

Posted 5/7/16

ORANGE IS THE NEW BROWN

L.A.'s past sheriff and undersheriff pack their bags for Hotel Fed.

By Julius (Jay) Wachtel. There was a good reason why it only took two hours to find Paul Tanaka guilty. While jurors listened transfixed, [an underling recounted](#), in profane detail, how L.A. County's former undersheriff reacted when he learned, in summer 2011, that an inmate had been secretly collecting evidence for the FBI:

He slammed his hands on the table and said, 'Those mother-f-----! Who do they think they are? F--- them!'

Everyone knew that the department's number two considered the lockups his personal fiefdom. Even if prisoners were being abused, how dare the FBI intrude! Tanaka and his boss, Sheriff Lee Baca, promptly assigned a team of six deputies to foil the Feds' dastardly plot. In a scheme dubbed "Operation Pandora's Box," [they sequestered the stoolie in another jail](#) under an assumed name and placed him on around-the-clock watch.

No matter. Word that the Feds were investigating jail conditions soon leaked to the media. Then the real bombshell struck. It turned out that the FBI's inside man had been communicating with his handlers in real time, using a cell phone. Worse yet, [the device was smuggled in](#) by a corrupt deputy who was paid \$1,500 by an undercover agent.

Sheriff Baca was furious at the breach of etiquette. He insisted that his department made the snitch unavailable for his own protection. Moreover, it was the Feds who broke the law; after all, giving an inmate a cellphone is a crime! That, indeed, [is what the deputy team told the FBI agent](#) running the case when they went to her home and threatened her with arrest.

Your blogger was with ATF, not the FBI. But a Fed is a Fed. In that world, what the deputies did was unforgivable. Suddenly the investigation wasn't just about prisoner abuse. It took a while, but three years after hiding the stoolie and trying to intimidate the FBI agent, Baca's magnificent six went on trial for obstruction. "[Following orders](#)" [proved a poor defense](#). All were convicted and received Federal sentences ranging from 21 to 41 months.

Baca promptly retired. But the Federal locomotive was picking up steam. On February 10, 2016, the lawman who presided over the largest Sheriff's office in the U.S. for one and one-half decades [pled guilty in Federal court to lying](#) about his knowledge of the intimidation attempt. He had little choice, as at least one of the deputies was blabbing. That became obvious two months later, when the officer's graphic testimony, quoted above, [led to Tanaka's conviction](#) for conspiracy and obstruction of justice.

According to the plea agreement, Baca is expected to get six months. Tanaka will be sentenced in June. Unlike his one-time boss, who cashed in his chips and said he was sorry, the undersheriff played hardball and lost. A stiff term is likely.

What did the harebrained scheme accomplish? Beyond fitting two big-shots and a handful of deputies with orange jumpsuits, very little. It certainly didn't discourage the hounds baying at the jailhouse doors. Reports by the [ACLU](#) and the [L.A. County Office of Independent Review](#) (the county's top civilian investigative body) revealed a distressing deputy culture in the jails. Confirmed accounts of inmate abuse and maltreatment led to the formation of an official Citizen's Commission on Jail Violence (click [here](#) for their report), [a class-action lawsuit](#) (settled with a consent decree in 2014) and, beginning in 2015, monitoring by the [U.S. Justice Department](#). It's a legacy for which Baca, Tanaka and their cronies will be long (and not fondly) remembered.

L.A. County wasn't the first political jurisdiction in Southern California to drag its Sheriff's department through the mud. That distinction belongs to its southern neighbor, the County of Orange. In 2009 Sheriff Mike Carona, then in his third term, [was found guilty on Federal witness tampering](#). He was released in 2015 after serving 52 months. His conviction stemmed from a meeting with Don Haidl, a wealthy businessman whom Carona had placed in charge of the Sheriff's reserves. What Carona didn't know was that Haidl and George Jaramillo, the Sheriff's former Chief of Operations, had been secretly indicted on Federal tax charges, and were seeking leniency by ratting on Carona, whom the Feds suspected of granting favors in exchange for campaign contributions. Haidl wore a wire and secretly recorded the sheriff advising him to be evasive with the Grand Jury. (For a full account of the improbable case see ["Carona Five, Feds One."](#))

Of course, police departments have also had their share of corruption and misconduct. One notorious Southern California example is LAPD's ["Rampart Scandal"](#) of the nineties. But Sheriff's offices may be particularly vulnerable. Police chiefs are civil servants with a "real" boss, a Mayor or City Manager, and are usually appointed through a competitive process. Sheriffs, on the other hand, are typically elected. While that makes them theoretically answerable to the public, [in actual practice that can mean no one](#).

Prolonged tenures can make things worse. Baca was appointed an L.A. County deputy in 1965. He was elected Sheriff in 1998 and re-elected four times. Carona became Orange County Marshal in 1988 and was elected sheriff ten years later. He was re-elected twice and served another decade before resigning. Proponents of term limits believe [that long terms in office can be “intoxicating.”](#) fostering a sense of impunity and creating an ideal setting for corruption. Even where limits are in effect, sheriffs aren't usually affected, so self-serving climates can form with impunity.

Earlier posts (see below) commented extensively on the problems of controlling the conduct of elected leaders, so we won't belabor them here. Happily, there is some good news to report. [Jim McDonnell](#) was elected L.A. County Sheriff in 2014. (He was opposed by none other than Tanaka, who thankfully lost.) A career cop who rose to become LAPD's number two, then served five years as chief in Long Beach, [McDonnell was praised](#) by the editorial board of the *L.A. Times* for “de-Tanakafying” his troubled agency. Most deputies, who presumably want nothing more than the opportunity to do a good job, would likely say “amen.” If there is a problem it may lie in McDonnell's excessive loyalty to subordinates. Only the other day Tom Angel, his chief of staff, resigned after admitting that [he sent emails mocking women and minorities](#) while in his previous role as deputy chief for the Burbank Police Department. McDonnell's reluctance to censure Angel, supposedly because the incidents didn't happen on his watch, drew rebukes from community leaders, and one hopes that a lesson was learned.

Meanwhile, Sandra Hutchens, a retired L.A. County Sheriff's division chief, is in her first elected term as Orange County Sheriff (she was appointed in 2014 after Carona left.) Hutchens has faced a few controversies, most notably [about concealed carry permits](#), but otherwise manages to keep invisible. Hutchens' leadership team also received high praise in a [2015 deputy poll](#), which commended Undersheriff Don Barnes, formerly chief of police services for a suburban community, for his integrity. This suggests that the Hutchens-Barnes team is unlikely to reprise the mistakes of the Carona-Jaramillo-Haidl era.

Here's hoping that we're not proven wrong.