

City of Santa Cruz

Independent Police Auditor
4th Annual Report

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Introduction

In 2003, the City of Santa Cruz established the position of Independent Police Auditor (“IPA”) and assigned it the role of auditing the Santa Cruz Police Department (“SCPD”). In Santa Cruz, the IPA is an entity separate from SCPD that is responsible for monitoring the civilian complaint process and other police practices, usually including uses of force and internal investigations. The IPA’s role is to help ensure the legitimacy of SCPD’s internal review processes. It does this through its unfettered access to confidential investigative materials, which provide the basis for objective assessments and recommendations for improvement.

In 2019, the City selected OIR Group to fulfill this role.¹ In our role as the IPA, OIR Group reviews investigations of formal civilian and Department-initiated complaints completed by SCPD to determine whether they were complete, objective, and thorough, and that actions taken in response to the investigations were appropriate. We also review uses of force, including all critical incidents.

In addition to case review, the IPA team is available to meet with complainants who may want assistance in filing their complaint or to learn about the internal investigation process and our role in it. Throughout the year, we fielded referrals and complaints regarding SCPD actions. The IPA team talked with complainants and assisted them at various stages of

¹ OIR Group has been working in the field of independent oversight of law enforcement for two decades. It is led by Michael Gennaco, a former federal prosecutor and a nationally recognized leader in the oversight field, as well as three expert associates. We specialize in evaluating and seeking to strengthen law enforcement policies, practices, and accountability measures. You can learn more at our website, www.OIRGroup.com. You may contact us at Info@OIRGroup.com.

the complaint process. We also met with members from the ACLU and the NAACP during the year.

Another key aspect of our work that is central to the IPA model of police accountability is our public reporting on the cases we have reviewed, accompanied by a subsequent presentation to the City Council. This report constitutes our fourth annual report.

From January 1 through December 31, 2023, the Department closed 17 Formal internal investigations. Five of these were internally generated, meaning that the Department chose to initiate an administrative investigation due to the nature of the incident or internal concerns about officer performance; these included two significant incidents (an officer-involved shooting incident and a canine bite that resulted in injury). Twelve of these were externally-generated -- complaints from members of the public -- that the Department determined if true would constitute a violation of SCPD policy.²

² In our 2022 Report, we referred to cases as “Category 1” and “Category 2” and so on. SCPD streamlined its case classification system in late 2022 because it determined that it had become overly complicated. Now, under General Order 1009, investigations are classified in one of three ways: “Formal,” meaning that the complaining party requests further investigation or a department supervisor determines further action is warranted and if true, could result in discipline-; “Inquiry,” meaning questions or concerns by community members about policies or procedures or improper conduct of relatively minor violations of procedure, courtesy or service, which, even if true, would not result in discipline; or “Informational,” meaning that upon complaint receipt, review of the evidence (i.e. body camera footage, police reports) clearly shows the allegations did not occur.

See Santa Cruz Police Department Policy Manual Policy 1009 Personnel Complaints, available at:

<https://www.cityofsantacruz.com/home/showpublisheddocument/97437/638412681431200000>

Review of Two Significant Incidents

Incident #1: Officer-Involved Shooting

In 2023, SCPD officers were involved in a non-injury officer-involved shooting incident. The Department issued a detailed “Critical Incident” video and released all related video footage in timely fashion as required by California law.³

The Critical Incident video ends with a description of the various investigative tracks to which the shooting was subjected, beginning in its immediate aftermath. These include the criminal investigation – which was handled jointly by the Critical Incident Investigation Team (CIIT), a team of County resources including the District Attorney’s Office, the Sheriff’s Office, and SCPD personnel. SCPD’s Professional Standards unit completed a parallel administrative review.

The criminal case was completed and submitted for a prosecutorial determination as to legality; the District Attorney’s Office determined that the officers’ use of deadly force was justified.

As part of our scope of work, we received the full investigative file for review.

³ The Critical Incident Briefing Video and all related body-worn and in car camera footage can be accessed at <https://vimeo.com/showcase/10276361>

Incident Summary

In the early morning hours, SCPD received a call for service of a subject who had pointed a gun and threatened to shoot a resident. Officer 1, a training officer, and Officer 2, his trainee, responded to the call; Officer 2 was driving. As they drove up to the location, Officers 1 and 2 observed a black SUV parked partially on the roadway and partially on a front lawn. Officer 2 slowed the police vehicle to a stop as Officer 1 stated, "light it up, light it up." Officer 2 activated the police vehicle's emergency lights and placed the police vehicle in park (in his interview, Officer 1 clarified that he wanted Officer 2 to illuminate the SUV with the police vehicle's spotlight, but Officer 2 misunderstood and activated the red and blue emergency lights instead).

As the police vehicle was slowing, the subject raised his arms out of the SUV's sunroof, and then immediately dropped down and pointed a firearm through the open passenger's side window in the direction of the police vehicle.

Officer 1 rapidly exited the police vehicle, broadcast that he needed priority radio traffic, yelled "Drop it!" and stepped backward along the passenger side of the vehicle. Officer 1 fired seven rounds from his firearm in the direction of the SUV in rapid succession. According to Officer 1, he observed a subject in the front seat of the SUV pointing a firearm out of the open passenger's side window in the direction of the police vehicle. Officer 1 paused, stepped to his right for better positioning, and fired four more rounds. When he could no longer see the subject, he stopped firing and performed a tactical reload.

Meanwhile, Officer 2 reported that when he looked back from turning on the lights, he observed the subject lift his arm and point a firearm at their location through an open passenger's front side window. Feeling too exposed in the front seat, he exited the driver's side and ran to the rear of the police vehicle. As he ran, he heard gunshots, but could not tell where the gunshots were coming from; he believed that he was hearing an

exchange of gunfire between his partner and the subject. He broadcast "shots fired" as he reached the rear of the police vehicle.

At this point, Officer 2 reported that he could still see the subject moving. He did not see a firearm but believed that the subject was still armed, could see the subject's hands pointed in his direction and heard shots being fired. Officer 2 reported that he thought that the subject was firing at him and his partner. Believing that he and his partner were in imminent danger, Officer 2 fired four rounds down the left side of the police vehicle in the direction of the SUV. He stopped firing when he could no longer see the subject.

Officer 1 instructed Officer 2 to "back up" and also broadcast, "shots fired." Both officers met at the rear of the police vehicle and yelled for the subject to show his hands. Additional SCPD officers, personnel from the California Highway Patrol, and Santa Cruz County Sheriff's Office deputies arrived, as well as an armored rescue vehicle. Officers 1 and 2 informed the responding units that the subject was in the backseat of the SUV.

At least one officer yelled that the subject had thrown the gun out of the window. Later, a BB gun made to resemble a pistol was recovered from the ground where the subject had thrown it. There were no markings on the BB gun to distinguish it from an actual firearm.

A supervisor arrived and took Officers 1 and 2 aside for a public safety statement and debrief. Officer 1 advised that he fired several rounds at the subject's vehicle and that perhaps a female subject was outstanding, and Officer 2 advised that he had fired rounds.

Officer 1 then resumed a tactical position in the ongoing incident. He unholstered his firearm and continued to issue commands to the subject to show his hands. When they made contact with the subject, Officer 1 asked if the subject was injured and if anyone else was inside the vehicle. Officer 1 instructed the subject to exit the vehicle, which he did, and directed the subject to walk back toward the officers. Santa Cruz Sheriff Deputies formed an arrest team and apprehended the subject. The subject was not injured.

Meanwhile, a supervisor instructed Officer 2 to move police vehicles that had blocked the roadway (but not his own police vehicle, which had been involved in the critical incident) to make room for the armored rescue vehicle to approach. He then returned to stand near Officer 1, unholstered his firearm, and held it at the low ready until the subject was apprehended.

The supervisor directed Officers 1 and 2 to contact the original reporting party, who stated that she was not injured and had not observed anyone else in the vehicle. The supervisor then directed the officers to not speak with each other. Both were transported to the police station, where they waited in separate offices. They were placed on Administrative Leave and released from duty that day.

Once the scene was secure, the Critical Incident Investigation Team (CIIT) was mobilized. This team, made up of representatives from the District Attorney's Office, the Sheriff's Office, and SCPD personnel, began their criminal review of the officer-involved shooting. A representative from SCPD's Professional Standards Unit also responded to begin the administrative investigation.

As part of this investigation, a Sheriff's Office Deputy attempted to turn on Officer 1 and 2's patrol vehicle passenger-side spotlight to illuminate the area around the patrol vehicle to search for evidence. He observed that the backside of the spotlight appeared to have a bullet hole in it and was broken. He then turned off the vehicle's red and blue emergency lights and turned on the driver's side spotlight. He documented these changes to the involved patrol vehicle in a police report that he later submitted to SCPD. It was later determined that one of Officer 1's shots had likely struck the patrol vehicle's spotlight.

Later that day, the subject was interviewed by the CIIT with SCPD's Professional Standards investigator present. The subject reported that he believed he had shot his firearm into the air when the officers were present.

Two days later, Officers 1 and 2 provided interviews to the CIIT led by a District Attorney's Office Investigator. Both officers declined to review their body-worn camera footage prior to providing the interview.

Upon completing its investigation, the CIIT presented its findings to the District Attorney, who determined that the officers' use of deadly force was justified.

SCPD's administrative investigation found the officers' use of deadly force to be within policy, and SCPD command staff "exonerated" both officers.

OIS Investigative Process: Review & Recommendations

SCPD provided the case file, which included all police reports, body-worn, in car, and resident camera footage, photographs, recorded interviews, and investigative reports, for our review. We found the investigations to be complete and thorough and agree with the ultimate findings.

However, we did identify areas in the investigative process that we recommend SCPD revise to reflect best practices that have been adopted by progressive policing agencies nationwide.

First, we noted that Officers 1 and 2 each provided a brief safety statement to the responding supervisor and then resumed roles in the on-going incident despite the fact that many other officers had responded in the interim: Officer 1 took over communication with the subject while Officer 2 was tasked with moving police vehicles, and later joined Officer 1. Once the subject was apprehended and the scene secured, both officers were then assigned to contact the reporting party to gather more information.

While in this case the continued on-scene presence and assistance of the involved officers might have been necessary to resolve the active situation, a best practice is to ensure that involved officers be immediately sequestered, and not assigned new roles and responsibilities, when feasible.

While the County's Critical Incident Guidelines note that the subject officers should be separated "as soon as possible," SCPD's internal policy, General Order 306: Officer-Involved Shootings and Deaths, does not provide any detailed guidance on when and how to sequester subject officers immediately following a critical incident. We recommend that the Department provide this guidance through either a training bulletin or further development of policy.

RECOMMENDATION 1

SCPD should revise its critical incident protocols or develop training materials to ensure that once an officer-involved shooting scene is secure, SCPD should direct any available officer to immediately sequester involved officers and prevent those officers from further involvement in the incident.

RECOMMENDATION 2

SCPD should revise current policy or develop training materials to explicitly require that all involved officers shall be observed and sequestered until they are able to provide a Public Safety Statement to a supervisor, and then removed from the immediate scene of an officer-involved shooting, when feasible.

Second, we noted that the subject officers were released from duty the evening of the incident and were interviewed two days after the incident occurred. We have discussed this at length with SCPD. In our 2022 Annual Report, we recommended that subject officers be required to provide an interview before the end of shift unless extenuating circumstances preclude this, such as an officer injury, and to update policy accordingly. At that time, SCPD responded that the County's Critical Incident Guidelines provided sufficient guidance on subject officer interviews and declined to change their own policy.

We noted, however, that the Guidelines are not prescriptive, and leave the timing of subject officer interviews up to the individual investigator (see section G.3.e. of the Guidelines). While they do not prevent same-shift interviews, the guidelines suggest that the investigator can delay if the investigator believes that a "rest period" would result in a more complete and thorough interview.⁴

⁴ As we stated in our earlier report, memory experts have debunked the notion that there is any improved memory recall after an individual goes through several

While we note improvement from a 3-day delay in the previous case that gave rise to our 2022 recommendation to a 2-day delay, we advise that the County revisit its Guidelines and express a preference for same-day interviews to better align with 21st Century critical incident investigative practices.⁵ And, as we advised in 2022, we also again recommend that the Department revise its own internal policy, Policy 306, to express that same preference to require interviews of involved and witness officers before the end of their shift. This latter step is particularly important, insofar as the Department has direct control over its own procedures.

SCPD advised of its agreement with the goal of having a same-shift interview barring extenuating circumstances but believed that sufficient extenuating circumstances existed in this incident to warrant a delay. The Department notes that the shooting occurred in the pre-dawn hours towards the end of the involved officers' shift. SCPD further noted that roll-out protocols require time for the investigators from the District Attorney's Office to assemble, obtain preliminary information about the incident, and review the scene prior to conducting interviews. The Department further notes the challenges of having the officers' representatives timely responding to the scene.

While we recognize that there are logistical challenges to obtaining same-shift interviews from involved officers, other jurisdictions have overcome those challenges and routinely obtain same shift interviews after officer-involved shootings. Oftentimes a shooting occurs in the late night or pre-dawn hours, yet those jurisdictions (such as LAPD) are able to muster investigators, officer attorneys, and review the scene and then obtain a same-shift interview. Most of the "extenuating circumstances" cited by

"sleep cycles". See, "What Should Happen After An Officer-Involved Shooting?" *Journal of Applied Research in Memory and Cognition* 5 (2016) 246–251.

⁵ We recognize that the timing of the criminal interview is largely controlled by the District Attorney. That being said, we recommend that SCPD continue to work with its County partners to obtain an interview prior to end of shift as the ideal objective. And SCPD does control the timing of the administrative interview which could be conducted by end of shift regardless of the timing of the criminal interview.

SCPD are going to be evident following every officer-involved shooting, and as a result, the exception is bound to swallow the rule.

We also recognize that the District Attorney has been designated as the lead agency for investigating these critical incidents in Santa Cruz County and that its investigators have a significant role in determining when the interviews of involved officers are to occur. However, the City of Santa Cruz, as one of the largest law enforcement agencies in the County should have influence in setting out protocols for how officer-involved shootings are to be investigated and when interviews of involved officers are to occur.

We also recognize the concern of conducting two separate interviews should the District Attorney investigators are pre-disposed not to conduct same shift interviews. However, if SCPD conducted a same shift administrative interview, the officer could agree to have that interview used as part of the criminal interview, thus avoiding the need for separate interviews. In short, while we appreciate and recognize the complexities of these events, the higher interest should be in obtaining a “pure statement” from officers, free from contamination and degradation of memory over time and advocate for same shift interviews, SCPD’s articulated competing concerns notwithstanding.

RECOMMENDATION 3

SCPD and its County partners should revisit its Critical Incident Guidelines and express a preference for same-day interviews to better align with 21st Century critical incident investigative practices, unless precluded by extenuating circumstances such as an injury of an officer.

RECOMMENDATION 4

SCPD should revise its own internal policy, General Order 306, to express that same preference to require interviews of involved and witness officers before the end of their shift.

Third, we noted that Department General Order 428: Body-Worn Camera Policy currently allows subject officers the opportunity to view their own body-worn camera footage prior to providing the interview, as follows:

428.12. CRITICAL INCIDENTS [...] Personnel who are involved in any critical incident shall be permitted to view their recording prior to providing a formal statement or written report. Personnel may consult with legal representation prior to viewing their recordings.

In this case, and to their credit, both officers declined to view their body-worn camera footage prior to their interviews on the advice of their legal representation. This is a perspective we strongly agree with: we discourage the practice of allowing officers to view video footage prior to providing statements. We prefer that officers provide a “pure” statement, followed by the opportunity to review video footage and clarify their statement if necessary.

While the officers and their legal representatives chose not to view their video in this case, we advise that SCPD revise its body-worn camera policy to formally reflect this best practice.⁶

⁶ See Police Executive Research Forum (PERF)’s December 2023 recommendation that officers involved in a critical incident be interviewed before watching relevant body worn camera footage. “Body-Worn Cameras A Decade Later: What We Know” (December 2023), pages 24-31; <https://www.policeforum.org/assets/BWCdecadelater.pdf>.

This would also align SCPD with the Santa Clara County Chiefs’ Association Officer-Involved Incident Guidelines, which state the involved officer interview should occur before the officer has reviewed any recordings of the incident. It states: “The initial interview of an Involved Officer should occur before the officer has reviewed any audio/video recordings of the incident. An Involved Officer will have an opportunity to review recordings after the initial statement has been taken. Investigators should be mindful that audio/video recordings have limitations and may depict events differently than the events recalled by an Involved Officer. If the investigator shows any audio/video recordings to an Involved Officer after the initial interview, the investigator has the discretion to admonish an Involved Officer about the limitations of audio/visual recordings.”

See the full policy at:

RECOMMENDATION 5

SCPD should modify language in its current policy so that officers are to first provide a pure statement, then have the opportunity to review any body-worn camera recordings and an opportunity to supplement their statement if that review enhances or refreshes their recollection

Finally, and perhaps most importantly, this incident prompted us to inquire about SCPD's convening of its Use of Force Review Board to holistically review incidents beyond evaluating the use of force explicitly. The Department reported that it plans to establish and regularly hold a Use of Force Board Review Board and has held its first session to evaluate this specific officer-involved shooting. We look forward to learning more about the process, to attending a Board review should the opportunity to do so arise in the future, and to evaluating the Board's findings and recommendations.

Incident #2: Canine Bite

In 2021, SCPD officers engaged in an incident that resulted in the wrong individual being bitten by a police canine. The bite victim filed a civil case against the City seeking damages for his injuries. The Department initiated a formal administrative review of the incident.

As detailed below, the investigation of this case was not completed in a timely manner, which, as we discuss, had significant implications for the ultimate outcome.

<https://www.cityofgilroy.org/DocumentCenter/View/8877/Officer-Involved-Incident-Guidelines>

Incident Summary

Officer 1 responded to a call of a residential burglary that had been interrupted, and believed the subject was a male who had previously committed an armed robbery. Officer 2 also responded and deployed her assigned patrol rifle. While officers were speaking to the reporting party, a vehicle entered the driveway of the residence. A male, later identified as the subject, exited the residence, and spoke with the male driver of the vehicle, who was later identified as the victim whose residence had been burglarized.

At the time, the officers did not know the identities of the two males; they were dressed similarly and were of similar stature.

The subject threw a glass bottle at the victim and began running away, and the victim pursued him on foot. The subject threw a kitchen knife at the victim. Officer 2 observed the knife land on the sidewalk and pursued the two men on foot while holding the rifle.

Meanwhile, Officer 1 followed in his vehicle.

The males stopped and began to fight. Officer 1 exited his police vehicle with his police canine. According to his report, Officer 1 observed the two males separate from each other, but did not know who they were or why they were fighting. He decided to deploy his canine to prevent the males from continuing to attack one another.

Without giving any verbal warnings that the canine would be used, Officer 1 commanded the canine to bite; Officer 1 reported that there was insufficient time to give a verbal warning. The canine lunged and, in doing so, pulled Officer 1 to the ground. The canine bit the victim's hand. The two males raised their hands and stood apart from each other, and Officer 1 again commanded the canine to bite. The canine did not bite, appeared to be confused, and ran in circles around the two males.

Meanwhile, other officers had arrived at the location, including Officer 2. They issued commands to the two males to lay on the ground. Both

complied and were handcuffed. Later, the officers identified one man as the victim and the other as the subject, provided the victim medical treatment for the dog bite, and transported the subject to jail. A supervisor responded to conduct a use of force investigation consistent with SCPD's protocol.

Internal Review Process Recommendations: Scope & Findings

When we received the investigation, we found the scope – which exclusively evaluated the use of the canine -- to be insufficient, and that this limited scope resulted in incomplete findings. We discussed this concern with the Department. SCPD shared that they faced various larger challenges in investigating this case that they are in the process of addressing.

First, the Department reported that the PSU investigator was explicitly directed to review the use of the canine because the canine bite was the main subject of the civil claim. However, upon review, we found other areas that should have been considered, and discussed these with SCPD; these included Officer 2's decision to engage in a foot pursuit, whether responding officers effectively considered use of de-escalation tactics, and the performance of the supervisor on scene. SCPD agreed that, in retrospect, the scope of this investigation had been too narrowly tailored.

Second, we noted, and the Department acknowledged, that the incident was not thoroughly investigated when it occurred. While a supervisor responded to the scene, that supervisor did not conduct a formal use of force review because there was initial confusion about whether the canine deployment had injured the victim. As a result, the incident was not formally evaluated using the Department's reporting and review requirements as listed in its Use of Force policy. SCPD reported that it is committed in the future to better tracking and a more robust review of these cases.

But we recommend going a step further by formalizing the review process for canine bite cases specifically. Current policy, General Order 309:

Canines, only requires that canine bites be *documented* in an administrative report. We recommend that SCPD update this policy to require that all canine bites be reviewed using the formal use of force review process, including on-scene investigation (e.g., interview of subjects, victims and witnesses), review by command staff, and convening of a Use of Force Review Board. This addition would reflect its commitment to a robust reporting and review process for serious incidents such as canine bites.

RECOMMENDATION 6

SCPD should update General Order 309: Canines to require that all canine bites be reviewed using the Department's formal use of force review process, including on-scene investigation (e.g., interview of subjects, victims and witnesses), review by command staff, and a Use of Force Review Board.

A third challenge was the inability to interview the subject officer. By the time that the PSU initiated the investigation many months later, the subject officer had retired from SCPD, and, despite several attempts to interview him, PSU was unable to obtain an interview. When coupled with the supervisor's limited on-scene investigation, this left informational gaps and questions unanswered.

All of these factors undermined the overall quality of SCPD's response to the incident and its ability to render an evidence-informed conclusion.

As written in his memo, the investigator relied solely on what the officer had written in his Incident Report as the rationale for his first canine deployment: the officer articulated that he deployed the canine to prevent the fleeing and fighting subjects, one of which was wanted for a felony, from further harming one another. Seeing this as a reasonable reason to use the canine, the Department found the first canine deployment to be in policy. The Department then found the failure to issue a verbal warning and the second bite command to be "Not Sustained" because they did not have sufficient evidence to know what the officer observed that caused him to direct the second bite, or if he had time to issue a verbal warning (the officer reported that he did not have time to issue a warning, despite body-worn camera footage showing that he perhaps did).

SCPD responded that the newly established Use of Force Review Board, more training for field supervisors, and more training and experience for PSU investigators, will remedy many of the concerns raised by this investigation going forward. We will continue to collaborate with SCPD to help ensure that future investigations are timely, properly scoped and thoroughly investigated to allow for a holistic evaluation of significant incidents.

Policy Implications: Foot Pursuit and Canine Procedure

As we noted, among the areas of concern was Officer 2's decision to split from her partner, engage in a foot pursuit of a possibly armed subject and a second unknown subject alone and while carrying her rifle, while Officer 1 followed in his police vehicle. Our review suggested that this tactical decision placed Officer 2 in a compromised position (holding the rifle, with limited capacity to use other force options if they were needed) and without physically proximate back-up and cover. Our discussion prompted SCPD to draft a new policy regarding foot pursuits, which it did not previously have. We worked with SCPD to develop a policy based on model policies nationwide, and as of the publication of this report, the Department is in the process of finalizing the policy.

We commend this important policy development that will provide important guidance regarding when and how officers should engage in a foot pursuit balancing officer safety with public safety needs. Once the policy is implemented, we recommend that SCPD train officers in the new policy and evaluate any incidents that involve a foot pursuit against this policy.

RECOMMENDATION 7

Upon implementation of its new Foot Pursuit Policy, SCPD should train officers in its new Foot Pursuit Policy.

RECOMMENDATION 8

Once implemented, SCPD should evaluate all incidents that involve a foot pursuit for compliance with the Foot Pursuit policy.

While discussing this incident, SPCD also related that, like many departments, the canine unit created and maintains a Procedure Manual for canine deployments; this is used for training and general reference by canine officers. But SCPD reported that these procedures are not all codified or reflected in the Department's policy. Conversely, the Manual does not contain all policy requirements. We recommended, and the Department agreed, to align the Procedure Manual with the policy.

RECOMMENDATION 9

SCPD should align the canine unit's Procedure Manual with General Order 309: Canines.

Administrative Process Recommendations

Timeliness of Investigations

As we reported last year, since the fall of 2021, the Department has taken significant steps to address delays in the investigation of officer misconduct allegations. The Department enhanced its system for tracking and monitoring investigations and appointed a new sergeant who steadily addressed a backlog of force and complaint investigations. To the Department's credit, in 2023 it completed investigations in all of its outstanding 2020 through 2022 cases except one.

The Department's efforts to address its backlog are commendable. And, fortunately, timeliness concerns did not result in any significant issues in the majority of cases, as the allegations in most were found to be unfounded or exonerated after the Department completed its thorough investigation.

However, in a few cases, the delay did have an impact. For example, the investigative delay caused significant issues in the critical incident involving the canine bite discussed above, where the subject officer was no longer available for an interview because of his retirement.

In another case, we noted that the delay in the investigation also resulted in evidence gaps. In that case, fifteen months after the incident, the complainant alleged that the traffic stop, search of her purse and vehicle, detention, and handcuffing were unlawful and the result of biased policing due to her talking with a homeless person.⁷ The PSU investigator who took her complaint (which occurred prior to the new sergeant's assignment) identified body worn camera footage of the incident but failed to properly categorize it as evidence of a public complaint and thus, it was purged. Other evidence concerning the stop was very limited. None of the involved officers documented the results of the search and the complainant's detention in handcuffs as required by policy. The previous PSU investigator's failure to preserve critical body worn camera footage undermined the Department's ability to investigate and evaluate whether officer performance met SCPD expectations as set out in policy.

As we noted above, the Department has made marked strides in the timeliness of internal investigations and has now staffed its PSU appropriately to address these issues. We will continue to monitor case timelines to ensure they meet policy and best practice guidelines.

A Holistic Approach to Review

In some investigations, we were impressed with SCPD's willingness to identify and take formal action, including framing allegations and issuing discipline, on misconduct that only emerged in the course of the investigation – and transcended the particulars of the original complaint.

However, we also found (as with the canine deployment discussed above) that the scope of some cases was too limited.

⁷ We acknowledge that any time that there is a significant delay before a complaint is received, it creates investigative challenges.

In another case, we found that SCPD should have considered additional performance issues. Our review of an internal investigation of an officer's actions during a fatal overdose incident who engaged in misconduct in three other incidents close in time prompts our recommendation that the Department adopt a more holistic approach to multiple incidents of misconduct involving the same officer.

In 2022, the Department initiated an internal investigation into an officer's conduct following an incident whereby a Santa Cruz resident succumbed to a fatal overdose. Responding to a 911 call of drug-ingested medical distress, the officer arrived on scene where an unresponsive individual was on the ground being attended by two individuals.

While Santa Cruz Fire Department personnel assisted the individual in medical distress, the officer talked with the reporting party ("RP"). In reviewing the body-worn camera footage of this conversation, we found the officer took a casual, conversational demeanor. The officer did not request any information that would have been necessary for her report/investigation, such as the RP's name or contact information, nor did she collect relevant information from a bystander witness or medical personnel. The officer then departed for another service call. The officer later learned that the victim had died at the hospital.

In reviewing police reports, we noted that the officer failed to include important information regarding the victim's death, such as the circumstances of his death and possible witnesses, and incorrectly reported other information.

The Department's investigation found that the officer failed to fulfill her duties as the primary investigative officer and that the report she drafted contained significant errors and omissions. The Department also concluded that there was insufficient evidence to determine if the officer's conduct on scene was unbecoming. The Department imposed discipline and recommended a performance improvement plan. To its credit and as discussed in more detail below, the Department also recommended changes to its Report Writing policy to enumerate the responsibility of supervisors and to include overdose cases among death cases requiring specific investigation and documentation procedures.

We commend the Department for initiating its own internal administrative investigation of the incident. Nonetheless, we found that several aspects

of this incident and the officer's conduct merited further scrutiny.

In addition to the Department's focus on the officer's failure to properly investigate and write a complete and accurate report, we suggest that the Department should have addressed the overall way the officer's approach to her role and responsibilities fell below the standard expected of law enforcement. For example, although the primary investigating officer on scene, it appeared she did not talk with the Fire Department personnel or check with them about the status of the individual who was in medical distress. Communicating with medical personnel and sharing relevant information that may assist in an individual's medical treatment are basic expectations of a primary investigating officer.

Regarding the investigation into the officer's unbecoming conduct, we found the scope too limited: the investigation focused on the officer's casual conversation with the RP, during which she shared experiences of having attended "rave" events. Here, the Department could have evaluated the officer's overall comportment, decision-making and interactions with the persons on scene to determine whether her actions were consistent with the professionalism expected of law enforcement or constituted conduct unbecoming an officer. And even if that review did not result in an adverse finding, a review of her body worn camera with a more seasoned officer could have provided an important coaching opportunity.

We encourage the Department to build on its commitment to rigorous self-assessment: at its best, the internal investigative process is a vehicle for self-scrutiny that an agency will approach in an inclusive manner. We encourage SCPD to engage in broader "issue spotting" and provide appropriate remedial action across all PSU investigations.

RECOMMENDATION 10

SCPD should conduct a holistic review of all cases and engage in broader "issue spotting" to provide the appropriate level of investigation and remedial action across all PSU investigations.

Investigations of Racial Bias Allegations

In this reporting period, SCPD received two cases involving an allegation of bias-based policing. One of these involved an allegation of racial bias that prompted a discussion of how best to investigate these difficult cases. Cases involving allegations of racial bias can be unsatisfying for complainants and accused officers alike as, nationwide, they are rarely, if ever, sustained. These allegations are notoriously hard to prove as much depends on the subjective or implicit mindset and motivations of the involved officers.

In this case, an SCPD officer observed a subject sitting in a parked vehicle that he knew to have an outstanding felony warrant. The subject refused to exit his vehicle, and five other officers responded to assist. The subject eventually complied. During the encounter, the subject accused the officers of being racist several times, stating that they only stopped him because of his race. Because of these allegations, officers called a supervisor to the scene.

Eventually, the subject was arrested on the warrant and his vehicle was towed. Later that day, another SCPD supervisor contacted the subject to follow-up on the complaint of racial bias. The subject reported that the officers were racist and that, while searching his vehicle, the officers had purposefully damaged the interior with a knife. He could not, however, articulate any specific reasons he felt that the officers were racist. SCPD classified this case as a “Category 1” investigation and conducted a formal investigation.

SCPD framed allegations of biased-based policing (General Order 401) and unbecoming conduct (General Order 320) against the six employees who responded to the scene. Based on its investigation, which included reviews of all body-worn camera and incident reports and interviews with all employees - except for one who had resigned in the interim - and the complainant, SCPD unfounded all allegations. Here, the officers – and in particular the first-responding officer who observed the subject -- all reported that their prior knowledge that the subject had an outstanding warrant, and not his race, was the motivating factor for initiating police contact.

While we found SCPD’s investigation to be thorough in this case and agree with the ultimate findings, we recommend that its investigations of

racial profiling could go further. In an effort to better investigate these challenging cases, and to go beyond the paradigm of "You stopped me because of my race" vs. "No, I didn't," research has suggested that racial bias investigations seek to answer an explicit set of questions. By specifically evaluating an incident in this way, the Department can better hone-in on the basis for the complainant's perceptions and analyze the relevant encounter in its complete context.

1. Intent. Investigators should consider the officer's intent, both explicit and implicit, and especially probe this in officer interviews. For example, did the officer have a "veil of darkness" prior to contacting the subject (that is, could the office identify the subject's race prior to a contact)? Did the officer have an articulable and reasonable rationale for contacting the subject?

In this case, the officer reported that he knew that the subject had an outstanding felony warrant, and his subsequent actions were based on this knowledge, not on the subject's race or ethnicity.

2. Knowledge and Impact. The investigation should explore why the subject perceived racial bias. Was that perception reasonable based on the officer's actions? Here, the subject was not able to articulate why he believed that the officer's actions were racially-motivated, and only responded that he was stopped, "because [he was] Mexican."

Conversely, the investigation should explore if the officer believed that his/her actions might be perceived as racial bias. And, if that belief might occur, did the officer take any action to mitigate the perceived bias? In this case, the officer repeatedly informed the subject that he had an outstanding warrant but did not explicitly connect this to the stop or address the subject's repeated assertions that the officers were racist (except by attempting to clarify if the subject thought that he was racist, or all officers were racist).

3. Repeat behavior. Research has recommended that investigations of racial bias go beyond the isolated incident to assess a larger sampling of the subject officer's activity to look for noteworthy patterns or disproportionalities. For example, does this officer have a pattern of allegations of racial bias? Does the office exhibit any race-based patterns of practice related to stops or other police encounters? Some jurisdictions have gone so far as to test "comparator evidence," an analysis of the officer's actions in same type of encounter, but with a

subject of a different race. This is an especially effective tool in evaluating the outcomes of traffic stops.

SCPD did not conduct this type of analysis in this investigation. While a “deep dive” may not have been warranted in this specific investigation because the officer was able to articulate his rationale with certainty, we do recommend at least some review of subject officers’ complaint history and recent stop data statistics.

RECOMMENDATION 11

SCPD should consider more detailed analysis of biased-based policing investigations, including at least a document review of subject officers’ complaint history and recent stop data statistics.

In reviewing this case, we also reviewed the Department’s General Order 401: Biased-Based Policing Policy. We found that the definition of biased-based policing could be amplified to match the Penal Code referenced by the Department more explicitly (PC §13519.4) as follows:

"The consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description. The activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such as asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest."

We note that SCPD’s current definition of biased-based policing does not explain the type of law enforcement activities the policy covers such as asking questions, frisks, consensual and nonconsensual searches, property seizure, removing occupants from car during a traffic stop, issuing a citation and making an arrest.

We recommend that SCPD update its policy to reflect this more comprehensive definition of biased-based policing. The Department has drafted policy to address this recommendation.

Bilingual Correspondence with Complainants

In the case detailed above, we also noted that all written correspondence with the complainant was in English, though the complainant communicated in Spanish. We recommend that the Department consider translating all written correspondence, such as the close-out letter, with complainants who predominantly communicate in another language. The Department agrees with this recommendation.

RECOMMENDATION 12

When corresponding with complainants known to communicate in a language other than English, SCPD should consider translating all written correspondence, such as the close-out letter, into the complainant's language using the City's translation services.

Policy and Procedure

Recommendations

Warnings Prior to Use of Force

In our 2022 Annual Report, we recommended that the Department enhance its Use of Force policy by requiring, when feasible,⁸ that officers provide a verbal warning and opportunity to comply before using force. Several law enforcement agencies require a verbal warning before force is used. For example, Los Angeles Police Department Use of Force policy states “[w]here feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is aware of those facts.”⁹ United States Homeland Security’s policy also instructs officers to provide a warning and time to comply before using force.¹⁰ University of California Santa Cruz Police Department includes a similar requirement.¹¹ Additionally, the Major

⁸ We suggest “when feasible” to describe the duty to warn for consistency with the state law’s requirement that officers use de-escalation techniques, crisis intervention tactics and other alternatives to force “when feasible.” In the context of an officer’s duty to de-escalation, state law defines feasible as “means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.” (California Government Code section 7286 (a)(3).)

⁹ (LAPD Volume I, Use of Force 556.10 (1/26/23). <https://www.lapdonline.org/lapd-manual/>)

¹⁰ U.S. Department of Homeland Security, Department Policy on the Use of Force Policy Statement 044-05, page 3 (September 7, 2018).

https://www.dhs.gov/sites/default/files/publications/mgmt/law-enforcement/mgmt-dir_044-05-department-policy-on-the-use-of-force.pdf.

¹¹ (See UC Santa Cruz Police Department Use of Force policy, Section 806 1/15/21). <https://police.ucsc.edu/report/policies/use-of-force.html>

Cities' Chiefs Association recommends that "[p]rior to the use of any kind of force, when safe and feasible, officers should provide a warning and allow the individual(s) time to comply."¹²

Significantly, SCPD already has a similar warning requirement in its use of force policies prior to deployment of deadly force (Policy 300.4), deployment of less lethal force (Policy 303.3 and 303.9.2), and deployment of a Taser (Policy 305.4). The logic for such a warning requirement, particularly considering the emphasis on de-escalation, should naturally extend to all uses of force.

Additionally, we suggest that officers be required to document whether a warning was given prior to using force and if not, an explanation as to why a warning was not feasible.

As of publication of this Report, the Department has drafted policy to address our recommendation to require a warning and time to comply before the use of force.

Report-Writing

In several cases reviewed, we noted overall challenges with the accuracy and completeness of officers' police reports. Report writing is a fundamental procedural component of police work as accurate and complete reports are often-times critical to case outcomes. And if officers are experiencing challenges with this component of police work, it is incumbent on their supervisors to train and teach these report-writing skills.

¹² (Major Cities Chiefs Association, "Final Report of the MCCA Police Reform Working Group January 2021, page 6.)

<https://majorcitieschiefs.com/wp-content/uploads/2021/03/MCCA-Police-Reform-Working-Group-Report.pdf>

In discussion with the Department, we learned that the issues related to report writing were already of concern: SCPD reported that “kick-backs,” or a supervisor sending an incomplete or inaccurate report back to an officer for revisions are an ongoing challenge for the Department. SCPD is not alone in these challenges: issues with report writing are a commonality that we have identified in nearly every jurisdiction that we audit.

While supervisors were already reviewing and returning reports in practice, we and SCPD felt it important to formally create a review mechanism by adding this explicit supervisor responsibility to the report writing policy, General Order 321. SCPD added a section that requires that all reports, even those generated at the front counter or by Records Bureau personnel, be reviewed by a shift supervisor. Now, per the policy update, “All supervisors have the authority and responsibility to review all reports critically.”

The policy details each component that a supervisor must review, including basics such as grammar and readability, to checking for “canned language.” And, in the absence of a supervisor, the reports will be checked by a Watch Commander or other command staff.

We will continue to assess the accuracy and completeness of police reports in our case reviews.

Firearm Safety

This year we reviewed an investigation into an officer’s negligent discharge of a firearm that resulted in the death of a bystander. An off-duty SCPD officer who was preparing to clean his personal firearm in the company of a friend as they stood in a garage, dropped and caught his handgun which caused it to discharge. The bullet hit his hand and then fatally struck his friend who stood close by.

The law enforcement agency in the county where the incident occurred conducted an immediate criminal investigation. The out-of-county district attorney reviewed the criminal investigation and found no basis for criminal liability. SCPD initiated an administrative investigation. Ultimately, the Department found the discharge out of policy and released the officer who was still on probation from service. The Department also recommended that probationary police officers receive no less than four

(4) hours of instruction specific to firearms safety, basic firearms operation, firearms ammunition, and firearms cleaning and maintenance.

Our review found the Department's administrative investigation timely and complete. We agreed with the Department's out of policy finding and found the Department's training recommendations for probationary officers to be sound and commendable.

Traffic Stops and RIPA Data

In late 2023, SCPD published its 2022 Racial Profiling and Identity Act (RIPA) data to its transparency portal. As of the publication of this report, the Department has published three data elements -- perceived race/ethnicity, gender, and age -- as percentages of total stops.

We recommend that the Department go further, both to make the data more understandable to members of the public who review it, and to provide a more complete data set. For example, SCPD could post total numbers of stops in addition to the percentage of total stops in the charts of race/ethnicity, gender, and age. These additions would help the end-user understand the total universe of stops and place the statistics into a more useful context. And, in the interest of full transparency, we also recommend that SCPD post all RIPA data elements as these become available.

RECOMMENDATION 13

SCPD should post a more complete RIPA data set to increase transparency and accountability in its traffic stops including the total number of detentions in addition to percentages.

Automated License Plate Readers

Another topic of community concern was the Department's request for Automated License Plate Readers (ALPRs). ALPRs are standing cameras that would photograph the license plates of passing vehicles at various of the City's major intersections and at major entryways to the City. The data collected by these cameras, reported SCPD, would be predominately used to track stolen vehicles and missing persons.

We reviewed the Department's ALPR policy to ensure that the policy had sufficient guardrails in place to limit the use, sharing, and retention of the data collected. We found the policy guarded against use of ALPR data for any purpose other than a designated enforcement investigation with a specific case number. We found that the policy could go further to align with state law, guidance provided by California's Attorney General, and court rulings regarding their use (specifically, to prevent data-sharing with *any* out-of-state public, private, or federal agency), and recommended edits.

SCPD accepted our recommended policy changes and, in late December 2023, the City Council authorized SCPD to seek grant funding to acquire the ALPRs.

First Amendment Rights

In this period, we reviewed a case that involved bystanders' First Amendment rights. While maintaining the perimeter during an in-progress commercial burglary, a sergeant asked an individual who approached with a video camera to back up several times. The individual refused, stating there was no crime scene tape. When the individual did not respond to the sergeant's additional commands to move back, the sergeant physically moved him by placing his hand on the individual's chest and moving him to the street. The individual was subsequently arrested. The individual alleged that he was unlawfully arrested, subjected to improper use of force, that the sergeant had failed to identify himself and that the sergeant's actions violated the First Amendment.

The Department's investigation exonerated the sergeant on the First Amendment violation, unlawful arrest and use of force allegations and found the failure to provide identification not sustained. And, in light of the available evidence, we concurred.¹³

But in the course of reviewing this incident, we learned that the Department does not have a policy that addresses the public's right to

¹³ Namely, we found the sergeant's actions to be reasonable in light of the circumstances of an in-progress commercial burglary with a suspect inside, the complainant's proximity to the sergeant and his repeated refusal to move back.

record law enforcement actions. We recommend that the Department draft policy that provides guidelines for the public recording of law enforcement activity. This policy should address the right to observe, record and retain recorded material of law enforcement activities and explain limitations to this First Amendment right such as safety and interference with officer's duties restrictions.

Additionally, we suggest that the policy address supervisor's on-scene response, warnings when an individual is interfering with safety or an officer's duties and the circumstances that permit seizure of evidence. And this additional guidance can be provided through simple adoption of the current policy of the Santa Cruz Sheriff's Department or other similarly situated law enforcement agencies.¹⁴

RECOMMENDATION 14

SCPD should draft a policy to address the public recording of law enforcement activity that address topics such as the right to observe, record and retain recorded material of law enforcement activities, safety and interference of officer duty restrictions, supervisor on-scene response, warning when an individual is interfering with safety of an officer's duties and the circumstances that permit seizure of evidence.

¹⁴ See e.g. Santa Cruz County Sheriff's Office, Policy 429 "Public Recording of Law Enforcement Activity" <https://www.scsheriff.com/Portals/1/County/sheriff/formsdocs/SO%20Policy%2010%2024.pdf> University of California Santa Cruz Police Department, Policy 466, Public Recording of Law Enforcement Activity <https://police.ucsc.edu/report/policies/chapter-400/public-recording-of-law-enforcement-activity.html>; San Francisco Police Department General Order 5.07 "Rights of Onlookers" https://www.sanfranciscopolice.org/sites/default/files/2023-12/SFPDDN_23_186_20231213.pdf

Incidents Involving Children & Families

In our March 2023 Annual Report, we recommended that SCPD adopt a Children of Arrested Parent's policy. Our recommendation was in response to an incident in which a juvenile was taken into custody during the arrest of the juvenile's parent. The goal of a Children of Arrested Parent's policy is to minimize trauma to children of an arrested parent and when possible, to place them with a responsible adult rather than in the care of Family and Children Services.¹⁵

In consultation with our team, SCPD has created a policy that provides important procedures to protect children when officers arrest a parent. SCPD's policy:

- Requires officers to ask about children for whom an arrest adult has responsibility.
- Instructs officers if feasible to make the arrest away from a child's view or at a time when the child is not present.
- Permits when safe to do so, an arrested parent to have the opportunity to assure their child they will be safe and provided for.
- Enables officers to deliver the child to an adult relative or other responsible adult designated by the arrested parent with the approval from Family and Children services if there is no custodial parent available.

¹⁵ See e.g. Safeguarding Children of Arrested Parents, International Association of Chiefs of Police (2014), accessed at <https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/IACP-SafeguardingChildren.pdf>

- Requires officers to consider the ages and presence of children when determining time, place and logistics for executing arrest and search warrants.

Our team also reviewed the investigation of several complaints concerning SCPD officers' role when a Santa Cruz County Superior Court ordered a transport company to take custody of two children who resided in the county and transport them to their mother's location. Complainants alleged that the officers failed to protect the children. The Department investigated the allegation and concluded the officers had not failed in their duty to enforce the law.

We reviewed the Department's investigation and agreed with its findings. We noted that the Department sent several officers to the residence including a supervisor. Body worn camera footage showed that the supervisor talked at length with the children and adults on scene before the arrival of the transport company. The sergeant explained that the Superior Court custody order authorized the transport company to remove the children regardless of the children's and other adults' objections to the court order. The sergeant also explained that the officers' presence was to maintain tranquility at the scene. The sergeant was professional and patient throughout the incident. The sergeant and several other officers stood by on the property while members of the private transport company physically picked up the two minors against their will, placed them into a car, and transported them away from their residence.

Conclusion

We hope that our review of SCPD investigative and review procedures and our experience with best practices across a range of agencies has contributed to a strengthening of SCPD operations, both its internal administrative procedures and how it polices the community of Santa Cruz. Our recommendations – and the Department's consideration of them – are intended to inform and improve these processes in ways that we hope will make the agency better.

We have been fortunate that our relationship with SCPD leadership over the past five years of our work as the Independent Police Auditor has been marked by receptivity and constructive dialogue. We take this opportunity to acknowledge that the City's commitment to a progressive, responsive police department is being reflected in the work that is done by SCPD each day.

We look forward to our continued engagement with the Department and its forward-thinking leadership.

Recommendations

- 1: SCPD should revise its critical incident protocols or develop training materials to ensure that once an officer-involved shooting scene is secure, SCPD should direct any available officer to immediately sequester involved officers and prevent those officers from further involvement in the incident.
- 2: SCPD should revise current policy or develop training materials to explicitly require that all involved officers shall be observed and sequestered until they are able to provide a Public Safety Statement to a supervisor, and then removed from the immediate scene of an officer-involved shooting, unless there is a special need to assist at the location.
- 3: SCPD and its County partners should revisit its Critical Incident Guidelines and express a preference for same-day interviews to better align with 21st Century critical incident investigative practices, unless precluded by extenuating circumstances such as an injury of an officer.
- 4: SCPD should revise its own internal policy, General Order 306, to express that same preference to require interviews of involved and witness officers before the end of their shift.
- 5: SCPD should remove language in current policy that permits officers involved in a critical incident from viewing their body-worn camera recording(s) prior to providing a statement.
- 6: SCPD should update General Order 309: Canines to require that all canine bites be reviewed using the Department's formal use of force review process, including on-scene investigation (e.g., interview of subjects, victims and witnesses), review by command staff, and a Use of Force Review Board.
- 7: Upon implementation of its new Foot Pursuit Policy, SCPD should train officers in its new Foot Pursuit Policy.

- 8: Once implemented, SCPD should evaluate all incidents that involve a foot pursuit for compliance with the Foot Pursuit policy.
- 9: SCPD should align the canine unit's Procedure Manual with General Order 309: Canines.
- 10: SCPD should conduct a holistic review of all cases and engage in broader "issue spotting" to provide the appropriate level of investigation and remedial action across all PSU investigations.
- 11: SCPD should consider more detailed analysis of biased-based policing investigations, including at least a document review of subject officers' complaint history and recent stop data statistics.
- 12: When corresponding with complainants known to communicate in a language other than English, SCPD should consider translating all written correspondence, such as the close-out letter, into the complainant's language using the City's translation services.
- 13: SCPD should post a more complete RIPA data set to increase transparency and accountability in its traffic stops including the total number of detentions in addition to percentages.
- 14: SCPD should draft a policy to address the public recording of law enforcement activity that address topics such as the right to observe, record and retain recorded material of law enforcement activities, safety and interference of officer duty restrictions, supervisor on-scene response, warning when an individual is interfering with safety of an officer's duties and the circumstances that permit seizure of evidence.

Appendix A: Case Summaries & Recommendations

Annual Report Case No.	Year	Brief Summary	SCPD Allegations/Findings	IPA Review and Comments
1	2023	Officers responded to a report of a subject who pointed a gun at and threatened to shoot the RP. When officers arrived on scene, the suspect pointed a firearm at the officers. Both officers shot at the subject but did not hit him. The subject was taken into custody. The subject's weapon was later determined to be a BB gun made to resemble a pistol. SCPD initiated an administrative investigation as required by policy.	SCPD exonerated the officers on the allegation of use of force.	Concur with findings. See IPA's discussion and recommendations in the narrative of this Report.
2	2023	Department-initiated investigation when officer failed to notify his supervisor of damage to his patrol vehicle after he used it during his shift.	Sustained finding for failure to report damage to supervisor when brought to officer's attention; not sustained finding for failure to report damage at time of the collision.	Concur. See IPA's discussion in the narrative of this Report.
3	2023	Officers grabbed hold of complainant when he rode his scooter on hotel property after being told he was trespassing; complainant alleged that officers used unreasonable force & failed to provide Miranda.	Officers exonerated on use of force allegation; unfounded on Miranda violation; sustained finding for failure to obtain medical clearance or report subject's injury to supervisor; no further investigation on failure to notify supervisor of use of force and injury involving retired officer.	Concur, noting missed allegation involving retired officer.

Annual Report Case No.	Year	Brief Summary	SCPD Allegations/Findings	IPA Review and Comments
4	2023	Allegation that civilian employee engaged in improper conduct involving complainant's son several years ago.	Exonerated employee of violating standard of conduct.	Concur. See IPA's discussion in the narrative of this Report.
5	2022	Department-initiated investigation into incident involving deployment of a K-9. Officers responded to a call of an interrupted home burglary and observed two males, later identified as the burglary suspect and victim. When the two males began physically fighting and then fled, one officer pursued the two males on foot while a second officer pursued in his patrol car. The individuals stopped running, fought again and then separated. The second officer who arrived on scene then released his K-9 and bit the victim.	Department exonerated officer on use of force and canine policy allegations.	Involved and witness officers were not interviewed at the time of the incident; involved officer retired and declined to be interviewed for PSU investigation. See IPA's discussion and recommendations in the narrative of this Report.
6	2022	An officer observed a subject who the officer knew from previous contacts and had an outstanding felony warrant. During the encounter, the subject accused the officers of detaining and arresting him due to his race.	Department concluded allegations of biased-based policing and conduct unbecoming were unfounded.	Concur. See IPA's discussion and recommendations in the narrative of this Report.

Annual Report Case No.	Year	Brief Summary	SCPD Allegations/Findings	IPA Review and Comments
7	2022	Complainant alleged that the officer was harassing the individual and violating the individual's 1st Amendment rights to film based on a video posted on a social media site. Employee had called the police when individual had been filming and attempted to open the door to a private office within the parking garage.	Allegation of conduct unbecoming was not sustained.	Concur; see IPA's discussion in the narrative of this Report.
8	2022	The Department initiated an internal investigation into an officer's conduct following a fatal overdose incident. Although the primary investigating officer on scene, she did not obtain the identity and contact information of the Reporting Party (RP) who had reportedly provided drugs to the overdosing individual and delayed obtaining medical help or the identity and contact information of a bystander. Officer's report omitted that the individual had died and time of his death and her contact with the Coroner's Office that had informed her of this information.	Department sustained allegations that the officer had failed to investigate and write a complete report. The Department found "not sustained" conduct unbecoming an officer for her remarks about attending raves. Department also observed deficiencies in supervisor's conduct and took corrective action.	IPA concurs with sustained allegations and action involving supervisor. IPA recommends broader view of evidence supporting conduct unbecoming an officer allegation. See IPA's discussion and recommendations in the narrative of this Report.

Annual Report Case No.	Year	Brief Summary	SCPD Allegations/Findings	IPA Review and Comments
9	2022	Department-initiated investigation of off-duty probationary officer's negligent discharge of his personal firearm while cleaning it that resulted in the death of a bystander. The investigation indicated that the officer caught the gun as it was falling, it discharged, striking him in the left hand and the bullet passed through his hand and fatally struck his friend who was standing close by.	Department found officer's discharge of his weapon out of policy, released the probationary officer from service and also recommended enhancing its firearm safety training for recruits.	Concur; see IPA's discussion in the narrative of this Report.
10	2022	Officers called as stand by to Santa Cruz County Superior Court Order that authorized private transport company to forcibly remove two minors from father's home to join mother in Los Angeles.	Officers exonerated on allegation that they had failed to uphold the law.	Concur; see IPA's discussion in the narrative of this Report.

Annual Report Case No.	Year	Brief Summary	SCPD Allegations/Findings	IPA Review and Comments
11	2021	During an in-progress burglary, a sergeant asked the complainant who approached with a video camera to back up several times. He refused and the sergeant placed his hand on the individual's chest, moved him to the street and subsequently arrested him. The individual alleged that the officer unlawfully arrested him, used unlawful force, violated his First Amendment rights and failed to identify himself.	Sergeant was exonerated on unlawful arrest, use of force & 1st Amendment violation. Not sustained finding on sergeant's failure to identify himself.	Concur with findings. IPA recommends Department adopt policy to address public's right to record law enforcement actions. See IPA's discussion and recommendation in the narrative of this Report.
12	2021	An officer was called to a business when several individuals wanted to enter without masks when a COVID public health order was in effect and the business permitted only masked customers to enter. Complainants alleged the business was discriminatory and requested the officer document the incident which he did.	Officer exonerated on allegation that he failed to investigate claim of discrimination. Unfounded finding on allegation that officer conspired to violate the rights of the complainant.	Concur. Significant delay between time of the complaint (2021) and completion of the investigation in 2023.

Annual Report Case No.	Year	Brief Summary	SCPD Allegations/Findings	IPA Review and Comments
13	2021	Complainant alleged that officers improperly stopped her, searched her purse and her car, and handcuffed her due to biased-policing after reportedly observing her talk to a homeless person.	Exonerated officers on allegations of illegal stop, detention, search and biased-policing. Found evidence inadequate to determine who had handcuffed the complainant.	IPA has concerns with the significant delay in the investigation, failure to preserve body worn camera evidence, delay in officer interviews and limited documentation. See IPA's discussion in the narrative of this Report.
14	2021	Officers arrested complainant for being drunk in public after receiving reports that he refused to leave a construction zone late at night. Complainant alleged that he was unlawfully arrested, police failed to safeguard his property that he had with him at time of arrest, and that police had unnecessarily prolonged the booking process.	Exonerated officers on allegations of improper arrest, failure to safeguard property and unnecessarily prolonging the booking process.	Concur; significant delay between the complaint filing (2021) and completion of the investigation in 2023.
15	2021	Complainant alleged that police damaged the interior of her boyfriend's car after they arrested him and towed it due to expired registration; BWC footage showed an officer cut the seat belt when the arrestee refused to get out of vehicle.	Officers were exonerated of allegation that they engaged in conduct unbecoming an officer.	Concur; significant delay between the complaint filing (2021) and completion of the investigation in 2023.

Annual Report Case No.	Year	Brief Summary	SCPD Allegations/Findings	IPA Review and Comments
16	2020	Officer conducted a traffic stop after driver making an unsafe lane turn; after officer contacted her and asked for her driver's license, the driver drove off and then stopped several yards away after he followed her with sirens on. He handcuffed her and cited her for several traffic violations and issued a Notice of Re-Examination with the Department of Motor Vehicles.	Officer exonerated for use of force (grabbing hold of her arm), handcuffing and conduct unbecoming an officer allegations.	Concur; significant delay between 2020 complaint and conclusion of the investigation in 2023.
17	2020	Complainant alleged that she was unlawfully arrested while police were conducting a stolen vehicle investigation & encountered her naked in the back seat of the vehicle. Officers covered her with blanket. At the jail, she alleged that officers had sexually assaulted her by touching her buttocks and not having a female officer remove her from the vehicle. A sergeant conducted an immediate investigation; body worn camera footage showed the officers removing the woman from the car by grabbing hold of her arms.	Not sustained finding for allegation of conduct unbecoming an officer.	Concur; although the allegations were immediately investigated, a significant delay occurred between 2020 complaint and case closure in 2023.