, I have created a video which has been shown to all Department members reinforcing my stance on the subject.

I will not allow my department members to attend a COC meeting where the main goal is to undermine the Department and recklessly spread false narratives. Your meetings are not productive and they do not follow any decorum. A responsible oversight body should strive to make positive changes by collaborating with the Department and make realistic recommendations. This is clearly not the intent of the COC.

The COC does not reflect the residents of Los Angeles County and is not a deliberative body. I will not bring legitimacy to this Commission by participating in future meetings until Ms. Ocen retracts her statements and apologizes to the men and women of the Department. I will continue to provide the COC documents which they can legally possess, but will not send representatives to any meetings.

The men and women of the Department work tirelessly every day to keep the communities safe. I will not let them be undermined by reckless statements. Ms. Ocen's statements should be condemned by this Commission and the BOS that appointed her. Her statements are insulting on many levels and they pose serious liability to the County. This type of cancerous rhetoric has no place in a civil discourse.

Should you have any questions, please feel free to contact my Chief of Staff, Commander Jorge A. Valdez, at (213) 229-3001.

Sincerely,

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

ALEX VILLANUEVA
SHERIFF

EXHIBIT 10



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



November 10, 2021

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:

**THURSDAY, NOVEMBER 18, 2021
CIVILIAN OVERSIGHT COMMISSION'S MEETING**

As you are aware, the Civilian Oversight Commission subpoenaed Detective Mark Lillienfeld to appear before the commission at the above mentioned meeting. Please be advised Mr. Lillienfeld has not been assigned counsel by the Office of County Counsel as of today's date, and we request an extension on the date of his COC appearance, until he can be assigned counsel. Please note, Mr. Lillienfeld agrees to appear voluntarily and not under subpoena to address the Commission.

Your anticipated cooperation with this matter is greatly appreciated, and at your earliest convenience please contact my office at (213) 229-3008 and provide a new date for his appearance.

Sincerely,

ALEX VILLANUEVA, SHERIFF



TIMOTHY K. MURAKAMI
UNDERSHERIFF

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

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Mr. Williams

-2-

November 10, 2021

TKM:CMK:pg

c: Rodrigo A. Castro-Silva, County Counsel