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— Curtis Colbertson, a childhood friend of country singer-songwriter Red Simpson

REMEMBERING RED



Family, friends of Bakersfield Sound icon celebrate his life and music



JOHN HARTE / FOR THE CALIFORNIAN

Friend Pat Napier gives David Simpson a hug Saturday evening at the Rustic Rail on East Norris Road. David’s father, country music legend Red Simpson, 81, died Friday. See more photos at Bakersfield.com.

BY J.W. BURCH IV
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The atmosphere at the Rustic Rail in Oildale was more joyous than mournful as family and friends of Red Simpson gathered to honor the Bakersfield Sound icon Saturday.

“You won’t find a single person who has anything bad to say about Red,” childhood friend Curtis Colbertson said. “He was always funny and always had a joke.”

Simpson died Friday afternoon at a hospital in Bakersfield. He was 81.

A short video posted on Facebook earlier Friday afternoon showed Red with his son, David, sitting on a sofa, playing some guitar and enjoying life.

“Yesterday was a real good day and it turned out to be a bad day,” David Simpson said.

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Country singer and Simpson friend Jimmy Howard left his home in Northern California at 5 a.m. Saturday to make it to the planned show, which became a tribute to Red Simpson. “I listened to his whole box set driving down, it got me almost the whole way here,” he said.

COUNTERTERRORISM

Pressure mounts for tech firms to chip in

Industry leaders say they want to help but are reluctant to provide data to government due to privacy concerns

BY W.J. HENNIGAN, PARESH DAVE AND TRACEY LIEN
Tribune Washington Bureau

WASHINGTON — The White House is increasing pressure on the tech industry to help rein in terrorism, sending top national security officials to Silicon Valley and announcing the creation of a task force to help prevent extremist groups from using social media to radicalize and mobilize recruits.

When Barack Obama addressed the nation after the San Bernardino terrorist attack, he urged high-tech and law enforcement leaders “to make it harder for terrorists to use technology to escape from justice.”

Although the tech industry says it wants to help, it’s reluctant to give away private information and data to government agencies, arguing that doing so fosters user distrust and raises the risk of hacker attacks.

The newly created Countering Violent Extremism task force will be led by the departments of Homeland Security and Justice

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WRONGFUL DEATH CASE

Deputies’ dispute may boost lawsuit

In union’s unrelated clash with county, it may have inadvertently provided details about enforcement of speed policy

BY STEVEN MAYER
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When a union representing Kern County sheriff’s deputies sued the County of Kern last month in a dispute over job benefits, the union may have unwittingly provided additional ammo to lawyers suing the county in a wrongful death case.

Attorneys for Chain Cohn Stiles watched with great interest as the Kern Law Enforcement Association asked the county to award damages to 12 deputies the union alleged were wrongly deprived of personal use of their patrol vehicles after an audit found they were violating departmental policy by driving too fast.

But can the information found in that lawsuit help lawyers in their wrongful death case?

“All of this information is new to me,” said

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LOIS HENRY

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TERRORISM FIGHT

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but will include staff from the FBI, the National Counterterrorism Center, and other federal law enforcement and intelligence agencies. In addition, the State Department will establish a unit called the Global Engagement Center to work with allies to deter terrorists from carrying out attacks overseas.

"Given the way the technology works these days, there surely are ways that we can disrupt paths to radicalization, to identify recruitment patterns and to provide metrics that allow us to measure the success of our counter-radicalization efforts," White House press secretary Josh Earnest said Friday.

The initiative will require a level of cooperation that historically has not existed between the White House and Silicon Valley, which have long been at odds over government surveillance — especially since the 2013 Edward Snowden leaks sparked a panic over privacy. The former security contractor revealed widespread snooping by the National Security Agency that the tech industry says it's still paying for.

American cloud computing firms, for example, say they've lost sales and opportunities overseas over fears the U.S. government will gain access to sensitive information. Forrester Research estimates the U.S. information technology sector could lose as much as \$180 billion in business by the end of this year.

Tech firms have also been adamant about

"The thing civil liberties activists are concerned about is not the capability to do surveillance but rather the abuse of surveillance powers."

— Chenxi Wang, chief security officer at cloud securities company Twistlock.

the need to protect consumer data, much of it shielded with increasingly sophisticated encryption tools.

"The tech community has been pretty clear it's not going to give the government a free pass on these things," said Tanya Forsheit, a partner at the law firm BakerHostetler who specializes in privacy and data protection. "I don't think that most tech companies are inclined to just give in." Apple CEO Tim Cook has repeatedly said that the iPhone maker has never worked with any government agency in any country "to create a back door in any of our products or services."

As it is now, Google, Facebook and other companies say they turn over user data when

law enforcement, courts or government agencies send in a legal request, usually in the form of a subpoena, wiretap or search warrant.

But not all types of requests require consent of a judge or court. The tech industry has been lobbying nationwide to elevate standards, so law enforcement would have to go through more hurdles unless there's an imminent danger.

Last year, California Gov. Jerry Brown approved a law requiring a search warrant, and thus court approval, for law enforcement to gather private emails, text messages and GPS data.

But with each terrorist attack and growing fears over the Islamic State group, the pressure on tech companies to compromise will only grow — especially if access to private social media communications could have thwarted an attack.

San Bernardino shooter Tashfeen Malik, for example, sent at least two private messages on Facebook to a group of Pakistani friends in 2012 and 2014, stating her support for Islamic jihad and pledging to join the fight, law enforcement officials said.

As situations like that arise, security experts said it will be increasingly hard for tech firms to defend profits over lives.

Chenxi Wang, chief security officer at cloud securities company Twistlock and former vice president of strategy at Intel Security, urged the White House to consider alternative forms of intelligence gathering now that encryption technology has become

so common.

"The thing civil liberties activists are concerned about is not the capability to do surveillance but rather the abuse of surveillance powers," Wang said. "Washington needs to augment this process so they could have encryption surveillance to some degree but still have civil liberties enforced."

The task force announcement comes as Obama's top national security officials — including Attorney General Loretta Lynch, FBI Director James Comey, Director of National Intelligence James Clapper and others — tried to enlist support from technology and social media companies at a meeting in San Jose.

Representatives of Apple, Google and Facebook attended the meeting, which sought to find common ground on an issue that has become increasingly complex.

Afterward, Facebook said the two sides were "united in our goal to keep terrorists and terror-promoting material off the Internet."

"Facebook does not tolerate terrorists or terror propaganda and we work aggressively to remove it as soon as we become aware of it," the company said.

Earnest conceded there were "complicated First Amendment issues" to discuss regarding freedom of speech, but he said the tech companies in the meeting were run by "patriotic Americans."

"They certainly don't have any interest or desire in seeing their tools and their technology being used to aid and abet terrorists," Earnest said.

SIMPSON

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He started the evening off by singing "Truck Drivin' Man," a song his father recorded in 1975.

Throughout the evening the approximately 100 people in attendance clapped, shouted and danced as Simpson's band played some of his best-known songs.

Jimmy Howard, who met Simpson 2½ years ago and has recorded an album of cover songs, sang "My Baby's Waiting Up There."

"This is the first time I've played it without him down here," Howard said.

Howard left Fortuna early Saturday morning to make sure he was at the celebration.

"I listened to his whole box set driving down, it got me almost the whole way here," Howard said.

Simpson had suffered a heart attack Dec. 18 after returning from a concert tour of the Pacific Northwest.

Many friends and well-wishers had hoped he was on the mend and might even return to his familiar Monday night gig.

"I saw that video they posted on Facebook at 1 o'clock," Howard said. "Then at 5 o'clock I'm eating dinner and I get the phone call."

The news of Simpson's death was a surprise to a lot of people.

"I woke up this morning expecting to wake up for a bad dream," Colbertson said. "I just couldn't believe it."

Debbie Arvizo, a friend of Simpson's, said that the turnout of the event was "an honor."

"He would be happy," she said.

Arvizo introduced Simpson to Mario Carboni, who produced his last album, "Soda Pops and Saturdays."

"(Red) always invited everyone up to play with him, it didn't matter if they were horrible or concert quality," Arvizo said. "So Mario got on stage with him and they hit it off."

After playing together, Simpson took Carboni to his house and their collaboration began.

"He stole my friend," Arvizo said, laughing. "He was a great guy. He never met a stranger."



ABOVE: Saturday's show at the Rustic Rail, though scheduled, became a tribute to country music legend Red Simpson, who died Friday. RIGHT: Mario Carboni, who produced Simpson's last album, was on hand for the tribute. BELOW: David Simpson sings "Truck Drivin' Man," a song his father recorded in 1975.

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LAWSUIT

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Matt Clark, a lawyer representing the family of Nancy Garrett, a local woman who was killed in September 2014 when Deputy Nicholas Clerico, responding to a call code 3 — with lights and siren — ran a red light at 85 mph and slammed into Garrett's car.

While the information Clark is interested in appears to be a matter of public record, even public information may be worthless in a civil case if an attorney doesn't know it exists. Fortunately for Clark, the legal action by deputies, and news coverage of the case, alerted him to the information.

What the documents show, Clark said, is, until Garrett's death, the Kern County Sheriff's Office knew deputies routinely drove at excessive speeds during code 3 responses, yet didn't effectively enforce its emergency driving policy.

"And because they didn't enforce it, Nancy Garrett is dead," Clark said.

Assistant County Counsel Mark Nations says he hasn't seen the Garrett lawsuit, but speaking in general terms, as a federal civil rights case, the plaintiff's attorney would have to show that Clerico intended to violate Garrett's civil rights or that the sheriff's de-

partment failed to enforce driving policy.

"In a civil rights case, you have to prove there was a civil rights violation," Nations said. "This is an automobile accident. It doesn't rise to the level of a civil rights violation."

The crash that killed Garrett in 2014 was preceded by a call for help from a deputy who was responding to a disturbance at a bar on North Chester Avenue and encountered a combative subject. Clerico was one of several deputies who was responding to assist the deputy that night when his vehicle collided with Garrett's at North Chester Avenue and China Grade Loop.

An audit using global positioning data was later conducted by the Sheriff's Office. It showed that 12 deputies responding to the bar fight, and, tragically, to the fatal crash, drove at dangerous speeds, some in excess of 100 mph.

In a letter to the 12 deputies dated Nov. 13, 2014, Sheriff Donny Youngblood informed them they were subjects of an administrative investigation that found they were each in violation of the department's emergency driving policy.

The policy is detailed and unambiguous.

Even with lights and siren deployed, "deputies shall not drive a vehicle at a speed greater than is reasonable or prudent ... and in no event at a speed that endangers the safety of persons or property," the policy states.

The rule for running a red light or stop sign is particularly pointed.

"When entering intersections against a traffic control device, or when crossing blind intersections, deputies shall slow their vehicles to a point that they will be able to safely stop for any cross traffic that fails to yield the right-of-way. Deputies shall only continue through the intersection after clearing each lane individually."

While the deputies' union objected to the speed audit on the grounds that it was done "in contravention of past practice," it did not explicitly contest the finding that the 12 deputies drove at speeds in excess of departmental policy.

In a letter to Youngblood "grieving" the audit, KLEA Vice President Jay Winn wrote that the use of the audit was an abuse of discretion in light of the "failure of the department to provide high-speed driving training, inconsistent enforcement of code 3 driving policies, selective implementation of driving audits, and selective discipline arising from

driving audits."

Clark noted that all of this correspondence together is compelling evidence that the Sheriff's Office did a poor job of enforcing the emergency driving policy, despite a controversial incident in 2011 in which two pedestrians were killed by a deputy driving at excessive speed on Norris Road in Oildale.

That incident led to an \$8.2 million settlement against the county.

Clark was particularly struck by the conclusion of the arbitrator in the dispute between the Sheriff's Office and the union.

In its report, the arbitrator concluded that "the union does not dispute that there was a historic pattern of driving at excessive speeds when 'code 3,' that the pattern was hard to break or that the suspension of PPV achieved its objective of, to use the union's phrase, 'shocking' deputies into driving slower."

Later speed audits showed a more than 90 percent reduction in examples in which deputies drove at excessive speeds while driving code 3.

It's disturbing, Clark said, that the deputies' union is objecting to the speed audits even while admitting that they proved highly effective in reducing violations of the emergency driving policy.

"When we saw these documents," he said, "it was shocking."



Garrett