

## **A COMMUNITY DIVIDED**

### **The Ripples of a Homicide in Arcata, CA**

#### **SUMMARY**

In the early morning hours of April 15, 2017 David “Josiah” Lawson, a 19 year-old African-American Humboldt State University student, was the victim of homicide. The homicide, the investigation and the lack of resolution has engendered cries of latent racism against the predominantly white Humboldt State University, City of Arcata, Arcata Police Department (APD), and the Humboldt County District Attorney’s Office (HCDA). There have been many marches and vigils, as well as countless prayers, demanding “Justice for Josiah.”

The Humboldt Civil Grand Jury sought to address public complaints about possible bias, corruption, and violations of policy and procedure by the APD and the City of Arcata. While our investigation was underway, the City of Arcata released the long-awaited National Police Foundation report in February 2020. The report elucidated the many critical missteps made in those first days and offered specific recommendations on how to move their police department forward. Much of the APD deficiencies highlighted in the National Police Foundation report are currently being addressed, while others still require attention.<sup>1</sup>

The Civil Grand Jury did not attempt to solve the homicide nor reinvestigate the case, as such is outside its purview. The homicide is still part of an ongoing case being actively investigated by APD. The Civil Grand Jury shares the sentiment offered in the National Police Foundation report: *“This review, including the resulting report and lessons learned, is not intended to influence the outcome of any criminal or civil litigation.”*

During the course of our investigation, the Civil Grand Jury discovered a widespread belief that the homicide of David Josiah Lawson and the ensuing investigation, if not racially motivated, was impacted by systemic racism. The general public’s thoughts, opinions, and feedback regarding their experiences when interacting with local law enforcement was both enlightening and of paramount importance. Therefore, the Civil Grand Jury will be addressing some of these concerns in its report and offering recommendations to the APD and the City of Arcata on how to move forward, reestablish trust in the community, and assure that citizens are better served by competent qualified public officers.

#### **ACKNOWLEDGEMENTS**

The Civil Grand Jury would like to acknowledge the City of Arcata, Arcata Police Department, Humboldt State University Police and the Humboldt County District Attorney's office for their participation in interviews and providing the Civil Grand Jury with information and documents. The Civil Grand Jury would also like to thank all the civic leaders and members of the community who came to openly share their stories and experiences, however painful. Without this assistance, this report would not have been possible.

#### **INVESTIGATIVE AND REPORT LIMITATIONS**

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<sup>1</sup> <https://arcataca.iqm2.com/Citizens/FileOpen.aspx?Type=1&ID=2901&Inline=True>

### ***City of Arcata and Arcata Police Department***

The Civil Grand Jury sought to speak to personnel involved in the David Josiah Lawson homicide case. Unfortunately, some former and present members of the Arcata Police Department chose not to participate or were counseled against speaking to the Civil Grand Jury. Despite not interviewing these individuals, the Civil Grand Jury conducted an exhaustive investigation with multiple corroborating sources for their findings. As an independent civil public watchdog, the Civil Grand Jury has a different mission than the police consultancy group that was contracted by the City of Arcata.

### ***Humboldt County District Attorney's Office***

The Civil Grand Jury briefly reviewed allegations of bias and misconduct against the District Attorney's office. However, possible bias or misconduct in the District Attorney's office was not the focus of this investigation. This report should not be taken as a comprehensive or conclusive review of those allegations and complaints, as they were outside the scope of this investigation. Additionally, the Civil Grand Jury is limited in purview and cannot report on the actions taken or not taken during trials, including preliminary trials or a Criminal Grand Jury's hearing. Court jurisdiction lies specifically with the State.

### ***Humboldt State University***

The Civil Grand Jury acknowledges Humboldt State University is a state body and therefore not under the purview of the Humboldt County Civil Grand Jury. While the Civil Grand Jury will make mention of Humboldt State University, it cannot make findings or recommendations, nor require response.

### ***Community Stakeholders***

The Civil Grand Jury spoke to representatives and members of our communities' three largest minority groups: African-American, Latinx, and First Nations. Although people of many other cultures and origins call Humboldt home, due to time constraints, the Civil Grand Jury had to limit its interviews, unfortunately excluding other important voices.

## **BACKGROUND**

### ***David Josiah Lawson***

*"There is no trust more sacred than the one the world holds with children. There is no duty more important than ensuring that their rights are respected, that their welfare is protected, that their lives are free from fear and want and that they can grow up in peace." -Kofi Annan*

David Josiah Lawson came to Humboldt State University as a teen with a bright future and plans of becoming a lawyer and reforming the criminal justice system. Instead, "Josiah" as his family called him, became the victim of homicide. Public outcry and frustration has grown as

three years have passed and there is still no resolution. Due to the myriad of community complaints about local officials and the possible mishandling of the David Josiah Lawson homicide, the Civil Grand Jury chose to investigate.

### ***The Civil Grand Jury in California***

The Civil Grand Jury is one of the oldest civil institutions in America and has been part of California law since statehood in 1850. The Civil Grand Jury is an independent body and subject only to the court's jurisdiction. Its primary function is to act as the public watchdog by investigating and reporting on affairs of local government and officials. The Humboldt County Civil Grand Jury may investigate possible misconduct of county officers and offices concerning criminal justice and law enforcement.

### ***The City of Arcata***



Photos: Humboldt State University and City of Arcata town square

The City of Arcata's population is approximately 17,000. Arcata is the site of Humboldt State University, the northernmost campus of the 23-campus California State University system. With a student body equaling nearly half the city's total population, Arcata is an example of a traditional "college town."

## **METHODOLOGY**

During the course of the investigation the 2019-2020 Civil Grand Jury:

- Conducted interviews with:
  - Various City of Arcata staff
  - Law enforcement personnel, past and present, from City of Arcata and the local law enforcement community
  - Paramedics and Emergency Medical Technicians (EMT's)
  - Members of the media
  - Community stakeholders and Civic Leaders
- Reviewed the preliminary trial transcript of *People of The State of California v. Kyle Christopher Zoellner*
- Reviewed FBI hate crime standards
- Reviewed various policies and procedures from the Arcata Police Department

- Reviewed all Arcata Police Department trainings occurring between 2017 through current
- Reviewed *all projected* and *actual budgetary* reports for the City of Arcata 2008-2019
- Reviewed Humboldt County Paramedic standards of care; North Coast EMS Policies and Procedures
- Reviewed California Police training requirements
  - Basic Police Officer Standard & Training (POST)
  - Perishable skills
- Reviewed Humboldt County dispatch procedures and requirements
- Reviewed Critical Incident Response Team (CIRT) Memorandum of Understanding (MOU), Major Crime Investigation Team (MCIT) MOU
- Reviewed the National Police Foundation (NPF) Report February 2020
- Reviewed APD Organizational Charts 2017 and Present
- Reviewed the following Government Data & Research sources
  - Department of Justice and Federal Bureau of Investigation
- Reviewed numerous media articles, videos and recordings related to the incident

## **DISCUSSION**

### ***Complaints***

The Civil Grand Jury reviewed the following *allegations* regarding the ethics, professionalism, and practices of the Arcata Police Department and the City of Arcata.

#### **Arcata Police Department**

- Investigation policies and procedures were not followed
- Not answerable to the public, lack of transparency
- Unethical behavior
- Racial bias
- Incompetence
- Corruption

#### **City of Arcata**

- Concerns of students, community members, and parents being dismissed
- Lack of professionalism
- City administration not answerable to the public

#### ***Humboldt State University***

Humboldt State’s recruitment of minority students is a large driver of racial diversity in Humboldt County. The California Faculty Association (CFA), has called for “*safety plans at CSU campuses that articulate what each campus should do to keep students of color safe.*”<sup>2</sup> While many in the City of Arcata and Humboldt County are open-minded, welcoming and accepting, others hold retrogressive and racialized views. Non-white students and staff may experience outward signs of racial bias. The Civil Grand Jury learned that HSU did not

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<sup>2</sup> Cecil Canton, California Faculty Association Association, Vice President of Affirmative Action

coordinate with the APD in helping locate potential witnesses as they pursued the case and also did not participate in the National Police Foundation investigation and report.<sup>3</sup>

### ***Community Stakeholders and Civic Leaders' Concerns***

As part of its investigation, the Civil Grand Jury interviewed members of various community groups, including African-American, First Nations, and Latinx. All groups voiced concerns about the impact the Lawson homicide has had on their communities. Likewise, all indicated that they have felt disenfranchised, to various extents, long before the homicide occurred. There was a pervasive feeling among our interviewees that their communities face systemic bias, in education, policing, and community relations.

Many in the African-American community feel that this bias manifests itself in significant and troubling ways. The community, drawing on its experiences with past homicides of black citizens of Humboldt, continues to feel that their concerns are not given equal weight by the entire law enforcement apparatus, from individual police departments to the District Attorney's office and the courts. They voiced concerns about the difference in law enforcement response to missing persons when those persons are people of color. There is a perception that while vast resources are brought to bear to find missing members of the majority community, such resources are not used to find missing persons from minority communities.

The David Josiah Lawson homicide has had a palpable impact on the African-American community. Some parents questioned whether their children would be safe, not only on campus, but in the City of Arcata at large.<sup>4</sup> As one parent commented, "We wonder if our children will come back home safely, and even if they do come back safely, we're concerned that they won't be the same." Troubling incidents in the City of Arcata, such as HSU's former Director of Diversity's leaving the area after being verbally assaulted with racial slurs in the town center, have added to this fear.<sup>5</sup>

A well-respected leader in the Latino community shared that there is a fear of police or of speaking to law enforcement. They are scared for their children and these feelings have increased in the past few years as the national dialogue around race has become particularly negative. Further complicating these issues is the language barrier that some have. These issues are contributing to an overall lack of engagement and hesitancy to make reports or turn to law enforcement in times of need.

A First Nations tribal representative voiced similar troubling concerns. Members of the First Nations community mentioned feeling marginalized, and that their concerns are not listened to. Frustrations were expressed about both dismissed calls for help and disproportionate policing. Considering their status as a First Nation, this lack of engagement is particularly discouraging, leading many in their community to give up on any hopes of improved relations with law enforcement.

### ***The Incident***

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<sup>3</sup> <https://www.cityofarcata.org/DocumentCenter/View/9428/National-Police-Foundation-Arcata-Independent-Review-Final-Draft> pg8

<sup>4</sup> <https://www.northcoastjournal.com/humboldt/studies-in-race/Content?oid=2130338>

<sup>5</sup> <https://www.ellenadornews.com/2019/11/23/office-of-diversity-equity-and-inclusion-left-without-a-permanent-director/>

David Josiah Lawson, or “Josiah” as his friends and family called him, came to Humboldt State University to study Criminology and later become a lawyer. He and nearly a hundred other young adults were attending an off-campus party in the City of Arcata on April 15, 2017. *“Shortly before 3:00 a.m., an argument occurred between a group of uninvited local women who had heard of the party on a social media platform and invited guests. One of the local women was unable to locate her cell phone and made accusations that others at the party may have taken it”... “The scene became heated during a verbal exchange. The argument led to several physical altercations, involving both men and women, bringing others into the fray in support of their respective friends. One individual used pepper spray. In the course of the melee, in the narrow driveway area in front of the residence, HSU student Josiah Lawson was stabbed multiple times. The scene grew more chaotic after the assault. A female friend of the suspect was reportedly heard saying, ‘I hope that n\*\*\*r dies’ as Josiah Lawson lay on the ground bleeding.”*<sup>6</sup>

The first responding APD officer put in a call to dispatch for backup and additional APD officers arrived. HSU sent two officers who also arrived within minutes. Multiple calls went out through dispatch, requesting aid which was answered by multiple agencies. In 2014/2015 the Humboldt County Civil Grand Jury noted the following regarding the dispatch system deficiency: *“The HCCGJ found that dispatching and communicating the emergency needs in Humboldt County are split between various agencies that serve the County. There are five different dispatch centers in the County, all providing similar services...other counties of similar size to Humboldt have consolidated their dispatch centers to provide greater service.”* Though this is now beginning to be addressed, on April 15, 2017 calls to dispatch were being fielded by the five separate dispatch centers specific to this incident. The lack of a centralized dispatch system led to delays in emergency response.

The first calls reporting a fight came in to dispatch around 2:50 a.m. APD officers began arriving on scene shortly after 3 a.m. The party was located in a cul-de-sac with multiple exit points and as officers arrived, attendees began leaving through both the backyard gate as well as through the street. APD officers were led by attendees to Josiah Lawson who was lying unresponsive on the ground. After securing the scene, the officers began life support efforts and continued until first responders from the fire department arrived. Other party attendees directed officers to the suspected perpetrator, Kyle Christopher Zoellner, and an officer placed him in custody in the back of his vehicle.

### ***Responding Agencies***

Arcata’s city website states the following, *“The review team noted that 22 public safety members from multiple agencies throughout the region responded to Arcata to assist the APD during the initial response to this incident.”*<sup>7</sup> The number of law enforcement officers that responded was nine. Of that nine, an unknown number were directed to the hospital where “10 to 12” of Josiah Lawson's friends went, based on a concern they may impede medical treatment. The already insufficient numbers of officers attending the scene, which was described as large, chaotic, and dynamic, were ineffectually utilized.

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<sup>6</sup> <https://www.cityofarcata.org/DocumentCenter/View/9428/National-Police-Foundation-Arcata-Independent-Review-Final-Draft>

<sup>7</sup> National Police Foundation Report 2/2020

## Responding Agencies

- Arcata Police Department: 3 Officers
- California Highway Patrol: 2 Officers
- Humboldt County Sheriff's Office: 2 Deputies
- HSU Police Department: 1 Sergeant, 1 Officer

At the scene, there was chaos as officers struggled to secure the crime scene and evidence, including a weapon, which was mishandled. The Civil Grand Jury found that an APD officer was promoted to detective on the night of the homicide investigation, and was expected to take the lead. This emergent promotion was incongruent with standard operating procedures. There was no one to direct the priorities of properly securing the scene, handling evidence, and identifying and detaining potential witnesses. As one officer shared with us, “we had institutional failures due to lack of leadership throughout the organization. No one was in charge in the David Josiah Lawson case.” Not only was the scene unsecured, but relevant witnesses were allowed to leave the scene with the suspect’s vehicle. *This was the flawed beginning* of the investigation as David Josiah Lawson later passed away and Kyle Christopher Zoellner was arrested at the scene.

### *Aftermath*

The most difficult question the Civil Grand Jury had to evaluate was the charge of racial bias within the police response. The Civil Grand Jury conducted many interviews and reviewed a vast array of information. Although the Civil Grand Jury found failures, ineptitudes, and poorly executed police work, it did not find direct evidence of racial bias.

There are two main types of evidence, direct and circumstantial. Direct evidence usually is that which speaks for itself: eyewitness accounts, a confession. Circumstantial evidence usually is that which suggests a fact by implication or inference: the appearance, testimony that suggests a connection or link.<sup>8</sup>

The Civil Grand Jury found numerous violations of policy and procedures throughout the Lawson homicide investigation. Among those were decisions at odds with basic Peace Officer Standards and Training (POST). There was no evidence technician at the time of the incident and that contributed to poor and careless evidence handling. Unidentified witnesses were allowed to leave the scene without being questioned including the suspects friends who left the scene in his vehicle. Additionally, the lack of interagency communication and cooperation hampered the investigation.

### *Hate Crime*

The United States Department of Justice has defined hate crimes as a “*criminal offense against a person or property, motivated in whole or in part by an offender’s bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.*” (see Figure 1) A hate crime is distinguished by the *added element of bias*. Law enforcement, with the information up

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<sup>8</sup> [https://www.americanbar.org/groups/public\\_education/resources/law\\_related\\_education\\_network/how\\_courts\\_work/evidence/](https://www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work/evidence/)

to this point in time, has determined that the homicide of David Josiah Lawson did not meet this definition, to the consternation of many<sup>9</sup>.



Figure 1



While Josiah Lawson lay on the ground bleeding, the companions of the suspect hurled racial epithets at the dying man. The combination of hate speech along with a white suspect and a black victim has led many to believe that he was the victim of a hate crime. The Civil Grand Jury believes that the final determination of hate crime should be withheld until a perpetrator is charged, and the intent and motivation for Josiah's killing is fully explored.

### ***Consultants & Interagency Involvement***

A retired FBI agent was contracted as a consultant pro bono by the City of Arcata to help investigate the homicide. He spent eight months on the case before resigning in frustration because of the lack of transparency and responsiveness from both the Chief as well as the City Manager. The consultant found that APD lacked adequate staff and training to handle this level of investigation. Despite City administration awareness that Chief Chapman was deficient in leadership of his department and the Lawson homicide investigation, he was allowed to remain at his post.

A major impediment in the investigation was the reluctance of Chief Chapman to either solicit or accept all offers of investigative help from other agencies as the investigation wore on. It was this lack of utilizing significant aid from the Humboldt County District Attorney's Office, Humboldt County Sheriff's Office, and the Eureka Police Department that diminished the effectiveness of the investigation.

About a year after the David Josiah Lawson homicide, Chief Chapman abruptly resigned without notice. The City of Arcata then hired Interim Chief Richard Ehle in 2018. Chief Ehle's focus was completing a thorough review of the Lawson homicide investigation, beginning training APD officers and addressing their deficiencies, and bringing in additional expertise. During his tenure he and the City of Arcata brought on two experienced homicide investigators from out of the area to review the case in its entirety. In 2018 they again brought the case to the HCDA.

### ***District Attorney***

In the first hours after the homicide, Arcata's police chief declined the District Attorney Office offer of assistance. The District Attorney's office had initially assigned an investigator to

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<sup>9</sup> <https://www.northcoastjournal.com/NewsBlog/archives/2018/11/05/apd-interim-chief-there-is-unequivocal-physical-evidence-in-lawson-case>

assist APD in the Lawson homicide investigation. After the assigned investigator took a job outside the area, the District Attorney's office did not assign a replacement.

### **Today**

The U.S. Department of Justice 2015 President's Task Force on 21st Century Policing noted, "...*Building trust and nurturing legitimacy on both sides of the police/citizen divide is the foundational principle underlying the nature of relations between law enforcement agencies and the communities they serve. Decades of research and practice support the premise that people are more likely to obey the law when they believe that those who are enforcing it have authority that is perceived as legitimate by those subject to the authority. Toward that end, law enforcement agencies should adopt procedural justice as the guiding principle for internal and external policies and practices to guide their interactions with rank and file officers and with the citizens they serve. Law enforcement agencies should also establish a culture of transparency and accountability to build public trust and legitimacy.*"<sup>10</sup>

While studies show there are numerous actions that can be taken to increase police effectiveness in working with their communities the Civil Grand Jury believes that implementing the following should immediately be undertaken.

- 1) Cultural and Bias Education
- 2) Diversification
- 3) Community Engagement

**Cultural & Implicit Bias Training** The Task Force on 21st Century Policing included implicit-bias training as a recommendation.<sup>11</sup> "*Discussions of implicit bias in policing tend to focus on implicit racial biases; however, implicit bias can be expressed in relation to non-racial factors, including gender, age, religion, or sexual orientation...reducing the influence of implicit bias is vitally important to strengthening relationships between police and minority communities.*"<sup>12</sup>

**Diversification** "*Police agencies that are rich in diversity are simply more likely to garner individual trust among a group of citizens because the agency is reflective of the community and is inclusive of officers of many backgrounds and experiences.*"<sup>13</sup>

**Community Engagement** A police data initiative report<sup>14</sup> on community policing states "*Proactive engagement of the community through forums, events, meetings and participation in community functions are also an important activity at the leadership and community level within policing.*" "*Our greatest long-term protection...is a strong community-police relationship centered on trust. Establishing and maintaining safe communities requires an ongoing, concerted effort, but we need to ensure that all facets of a community feel respected.*"

### **Major Crimes Incident Team (MCIT)**

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<sup>10</sup> <https://www.justice.gov/archives/opa/blog/president-s-task-force-21st-century-policing-recommendations-print-action>

<sup>11</sup> <https://www.theatlantic.com/politics/archive/2017/12/implicit-bias-training-salt-lake/548996/>

<sup>12</sup> <https://trustandjustice.org/resources/intervention/implicit-bias>

<sup>13</sup> <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2016/08/22/does-diversifying-police-forces-reduce-tensions>

<sup>14</sup> <https://www.policechiefmagazine.org/community-engagement-a-key-element-in-community-safety/>

The APD of today has embarked on an extensive training effort which is intended to improve outcomes. In 2018, APD signed a Memorandum of Understanding (MOU) with all other local law enforcement agencies to activate the MCIT. The MCIT was designed by the District Attorney's office to be a collaboration between all local law enforcement agencies for assistance and mutual aid with large or serious incidents. This team will be called when there is a major crime incident anywhere in Humboldt County. The MCIT has been utilized successfully several times since its creation. The homicide investigation of David Josiah Lawson would have likely benefited from the use of MCIT.

***POST Training and Evidence Technician***

To become a police officer in California, approximately 600+ hours of formal training is required.<sup>15</sup> Peace Officer Standards and Training is just the starting point of what is expected to be an ongoing continuing education throughout their police career. The NPF noted multiple deficiencies in following the POST protocols. The Civil Grand Jury discovered APD had not kept its edge on several skills, and crime scene management was compromised by institutional failures, poor organizational leadership, and inadequate training. As Figure 2 shows, the City of Arcata has embarked on an aggressive training regimen to address prior deficiencies. Due to a reprioritization, the city now has a dedicated evidence technician. Having an evidence technician will allow officers to focus on other duties such as securing a crime scene and locating and questioning witnesses.

<b><u>Training hours for Arcata PD by year:</u></b>	
2017	360 hours
2018	761 hours
2019	1232 hours
2020	845 hours*
*as of May affected by COVID-19	

**Figure 2**

***Budgets and Funding Then and Now***

The City of Arcata cut Police Department budgets and staff in the years leading up to April of 2017 when the homicide of David Josiah Lawson occurred. The 2015 City of Arcata Annual Official Budget Message estimated contingency reserves of approximately \$2,229,036 or 15.96% of the General Fund. In the 2015/16 fiscal year, the City made cuts to the Police Department; eliminating 1 Police Officer, 1 Juvenile Diversion Officer and perhaps most critically, an Evidence and Records Specialist. The City saw steady revenue increases every year from 2008-2016. In 2016, there was a nominal decline in revenue. However, even with the decline, the City estimated their General Fund contingency reserves would continue to increase to approximately \$3,069,852 or 23.8%, an almost 8% increase from the year before and above

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<sup>15</sup> <https://post.ca.gov/regular-basic-course>

their own stated goal of 20%. In the 2016/17 fiscal year, the City eliminated an additional Police Officer leaving the department “minimally staffed” according to one officer we interviewed.

While the police department underwent these cuts, the City of Arcata projected increases in revenue. Even in the case of declining revenues, the General Fund reserves could have still been utilized to restore key positions or increase training. As the City states on its site, “the General Fund is used to account for the general operation of the City such as police...” and “reserves allow the City to provide resources necessary for financial stabilization particularly...during economic downturn.”<sup>16</sup>

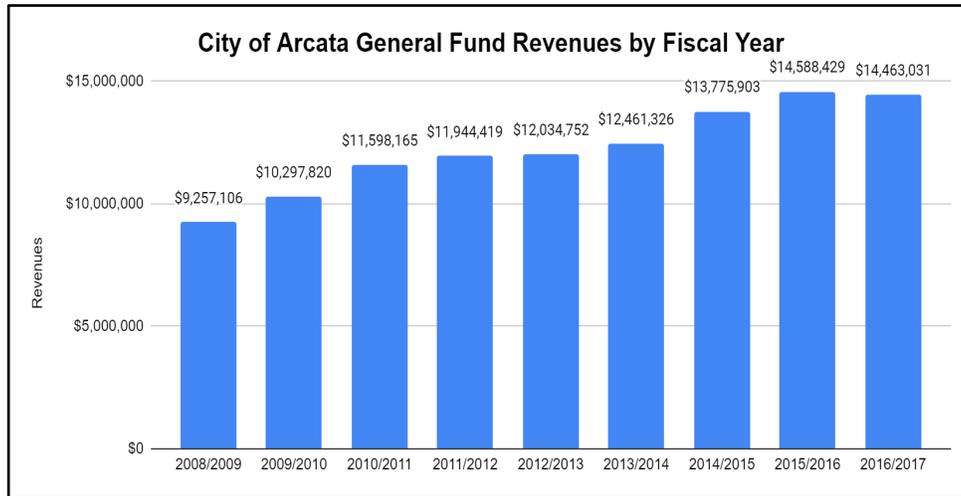


Figure 3: SOURCE City of Arcata Financial Statements & Budgets

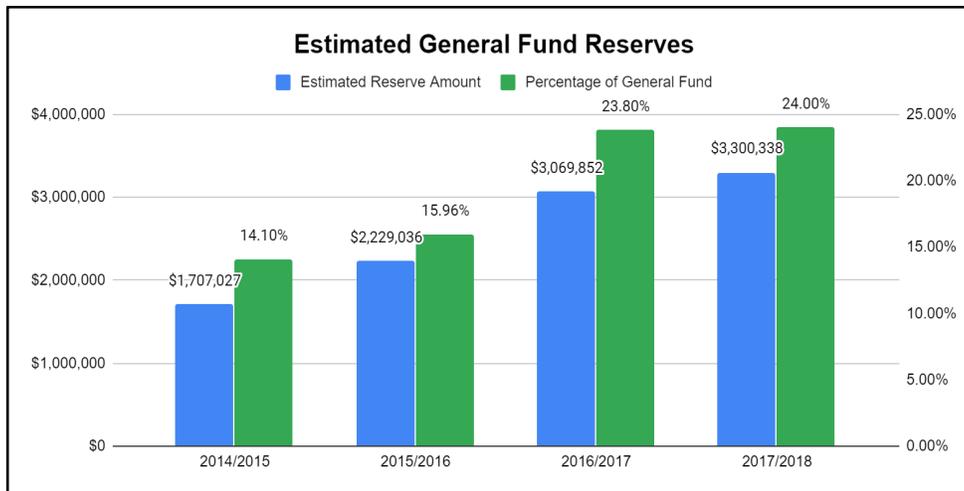


Figure 4: SOURCE City of Arcata Annual Budget Messages

### COVID-19 Ramifications

Due to the COVID-19 pandemic and the downturn in the local economy, hiring freezes and layoffs are already being implemented in the APD. Despite budget shortfalls, training, diversification, and community engagement should not be cut back. The Civil Grand Jury wants

<sup>16</sup> <https://ca-arcata.civicplus.com/319/Financial-Statements-Budgets>

to emphasize the critical importance of aggressive pursuit of ongoing training, particularly in the areas of cultural and racial bias education. Cultural bias and racial education are critical to engaging with a diversifying community in positive and constructive ways. To effectively protect and serve a community, one must understand and interact with that community. There are organizations that provide this sort of training recommended by the Civil Grand Jury often free of charge.

Current nationwide protests are demanding that police departments implement reforms immediately that demonstrate a commitment to diversity and fairness. Current Arcata Police Chief Brian Ahearn recently said,

*“Policing must be delivered in a just manner; at all times. There are no exceptions. Compassion must rule and all human life must be valued and protected. The institutions that discriminate against people of color and the unjust use of force by law enforcement against people of color must stop. What are we willing to do as a Police Department to change the course of Policing so that all people can live in peace and not feel threatened or frightened by law enforcement officers?”*

*“I am asking you APD to step up and answer the call. Be a leader. Set the example. Do not sit back and watch an unjust application of force take place or tolerate inequality or discriminatory conduct towards a person of color or anyone who is being treated differently because of who they are. Take risks. Do the right thing. Intervene. Always. There are no exceptions. Serve with honor. For all people.”<sup>17</sup>*

## **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)
- F2. The Civil Grand Jury found no direct evidence of racial bias or corruption within the police response.
- 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)
- F4. Chief Chapman was not there to manage the homicide scene. His absence contributed to the disorganized response. (R4)
- 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)
- 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

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<sup>17</sup> <https://www.northcoastjournal.com/NewsBlog/archives/2020/05/30/humboldt-county-law-enforcement-responds-to-death-of-george-floyd>

Josiah Lawson.

- 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)
- 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)
- F9. The City of Arcata police officers lacked effective leadership and received insufficient training during the later tenure of Chief Chapman. (R1, R4)
- 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.
- 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)
- 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)
- F13. A decentralized dispatch system hampered communication and added delays to the emergency and law enforcement response. (R5)
- F14. Any determination that the David Josiah Lawson homicide was not a hate crime is premature. (R8)
- F15. The District Attorney's office created the Major Crimes Incident Team, a multi-agency collaborative response of which APD is a signatory of a Memorandum of Understanding. It has been used successfully multiple times since then for the resolution of crimes. (R4)

## **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)
- 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)

- 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)
- 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)
- R5. The Humboldt Civil Grand Jury recommends Humboldt County and local area cities establish a centralized dispatch communications center that would shorten response times. (F13)
- 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)
- 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)
- 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)

### **REQUIRED RESPONSES**

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses as follows:

From the following officials within 60 days:

- Arcata City Manager ( F9, F10, F11, R1, R2, R3)
- Arcata Chief of Police (F1, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, R1, R2, R3, R4, R6, R7, R8)
- District Attorney (F14, R8)

From the following governing bodies within 90 days:

- Humboldt County Board of Supervisors (F13, R5)
- Arcata City Council (F1, F3, F9, F10, F11, F12, R1, R2, R3, R6)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

## **CIVIL GRAND JURY INVESTIGATIVE SCOPE; CONSIDERATIONS<sup>18</sup>**

### **Criminal Complaints**

The Civil Grand Jury may investigate a complaint regarding a criminal matter either before or during the trial, or while an appeal is pending.

### **Civil Lawsuits**

A grand jury can investigate and report on a topic that is the subject of a pending civil lawsuit. The Penal Code does not prohibit a grand jury from investigating a matter that is being litigated. The Jury should avoid any comment about the conduct of the court proceedings because the courts and judges are state agencies and officials, and are outside the scope of the grand jury's jurisdiction.

### **Police Personnel Records**

A grand jury may investigate allegations of police misconduct, and in connection with the investigation, review confidential police personnel records, and may examine peace officer personnel records, including citizens' complaints, without a subpoena or court order. (PC §832.7)

### **Recording**

All interviewees in the course of this investigation were recorded and consented to that recording. A grand jury may record an interview with the consent of all participants, including the interviewee. An interviewee has no right to record the interview.

### **Witness Protection**

In order to encourage candor from witnesses, the grand jury must conceal their identities. The names or facts that could lead to the identity of a source of information should never appear in a Grand Jury report. The jury will interview enough employees or contractors holding similar jobs so that the entity cannot determine who provided the information in question.

### **Interviewing Private Individuals**

The Grand Jury may interview any person who has relevant information about the topic under investigation, including private individuals or persons employed by state or federal agencies.

## **GLOSSARY**

### **ACRONYMS;**

APD-Arcata Police Department  
EPD-Eureka Police Department  
CHP-California Highway Patrol

HCSO-Humboldt County Sheriff's  
Office  
NPF-National Police Foundation Report

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<sup>18</sup> <http://cgja.org/grand-jury-faqs>

CIRT-Critical Incident Response Team  
MCIT-Major Crimes Incident Team  
FBI- Federal Bureau of Investigation

NPF-National Police Foundation  
MOU-Memorandum of Understanding

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