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*Engineering*  
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*Transportation*  
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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 City Council's requested response to the Humboldt County Civil Grand Jury's report A COMMUNITY DIVIDED, The Ripples of a Homicide in Arcata, CA.

## **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)

**City Council Response to F1:** 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)

**City Council Response to F3:** 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

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

**City Council Response to F9:** 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.

**City Council Response to F10:** 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)

**City Council Response to F11:** 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)

**City Council Response to F12:** The respondent agrees with the 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)

**City Council Response to R1:** This recommendation was implemented to the best of the City's ability in 2020. Budgets are reviewed each year by the sitting Council. The City Council approved funding for an Evidence Technician position and the position was filled in January 2020. The City Council worked hard to preserve core levels of funding for public safety during the fiscal year 20/21 budget process where the City faced the largest budget reductions in over 20 years.

**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)

**City Council Response to R2:** This recommendation has been implemented and the City foresees these trainings to continue in the future.

**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)

**City Council Response to R3:** The recommendation will not be implemented because it is not warranted or is not reasonable. Biographical information is personal to individual police officers, and they control how much of their personal lives they wish to disclose to the public. However, the City Council promotes community policing and strongly encourages all of our officers to actively engage in the community to get to know individuals and allow individuals to get to know them.

**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)

**City Council Response to R6:** This recommendation has not yet been implemented and is being reviewed. The City Council established a Public Safety Task Force in 2016 that resulted in an extensive report of recommendations for public safety in Arcata. One of the recommendations was to form a standing Public Safety Committee comprised of residents that could regularly advise the City Council as public safety opportunities and concerns arose in the community. The Public Safety Committee was officially established in June of 2018. During the Council's June 2020 Council meeting the Council requested the Public Safety Committee research alternatives for citizen review of police conduct that could operate in a General Law City. Once their work is complete, the Council will review and consider their recommendation and public input on the options.

Sincerely,



Michael Winkler, Mayor on behalf of the Arcata City Council