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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

June 2016 GRAND JURY

UNITED STATES OF AMERICA,)	CR No. 16-0066(A)-PA
)	
Plaintiff,)	<u>F I R S T</u>
)	<u>S U P E R S E D I N G</u>
v.)	<u>I N D I C T M E N T</u>
)	
LEROY BACA,)	[18 U.S.C. § 371: Conspiracy;
)	18 U.S.C. § 1503(a):
Defendant.)	Obstruction of Justice; 18
)	U.S.C. § 1001(a)(2): Making
)	False Statements]
)	

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

At times relevant to this Indictment:

1. Defendant LEROY BACA ("BACA") was the Sheriff of Los Angeles County and was the highest ranking officer of the Los Angeles County Sheriff's Department ("LASD"), which was a local law enforcement agency within the Central District of California.

2. Among other things, the LASD was responsible for managing the Los Angeles County jails, including the Men's

1 Central Jail ("MCJ") and the Twin Towers Correctional Facility
2 ("TTCF").

3 3. Paul Tanaka ("Tanaka") was an executive with the LASD.
4 Defendant BACA selected Tanaka to become second-in-command of
5 the LASD by making him Undersheriff in approximately 2011.

6 4. William Thomas Carey ("Carey"), also known as "Tom
7 Carey," was a captain assigned to the LASD's Internal Criminal
8 Investigations Bureau ("ICIB"), which was tasked with
9 investigating allegations of state crimes committed by LASD
10 personnel.

11 5. Stephen Leavins ("Leavins") was a lieutenant assigned
12 to ICIB. Scott Craig ("Craig") and Maricela Long ("Long") were
13 sergeants assigned to ICIB.

14 6. Greg Thompson ("Thompson") was a lieutenant who
15 oversaw the LASD's Operation Safe Jails Program and its Jail
16 Investigations Unit, which were tasked with conducting
17 investigations of inmates' activities within the Los Angeles
18 County jails. Gerard Smith ("Smith"), Mickey Manzo ("Manzo"),
19 and James Sexton ("Sexton") were LASD deputies assigned to the
20 Operation Safe Jails Program.

21 Allegations of Abuse at MCJ and TTCF

22 7. Defendant BACA was well aware of allegations of
23 rampant abuse of inmates at MCJ and TTCF. By no later than
24 September 2011, the following had occurred:

25 a. Between at least sometime in 2009 and September
26 2011, the American Civil Liberties Union (the "ACLU") informed
27 defendant BACA of and published reports about allegations of
28 pervasive physical abuse, violence, and retaliation by LASD

1 deputies against inmates. Defendant BACA and the LASD generally
2 responded to these allegations with denials and internal
3 investigations that almost always concluded that the allegations
4 were "unfounded."

5 b. From no later than December 2010 and continuing
6 to at least July 2011, allegations surfaced that LASD deputies
7 working on the 3000 floor of MCJ, who called themselves the
8 "3000 Boys," exhibited gang-like and violent behavior, used
9 excessive force against inmates, and falsified reports to cover
10 up wrongdoing;

11 c. By no later than on or about July 26, 2011,
12 defendant BACA was told that a chaplain witnessed deputy abuse
13 of an inmate at MCJ.

14 Federal Agencies and Federal Grand Juries

15 8. The United States Department of Justice ("DOJ") was a
16 department within the Executive Branch of the United States
17 government that was responsible for enforcing federal law. The
18 DOJ had several components to assist it in enforcing federal
19 criminal law, including the FBI, which investigated allegations
20 of federal crimes through its various field offices, and the
21 U.S. Attorney's Office for the Central District of California
22 (the "USAO"), which prosecuted allegations of federal crimes
23 committed in Los Angeles County and elsewhere.

24 9. Investigations involving the DOJ, FBI, and USAO often
25 included the use of federal grand juries, which investigated
26 allegations of violations of federal criminal law in secret
27 proceedings. Federal grand juries issued grand jury subpoenas
28 to obtain documents and testimony from witnesses. The FBI often

1 acted as an arm of federal grand juries by, among other things,
2 serving grand jury subpoenas, obtaining evidence to be presented
3 to the grand jury, and interviewing witnesses to alleged crimes
4 being investigated by the grand jury.

5 10. Some of the criminal investigations conducted by the
6 DOJ, FBI, USAO, and federal grand juries included allegations
7 of: (a) civil rights abuses, such as deputies using excessive
8 force on inmates in jails; and (b) public corruption offenses,
9 such as deputies smuggling contraband into jails in exchange for
10 bribes.

11 The Federal Investigation of the LASD

12 11. Inmate AB was an inmate in the custody of the LASD at
13 MCJ who was a cooperating witness in a federal investigation of
14 alleged federal civil rights and public corruption violations
15 committed by employees of the LASD working at the Los Angeles
16 County jails (the "Federal Investigation"). The Federal
17 Investigation concerned the alleged use of excessive force by
18 LASD deputies against inmates within MCJ and TTCF and the
19 alleged smuggling of contraband by LASD deputies into MCJ and
20 TTCF in exchange for bribes. Specifically, Inmate AB was
21 assisting in a covert public corruption investigation of LASD
22 Deputy Gilbert Michel ("Deputy Michel"), who worked at MCJ.
23 Additionally, Inmate AB was providing information about alleged
24 federal civil rights offenses being committed by employees of
25 the LASD working at MCJ who were allegedly abusing inmates.

26 12. Special Agent LM was a Special Agent with the FBI.
27 Special Agent LM was among the FBI agents participating in the
28 Federal Investigation.

1 13. Beginning on or about July 13, 2011, the LASD began
2 receiving federal grand jury subpoenas for documents related to
3 the Federal Investigation.

4 14. As part of the Federal Investigation, the FBI
5 conducted an undercover operation to determine whether Deputy
6 Michel would accept a bribe to provide Inmate AB with a cellular
7 phone. In approximately late July 2011, Deputy Michel accepted
8 a bribe and provided Inmate AB with a cellular phone by
9 smuggling it into MCJ. On or about August 8, 2011, the LASD
10 discovered that Inmate AB had in Inmate AB's possession the
11 cellular phone that Deputy Michel had smuggled into MCJ in
12 return for a bribe.

13 Defendant BACA's Knowledge of the Federal Investigation

14 15. By no later than in or about August 2011, defendant
15 BACA was aware that the USAO, FBI, and a federal grand jury were
16 conducting an investigation of abuse and corruption by LASD's
17 employees working within the Los Angeles County jails.

18 16. On or about August 18, 2011, defendant BACA learned
19 that the LASD had seized from an inmate a phone that belonged to
20 the FBI.

21 17. By no later than August 20, 2011, defendant BACA was
22 aware that this phone was part of a federal civil rights
23 investigation.

24 18. These Introductory Allegations are hereby incorporated
25 into each count of this Indictment as though set forth fully
26 therein.

COUNT ONE

[18 U.S.C. § 371]

A. OBJECT OF THE CONSPIRACY

Beginning no later than on or about August 19, 2011, and continuing through on or about September 26, 2011, in Los Angeles County, within the Central District of California, defendant LEROY BACA, together with co-conspirators Paul Tanaka, William Thomas Carey, also known as "Tom Carey," Stephen Leavins, Scott Craig, Maricela Long, Greg Thompson, Gerard Smith, Mickey Manzo, James Sexton, and others known and unknown to the Grand Jury, knowingly conspired to corruptly influence, obstruct, and impede, and endeavor to influence, obstruct, and impede, the due administration of justice and a federal grand jury investigation, in violation of Title 18, United States Code, Section 1503(a).

B. MEANS BY WHICH THE OBJECT OF THE CONSPIRACY WAS TO BE ACCOMPLISHED

The object of the conspiracy was to be accomplished in substance as follows:

1. Defendant BACA and his co-conspirators would attempt to prevent the FBI and a federal grand jury from conducting an investigation of deputy abuse of inmates and corruption within MCJ and TTCF.

2. Defendant BACA would create an environment where LASD employees viewed the FBI as adversaries, did not cooperate with the Federal Investigation, and attempted to thwart the federal government's efforts to pursue the Federal Investigation.

1 3. Defendant BACA would place co-conspirator Tanaka, his
2 undersheriff, in charge of carrying out their efforts to
3 obstruct the Federal Investigation.

4 4. Defendant BACA and his co-conspirators would attempt
5 to prevent the federal government and federal grand jury from
6 interviewing or contacting Inmate AB, someone they knew was an
7 informant assisting the Federal Investigation.

8 5. Defendant BACA would cause overtime to be provided to
9 LASD deputies standing guard over Inmate AB to prevent the
10 federal government from having access to him.

11 6. Defendant BACA and his co-conspirators would attempt
12 to learn the details and scope of the Federal Investigation.

13 7. Defendant BACA would cause the LASD to begin
14 investigating those incidents encompassed by the Federal
15 Investigation.

16 8. Defendant BACA would threaten to investigate and would
17 cause the LASD to investigate the FBI agents assigned to the
18 civil rights and public corruption probe in retaliation for the
19 Federal Investigation of deputy abuse and corruption within MCJ
20 and TTCF.

21 9. Defendant BACA would ask the United States Attorney's
22 Office to withdraw the federal grand jury subpoenas issued to
23 the LASD.

24 10. Defendant BACA would otherwise attempt to convince the
25 United States Attorney's Office and the FBI to end the Federal
26 Investigation of the LASD, including by threatening to stop the
27 LASD's participation in federal task forces.

1 C. OVERT ACTS

2 In furtherance of the conspiracy and to accomplish the
3 object of the conspiracy, defendant BACA, along with co-
4 conspirators Tanaka, Carey, Leavins, Craig, Long, Thompson,
5 Smith, Manzo, and Sexton, and others known and unknown to the
6 Grand Jury, committed various overt acts within the Central
7 District of California, including but not limited to the
8 following:

9 1. On or about August 20, 2011, defendant BACA met with
10 co-conspirators Tanaka, Carey, Thompson, Smith, Manzo and
11 others, and discussed that the cell phone found in the
12 possession of Inmate AB belonged to the FBI. Defendant BACA
13 ordered that Inmate AB be kept in LASD custody, isolated, and
14 interviewed. Defendant BACA further ordered that ICIB
15 investigate how Inmate AB obtained the cellular phone.

16 2. On or about August 20, 2011, defendant BACA placed co-
17 conspirator Tanaka in charge of the efforts to obstruct the
18 Federal Investigation.

19 3. On or about August 23, 2011, defendant BACA met with
20 co-conspirators Thompson and Carey and learned that the FBI had
21 interviewed Inmate AB at MCJ that day.

22 4. By no later than August 26, 2011, defendant BACA
23 approved overtime for LASD deputies to guard Inmate AB to
24 prevent the federal government from having access to him.

25 5. On or about August 26, 2011, co-conspirators Tanaka,
26 Carey, Leavins, Thompson, Smith, and Manzo caused Inmate AB to
27 be moved from MCJ to the LASD's San Dimas station.

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1 6. On or about August 26, 2011, at approximately 5:45
2 p.m., defendant BACA and co-conspirator Tanaka spoke on the
3 phone.

4 7. On or about August 26, 2011, at approximately 5:49
5 p.m., co-conspirators Tanaka and Leavins spoke on the phone.

6 8. On or about August 26, 2011, at approximately 5:57
7 p.m., defendant BACA and co-conspirator Leavins spoke on the
8 phone.

9 9. On or about August 29, 2011, defendant BACA met with
10 members of the United States Attorney's Office, expressed his
11 displeasure over the Federal Investigation, and asked the United
12 States Attorney's Office to withdraw grand jury subpoenas issued
13 to the LASD.

14 10. On or about September 2, 2011, co-conspirator Leavins
15 directed LASD personnel to conduct searches for listening
16 devices in:

- 17 a. defendant BACA's office and conference room;
- 18 b. co-conspirator Tanaka's office and conference
19 room; and
- 20 c. ICIB's Task Force office.

21 11. On or about September 22, 2011, defendant BACA and co-
22 conspirators Tanaka, Carey, and Leavins met to discuss
23 approaching Special Agent LM outside of her residence.

24 12. On or about September 26, 2011, defendant BACA wrote a
25 letter to the United States Attorney's Office stating, among
26 other things:

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1 a. The LASD would conduct an investigation into the
2 FBI's conduct for purported violations of state law based on the
3 federal undercover probe of Deputy Gilbert Michel;

4 b. Defendant BACA demanded to know the details and
5 scope of the Federal Investigation;

6 c. Defendant BACA requested that the United States
7 Attorney's Office withdraw the federal grand jury subpoenas
8 served on the LASD; and

9 d. Defendant BACA requested that the United States
10 Attorney's Office stop supporting the FBI's efforts in the
11 Federal Investigation.

12 e. Defendant BACA threatened to end the LASD's
13 participation in federal task forces;

14 13. On or about September 26, 2011, defendant BACA
15 appeared on television and stated that he believed the FBI had
16 committed a crime.

17 14. On or about September 26, 2011, co-conspirators Craig
18 and Long confronted Special Agent LM outside of her residence
19 and informed her that:

20 a. Special Agent LM was a named suspect in a felony
21 complaint being pursued by the LASD; and

22 b. Co-conspirator Craig was in the process of
23 swearing out a declaration for a warrant for the arrest of
24 Special Agent LM.

25 15. On or about September 26, 2011, co-conspirator Long
26 informed Special Agent LM's supervisor at the FBI that there was
27 going to be a warrant issued for Special Agent LM's arrest, the
28 arrest warrant could be issued as soon as the next day,

1 defendant BACA was aware of the situation, and the supervisor
2 would have to speak to co-conspirator Tanaka about the charges.

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COUNT TWO

[18 U.S.C. § 1503(a)]

From on or about August 18, 2011, to on or about
September 26, 2011, in Los Angeles County, within the Central
District of California, defendant LEROY BACA corruptly
endeavored to influence, obstruct, and impede the due
administration of justice, namely, a federal grand jury
investigation into abuse and corruption by LASD's employees
working within the Los Angeles County jails.

1 interviewed Inmate AB and that the interview was terminated by
2 the LASD.

3 4. Defendant BACA falsely stated that he was not aware
4 until he received a phone call from the Assistant Director in
5 Charge of the FBI in Los Angeles on September 26, 2011, that
6 LASD officials were going to approach Special Agent LM to try to
7 talk to her, to threaten to charge her, or to threaten to arrest
8 her. In fact, as defendant BACA knew at the time he made the
9 statement, he had been aware that LASD officials were going to
10 approach FBI Special Agent LM before they did so.

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