



Santa Cruz County Office of
Inspector General

Quarterly Report of
Activities and Updates

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OIR

GROUP



Michael Gennaco | Julie Ruhlin | Samara Marion

6510 Spring Street #613 | Long Beach, CA 90815

310.906.0259 | OIRGroup.com

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Introduction

This quarterly report is intended to provide the community with an update on our activities as the Inspector General for Santa Cruz County since we presented our First Annual Report to the Board of Supervisors and the Santa Cruz community in October 2024.¹ We have largely continued the activities of our first year – listening and responding to complaints or inquiries from the public, including individuals incarcerated in the County’s jails; reviewing Internal Affairs investigations into allegations of deputy misconduct; reviewing use of force incidents; and connecting with community stakeholders on issues of importance to those they represent. In addition, we have been working with the Sheriff’s Office on its plan to implement the 21 recommendations we made in our Annual Report.

The Sheriff’s Office went through a leadership transition in December, with Sheriff Hart retiring and former Undersheriff Chris Clark assuming the helm of the agency. That compelled other movement within the leadership ranks, including the promotion of a new Undersheriff and shifts at the Chief’s level and below. From the OIG’s perspective, the transition has been seamless. We had established a positive working relationship with Sheriff Clark when he was Undersheriff, and we have maintained our open lines of communication since the promotional moves. We look forward to continuing to work with the new leadership team, both on our prior recommendations and on an ongoing basis throughout the coming year.

¹ That report can be accessed here:

https://www.santacruzcountyca.gov/Portals/0/County/OIG/Santa%20Cruz%20County%20OIG%20Annual%20Report%202024_10-29-24.pdf

Complaints Received by OIG

Operations Bureau Complaints

During the past three months, we received three complaints from members of the public. We communicated with the Sheriff's Office on each, and each has been resolved:

- One complainant raised a concern about a use of force she had witnessed in 2022 that she felt had not been resolved. We reviewed the case and found it had been investigated by IA in 2022, with a finding that the involved deputies had not violated any policies. The complainant had received a letter regarding this disposition in 2022. It was a standard form letter, which we understand did not satisfy the complainant's concerns. As we noted in our 2024 Annual Report, the Sheriff's Office has committed to changing its approach to disposition letters sent to complainants, to include a more personalized statement that will assure complainants their concerns were understood and taken seriously. While this complainant may still not have been satisfied with the ultimate result, a more detailed closing letter could have at least resulted in less confusion about the resolution of the complaint.
- Another individual reached out to our office complaining about the Sheriff's Office response to her calls for service relating to her allegation that her tenant (who lived in an adjoining structure on the same property) was manufacturing illegal substances. We inquired with the Sheriff's Office about its record of contacts with the complainant and learned she had nearly 100 calls for service in 2024, all of them relating to issues with her tenant. This is a remarkable number of calls for one location, and we learned the issues around this situation are complex. Ultimately, the Sheriff's Office began coordinating with other more appropriate County agencies to provide services and develop long term plans for both of the involved individuals.

- The third complaint was from an individual with a long history with the Sheriff's Office in various capacities – witness, arrestee, and incarcerated person. Most of the individual's complaints were related to issues surrounding the District Attorney and the Courts, but he also complained about interactions with the Sheriff's Office, including allegations of unlawful surveillance and warrantless arrest in 2023, and an unlawful arrest after he had been assaulted. We asked the Sheriff's Office for information on each of these interactions and found that none of the complainant's allegations were supported by the extrinsic evidence. We continue to have ongoing communications with this complainant and will review any further allegations raised.

Internal Affairs recently completed investigations into two complaints we received from members of the public during 2024. Following our usual practice, we discussed our role with the complainants and ultimately forwarded each complaint to the Sheriff's Office for investigation. When the IA investigation was complete, we received and reviewed all the materials associated with both.

- One closed investigation stemmed from a complaint alleging that a Sheriff's Office employee inappropriately used his influence to keep his adult child out of trouble while steering authorities to arrest the complainant's adult child. IA investigated and determined the conduct of the employee was within policy.

We found a number of aspects of the investigation into these allegations to be lacking, with some inconsistencies not fully pursued in the interviews. We were also disappointed that the disposition letter to the complainant – sent after publication of our annual report – was the type of form letter we criticized in that report.

We communicated with the Sheriff's Office on this case, and felt that our concerns were heard and understood, with an acknowledgement of the type of improvement needed. One important aspect of the case related to the level and type of details included in a social media post on a Sheriff's Office account announcing the arrest of the complainant's child. The Sheriff's

Office acknowledged our concerns about this allegation and agreed to work with us to develop a new social media policy.

- In a second case, an individual reported that the Sheriff's Office deputies ordered him out of his lawfully parked RV at gunpoint, handcuffed him, searched him, his vehicles, and then ordered him to leave the parking spot and the county. He alleged that when he refused to leave (saying he was parked lawfully and also had nowhere else to go), the officers then unlawfully cited him for drug paraphernalia and tagged his RV and car with a 72-hour notice to tow. He also alleged that the SO's use of a canine to sniff his RV and car were illegal.

The Sheriff's Office completed a thorough IA investigation and concluded that all of the allegations were either "unfounded" or the deputies were "exonerated." We reviewed the entire file, including body-worn camera footage. On most of these allegations, we concurred with the Sheriff's Office conclusions. However, we did have concerns with a couple aspects of the investigation and findings, particularly regarding the lawfulness of ordering the complainant to vacate the parking spot and the documentation of officer actions that implicated the Fourth Amendment.

While we understand deputies' motivation for wanting the complainant to vacate the area (he was parked near the County's sobering center and the Sheriff's Office has a strong and understandable desire to limit drug activity in that location), we found that this incident (coupled with concerns we noted in a case we reviewed for our Annual Report) points to an opportunity to provide additional training on Fourth Amendment issues and the standards and expectations for addressing searches and seizures in incident reports.

One very positive note about this case was the closing letter provided to the complainant. Consistent with the Sheriff's Office representation that it had changed its practice to provide more specific details in its communications about case disposition, the letter sent in this case provided an adequate explanation as to each of its findings.

On each of these cases, we spoke at length with a Sheriff's Office executive. We were grateful for the constructive conversations and are confident that this positive working relationship will lead to stronger investigations and more reliable outcomes in future cases.

Because of the concerns raised about these two investigations, we requested – and the Sheriff's Office agreed – that we review any IA investigation that was initiated as a complaint to the OIG *prior to its completion*. This will provide us the opportunity to request any additional investigative work before the case is closed and the disposition finalized.

Corrections Bureau Complaints

The number of contacts we had with incarcerated individuals was down over the past few months, relative at least to our entire first year of operating as the OIG. We exchanged numerous emails (via the jail's tablet system) with two different incarcerated persons. One of them made two specific complaints about particular incidents. We reviewed the documentation and body-worn camera footage for each, then had follow-up conversations with Sheriff's Office personnel to discuss their review and conclusions. One case resulted in informal counseling about the de-escalation efforts made, and one was resolved with the conclusion that deputies had properly followed all necessary protocols. We agreed with both conclusions.

We also met in person with the parent of an incarcerated person regarding her concerns about her son's treatment in jail. During a prior meeting with Sheriff's Office personnel, we had already heard about this individual, as Corrections staff proactively discussed with us the challenges of navigating this person's mental health treatment in the context of the larger behavioral health system. We subsequently met again with Sheriff's Office personnel and learned that they, too, have met with the parent. We have offered our assistance if that individual decides to file a formal complaint and will continue to monitor the status of the incarcerated person involved.

Use of Force Review

Many of the recommendations in our Annual Report focused on the Sheriff's Office policies on the use of force and its processes for documenting and reviewing force incidents. Since we completed our Annual Report, we have had the opportunity to attend four monthly Use of Force Review meetings (two each for Corrections and Operations Bureaus). During these meetings, command staff discusses each use of force from the prior month. A lieutenant presents the facts of each incident, and other participants ask follow-up questions and discuss the need for any training or other remedial actions. For some of the more serious incidents, participants view the body-worn camera footage during the meeting. In these cases, it is clear that participants had already seen the video and discussed the incident well before the monthly meeting.

The OIG is a full participant in these meetings, with the opportunity to ask questions, raise concerns, and make suggestions. We also can and have asked to see the video and review the written reports with any of the force incidents discussed. We appreciate this ongoing complete access to Sheriff's Office information, systems, and personnel. We have been impressed with the scope of the Use of Force Review meetings, as well as the time and effort Sheriff's Office personnel devote to a thorough review of each incident.

During the meetings we've attended, Operations reviewed a total of 46 incidents. Almost all of these were no more significant than the use of control holds and takedowns. In seven of these, deputies displayed a firearm. In one, a deputy threw two punches, and there was one use of a Taser. None led to anything more than minor injuries. Some of these incidents actually did not involve any use of force but were included on the list to review because the subject had been arrested for resisting a deputy – a situation that often leads to force and are reviewed to ensure there was no unreported force and as a way to recognize successful de-escalation efforts.

During the Corrections Bureau meetings, command staff reviewed 24 use of force incidents from the jails or courts. Again, most involved no greater force than control holds and none resulted in significant injury. Officers

used OC spray in five incidents. Five uses of force were associated with orders for medical staff to administer involuntary medications.

In addition to evaluating the actual application of force, we found the command staff that attends these meetings do a good job of identifying systemic issues and areas of potential improvement, performing the type of holistic evaluation that is critical to an effective force review process. For example, personnel discussed the following during the various meetings we attended:

- Issues with poor communications due to radio malfunctions. This is an ongoing problem that is being addressed with equipment and technology upgrades.
- Failure to activate body-worn cameras or other issues with camera activation. In one case where the deputy did not activate his camera, command staff had addressed the issue with the deputy, who did not have any history of similar failures to activate. In another, the camera had inadvertently been turned off during the struggle with the subject.
- Foot pursuits. Command staff discussed the circumstances around these pursuits and appropriately weighed various factors associated with the decision to pursue.
- Communications with mental health professionals in the jails. Particularly in those circumstances involving involuntary medication orders, staff discussed the sometimes complex interactions involving different components of the behavioral health system.

While we appreciate the thorough scrutiny of these incidents we observed in the meetings we attended, we continue to advocate for a greater degree of documentation of identified issues relating to these incidents and will collaborate with the Sheriff's Office as it works to establish a mechanism to achieve this.

Community Outreach Efforts

We have had continuing conversations with community members and stakeholders throughout the past several months. Some of those were a direct follow up to the public meeting convened in conjunction with the release of our Annual Report: We reached out to everyone who shared their contact information with us and heard from them more directly about their experiences with the Sheriff's Office. We followed up as necessary with the Sheriff's Office, asking questions and reviewing past complaints and grievances.

We emailed the link to our report to representative of those agencies we had engaged with in 2024 – including the NAACP, NAMI, MILPA (Motivating Individual Leadership for Public Advancement), Monarch Services, the Public Defender's Office, and the County's Justice and Gender Commission – thanking them for their input to our work and reminding them we are available to discuss any questions, concerns, or issues they have. We also continue to have regular communications with a faith leader who works frequently in the jail. We also appeared on a local community radio show to discuss our Annual Report and take any questions from callers.

Sheriff's Office Response to OIG Recommendations

In our First Annual Report, published in October 2024, we made 21 recommendations related to Sheriff's Office operations. The Sheriff's Office response to these recommendations had been consistently constructive. In October 2024, the executive team (Sheriff, Undersheriff, and both Chiefs) met to map out a strategy for responding to the recommendations. They created five workgroups to address different categories of recommendations:

- Policies and Procedures
- Use of Force
- Administrative Investigations
- Use of Force Review Practices
- Other (training, equipment, and transparency around in-custody deaths)

The executive team assigned staff to each workgroup, and each workgroup divided up specific tasks within each category. Members of each group have at times reached out to us for feedback or guidance, or references to the policies or practices of other agencies that we think might serve as a good model for Santa Cruz County.

We have been pleased to engage with the workgroups in these ways. The Sheriff's Office reported to us that it will have a complete written response to the 21 recommendations by the beginning of April. We look forward to reviewing that formal response and continuing to work with the Sheriff's office as it implements the recommended changes to policy and procedures and will continue to provide updates on that work in future quarterly reports.