



Arcata Police Department

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October 1, 2020

Honorable Joyce Hinrichs, Presiding Judge
Humboldt County Superior Court
825 Fifth Street
Eureka, CA 95501

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Please find below the City of Arcata Police Chief's requested response to the Humboldt County Civil Grand Jury's report A COMMUNITY DIVIDED, The Ripples of a Homicide in Arcata, CA. The requested responses from the Arcata Police Chief are below.

FINDINGS

F1. The Arcata Police Department was not prepared to manage and investigate a large, violent crime scene of the magnitude of the David Josiah Lawson homicide. (R4)

Police Chief Response: This finding is the subject of pending litigation in which the City, Arcata Police Department, and several City employees have been named as Defendants. The lawsuits [Lawson v. City of Arcata, et al, N.D. Case No. 4:18-cv-07238-TGR and Zoellner v. City of Arcata, et al, N.D. Case No. 3:18-cv-04471] concern the same homicide investigation that the Humboldt County Civil Grand Jury investigated. The lawsuits will resolve many of the issues investigated by the Humboldt County Civil Grand Jury, and the lawsuits are the appropriate legal vehicle for such a response. The respondent appreciates the hard work of the Humboldt County Civil Grand Jury on this matter. On advice of legal counsel for the pending lawsuits, respondent cannot respond to this finding.

F3. In the initial minutes of the incident, officers at the scene focused on life-saving procedures at the expense of crime scene management. (R1)

Police Chief Response: This finding is the subject of pending litigation in which the City, Arcata Police Department, and several City employees have been named as Defendants. The lawsuits [Lawson v. City of Arcata, et al, N.D. Case No. 4:18-cv-07238-TGR and Zoellner v. City of Arcata, et al, N.D. Case No. 3:18-cv-04471] concern the same homicide investigation that the Humboldt County Civil Grand Jury investigated. The lawsuits will

resolve many of the issues investigated by the Humboldt County Civil Grand Jury, and the lawsuits are the appropriate legal vehicle for such a response. The respondent appreciates the hard work of the Humboldt County Civil Grand Jury on this matter. On advice of legal counsel for the pending lawsuits, respondent cannot respond to this finding.

- F4.** Chief Chapman was not there to manage the homicide scene. His absence contributed to the disorganized response. (R4)

Police Chief Response: This finding is the subject of pending litigation in which the City, Arcata Police Department, and several City employees have been named as Defendants. The lawsuits [Lawson v. City of Arcata, et al, N.D. Case No. 4:18-cv-07238-TGR and Zoellner v. City of Arcata, et al, N.D. Case No. 3:18-cv-04471] concern the same homicide investigation that the Humboldt County Civil Grand Jury investigated. The lawsuits will resolve many of the issues investigated by the Humboldt County Civil Grand Jury, and the lawsuits are the appropriate legal vehicle for such a response. The respondent appreciates the hard work of the Humboldt County Civil Grand Jury on this matter. On advice of legal counsel for the pending lawsuits, respondent cannot respond to this finding.

- F5.** Though every officer receives basic evidence handling training during POST, the Arcata Police Department had no designated Evidence Technician available on April 15, 2017, leading to poor execution of evidence preservation and failed chain of custody at the crime scene. (R1)

Police Chief Response: This finding is the subject of pending litigation in which the City, Arcata Police Department, and several City employees have been named as Defendants. The lawsuits [Lawson v. City of Arcata, et al, N.D. Case No. 4:18-cv-07238-TGR and Zoellner v. City of Arcata, et al, N.D. Case No. 3:18-cv-04471] concern the same homicide investigation that the Humboldt County Civil Grand Jury investigated. The lawsuits will resolve many of the issues investigated by the Humboldt County Civil Grand Jury, and the lawsuits are the appropriate legal vehicle for such a response. The respondent appreciates the hard work of the Humboldt County Civil Grand Jury on this matter. On advice of legal counsel for the pending lawsuits, respondent cannot respond to this finding.

- F6.** Securing the crime scene, specifically detaining potential witnesses, protecting physical evidence and properly preserving the weapon was not followed at the homicide of David Josiah Lawson.

Police Chief Response: This finding is the subject of pending litigation in which the City, Arcata Police Department, and several City employees have been named as Defendants. The lawsuits [Lawson v. City of Arcata, et al, N.D. Case No. 4:18-cv-07238-TGR and Zoellner v. City of Arcata, et al, N.D. Case No. 3:18-cv-04471] concern the same homicide investigation that the Humboldt County Civil Grand Jury investigated. The lawsuits will resolve many of the issues investigated by the Humboldt County Civil Grand Jury, and the lawsuits are the appropriate legal vehicle for such a response. The respondent appreciates

the hard work of the Humboldt County Civil Grand Jury on this matter. On advice of legal counsel for the pending lawsuits, respondent cannot respond to this finding.

- F7.** Arcata Police Department did not identify and question all potential witnesses in the David Josiah Lawson homicide after the arrival of emergency medical responders. (R4)

Police Chief Response: This finding is the subject of pending litigation in which the City, Arcata Police Department, and several City employees have been named as Defendants. The lawsuits [Lawson v. City of Arcata, et al, N.D. Case No. 4:18-cv-07238-TGR and Zoellner v. City of Arcata, et al, N.D. Case No. 3:18-cv-04471] concern the same homicide investigation that the Humboldt County Civil Grand Jury investigated. The lawsuits will resolve many of the issues investigated by the Humboldt County Civil Grand Jury, and the lawsuits are the appropriate legal vehicle for such a response. The respondent appreciates the hard work of the Humboldt County Civil Grand Jury on this matter. On advice of legal counsel for the pending lawsuits, respondent cannot respond to this finding.

- F8.** Despite most Arcata Police Department officers having little experience navigating complex homicide cases, Chief Chapman declined multiple offers of additional help from other local law enforcement agencies with more experience in investigation and case review. (R4)

Police Chief Response: This finding is the subject of pending litigation in which the City, Arcata Police Department, and several City employees have been named as Defendants. The lawsuits [Lawson v. City of Arcata, et al, N.D. Case No. 4:18-cv-07238-TGR and Zoellner v. City of Arcata, et al, N.D. Case No. 3:18-cv-04471] concern the same homicide investigation that the Humboldt County Civil Grand Jury investigated. The lawsuits will resolve many of the issues investigated by the Humboldt County Civil Grand Jury, and the lawsuits are the appropriate legal vehicle for such a response. The respondent appreciates the hard work of the Humboldt County Civil Grand Jury on this matter. On advice of legal counsel for the pending lawsuits, respondent cannot respond to this finding.

- F9.** The City of Arcata police officers lacked effective leadership and received insufficient training during the later tenure of Chief Chapman. (R1, R4)

Police Chief Response: This finding is the subject of pending litigation in which the City, Arcata Police Department, and several City employees have been named as Defendants. The lawsuits [Lawson v. City of Arcata, et al, N.D. Case No. 4:18-cv-07238-TGR and Zoellner v. City of Arcata, et al, N.D. Case No. 3:18-cv-04471] concern the same homicide investigation that the Humboldt County Civil Grand Jury investigated. The lawsuits will resolve many of the issues investigated by the Humboldt County Civil Grand Jury, and the lawsuits are the appropriate legal vehicle for such a response. The respondent appreciates the hard work of the Humboldt County Civil Grand Jury on this matter. On advice of legal counsel for the pending lawsuits, respondent cannot respond to this finding.

F10. A retired FBI agent provided pro bono investigative consultation to the City of Arcata and Arcata Police Department. The Civil Grand Jury independently evaluated the agent's public assessments that the APD had poor management, lack of training, inadequate staffing and demonstrated a lack of transparency. We found these conclusions to be accurate.

Police Chief Response: This finding is the subject of pending litigation in which the City, Arcata Police Department, and several City employees have been named as Defendants. The lawsuits [Lawson v. City of Arcata, et al, N.D. Case No. 4:18-cv-07238-TGR and Zoellner v. City of Arcata, et al, N.D. Case No. 3:18-cv-04471] concern the same homicide investigation that the Humboldt County Civil Grand Jury investigated. The lawsuits will resolve many of the issues investigated by the Humboldt County Civil Grand Jury, and the lawsuits are the appropriate legal vehicle for such a response. The respondent appreciates the hard work of the Humboldt County Civil Grand Jury on this matter. On advice of legal counsel for the pending lawsuits, respondent cannot respond to this finding.

F11. The current Arcata Chief of Police is focusing on strengthening community relationships, substantially increasing training, and diversifying the pool of officers and staff. He has also begun community policing and leadership development as part of the nationwide effort to reform policing. (R2, R3, R6, R7)

Police Chief Response: The respondent agrees with the finding.

F12. The current Arcata Chief of Police has created an investigations division and brought on an evidence technician in an effort to complete their investigative team. (R1)

Police Chief Response: The respondent agrees with the finding.

F13. A decentralized dispatch system hampered communication and added delays to the emergency and law enforcement response. (R5)

Police Chief Response: This finding is the subject of pending litigation in which the City, Arcata Police Department, and several City employees have been named as Defendants. The lawsuits [Lawson v. City of Arcata, et al, N.D. Case No. 4:18-cv-07238-TGR and Zoellner v. City of Arcata, et al, N.D. Case No. 3:18-cv-04471] concern the same homicide investigation that the Humboldt County Civil Grand Jury investigated. The lawsuits will resolve many of the issues investigated by the Humboldt County Civil Grand Jury, and the lawsuits are the appropriate legal vehicle for such a response. The respondent appreciates the hard work of the Humboldt County Civil Grand Jury on this matter. On advice of legal counsel for the pending lawsuits, respondent cannot respond to this finding.

RECOMMENDATIONS

- R1.** The Humboldt County Civil Grand Jury recommends the City of Arcata ensure sufficient funds are available to APD to continue training and maintain critical core staff such as evidence technicians. (F3, F5, F9, F12)

Police Chief Response: This recommendation has been implemented. The Evidence Technician position was budgeted for and staffed as a dedicated position in the Police Department beginning in January 2020. All APD personnel are in compliance with required training as mandated by POST. Core positions and services continue to be maintained by the Department.

- R2.** The Humboldt County Civil Grand Jury recommends the City of Arcata and Arcata Police Department, even in the case of economic downturns and budgetary constraints, to continue pursuing Cultural and Bias Education, Diversification of Staff and Community Engagement. (F11)

Police Chief Response: The recommendation has been implemented. The Arcata Police Department is committed to continue working with our community partners to develop meaningful and effective training that is consistent with community expectations. APD, who has hired and promoted a diverse group of employees, will continue to engage with the community in many different platforms including Coffee With A Cop, community BBQ's, charitable works, HSU campus engagement and at community events.

- R3.** The Humboldt County Civil Grand Jury recommends the City of Arcata and Arcata Police Department should engage in community outreach by creating brief biographies for law enforcement officers, on their website. (F11)

Police Chief Response: The recommendation will not be implemented because it is not warranted or reasonable. For personal safety reasons, to pro-actively identify APD personnel as peace officers would be detrimental to maintaining some degree of anonymity away from work that contributes towards a safer environment for APD personnel. The degree to which Officers share with others their profession as peace officers must continue to be a personal choice.

- R4.** The Humboldt County Civil Grand Jury strongly urges the Arcata Police Department to utilize the Major Crimes Incident Team in large or complex crime scenes as they have agreed to in their Memorandum of Understanding. (F1, F4, F7, F8, F9, F15)

Police Chief Response: The recommendation has been implemented. The Arcata Police Department formally signed the MCIT MOU on July 11, 2018. Recent requests for agency assistance include EPD's Evidence Technician at a shooting scene (December 3, 2018,) HCSO's Evidence Technician as well as CHP and HSUPD Patrol resources at a homicide

scene (May 26, 2019) and CHP, HCSO and EPD subject matter experts at a major injury traffic collision scene (September 7, 2019.)

R6. The Humboldt County Civil Grand Jury recommends the City of Arcata create a diverse Citizens Advisory Board to the Arcata Police Department which specifically reviews police conduct and service. (F11)

Police Chief Response: The recommendation has not yet been implemented and is being explored for potential implementation in the future. The recommendation requires further analysis and has been directed by the Arcata City Council to the City of Arcata's Public Safety Committee for analysis.

R7. The Humboldt County Civil Grand Jury recommends that the Arcata Police Department utilize minority interns through ongoing contact with Humboldt State University students. (F11)

Police Chief Response: The recommendation has been implemented. An internship program, including both in-person and virtual opportunities, has been fully developed and implemented.

R8. The Humboldt County Civil Grand Jury recommends the final determination of hate crime designation should be withheld until a perpetrator is charged, and the intent and motivation for David Josiah Lawson's homicide is fully explored. (F14)

Police Chief Response: This recommendation is the subject of pending litigation in which the City, Arcata Police Department, and several City employees have been named as Defendants. The lawsuits [Lawson v. City of Arcata, et al, N.D. Case No. 4:18-cv-07238-TGR and Zoellner v. City of Arcata, et al, N.D. Case No. 3:18-cv-04471] concern the same homicide investigation that the Humboldt County Civil Grand Jury investigated. The lawsuits will resolve many of the issues investigated by the Humboldt County Civil Grand Jury, and the lawsuits are the appropriate legal vehicle for such a response. The respondent appreciates the hard work of the Humboldt County Civil Grand Jury on this matter. On advice of legal counsel for the pending lawsuits, respondent cannot respond to this recommendation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Ahearn", with a long horizontal flourish extending to the right.

Brian Ahearn, Chief of Police