

April 14, 2022

VIA ELECTRONIC MAIL

Thadeus Greenson
News Editor
The North Coast Journal
Email: Thad@northcoastjournal.com

Re: California Public Records Request Received March 30, 2022

Mr. Greenson:

This letter is in response to your request for public records, received by the City on March 30, 2022. You requested records as follows:

“Pursuant to Penal Code § 832.7, the *North Coast Journal* requests access to and copies of all records created or used by the City from March 18, 2021 to March 29, 2022 pertaining to any investigation and/or disciplinary action achieved or attempted for the following City peace officers: Sgt. Rodrigo Reyna-Sanchez, Capt. Patrick O’Neill, Mark Meftah, Nicholas Jones, Ryan Cassidy, Young Porambo, Terrance Liles or any others identified as having violated departmental policy through the investigation conducted by Sacks, Ricketts & Case or any related investigations.”

The City has reviewed your request and found the requested records are exempt from disclosure pursuant to Government Code section 6254, subdivisions (c) and (k), and Government Code section 6255, as the records are confidential peace officer personnel records, attorney-client privileged, and the public interest served by not disclosing the records clearly outweighs the public interest served by disclosure of the records. Further, at this time, there are no peace officer records that are disclosable pursuant to Penal Code section 832.7. There are no “sustained findings” under Penal Code section 832.8 that could allow disclosure of any peace officer personnel records related to the matter you have described.

Nonetheless, for the sake of utmost transparency, I have attached hereto a redacted version of the Final Investigation Report the City received from Sacks, Ricketts & Case. All protected confidential information has been redacted for the reasons explained above.

Thadeus Greenson
April 14, 2022
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I am responsible for this determination concerning your records request in my capacity as City Attorney.

Sincerely,



Autumn E. Luna
City Attorney

AEL:cjl
Enc.

cc: Offices of the City Manager, Eureka Police Department, and City Clerk



SACKS
RICKETTS
& CASE

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CONFIDENTIAL
ATTORNEY/CLIENT PRIVILEGED
INVESTIGATIVE REPORT

Employer: City of Eureka

Subject: Investigation Into Texting and
Personnel Issues at the Eureka
Police Department

Investigator: Todd Simonson

Date: October 4, 2021

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I. INTRODUCTION

The City of Eureka (“City”) retained Todd Simonson of Sacks, Ricketts & Case, LLP (“Investigator”) through its outside counsel to conduct an investigation into certain text messages between Sergeant Rodrigo Reyna-Sanchez (“Sergeant Sanchez”)¹ and members of his squad, including Officer Mark Meftah, between January and August 2020, some of which were published by the Sacramento Bee in a March 17, 2021 article.

II. SUMMARY OF ALLEGATIONS, FINDINGS, AND CREDIBILITY ASSESSMENT

A. Allegations and Findings

The following allegations were determined at the outset or during the investigation. The associated findings were made only after consideration of all evidence collected. The allegations are broken down below by each subject of the Investigation.²

Allegation:

Finding: SUSTAINED

² For each of the allegations that is found to have occurred, the scope of the investigation mandates that the Investigator determine the motivation for the alleged conduct.

Allegation:

Finding: SUSTAINED

Allegation:

Finding: SUSTAINED

Allegation:

Finding: SUSTAINED

Allegation:

Finding: SUSTAINED IN PART

Allegation:

Finding: UNFOUNDED

Allegation:

Finding: UNFOUNDED

Allegation:

Finding: **SUSTAINED** as to members of the public but not as to employees of the Department

Allegation:

Finding: **SUSTAINED** as to members of the public but not as to employees of the Department.

Allegation:

Finding: **EXONERATED**

Allegation:

Finding: **SUSTAINED**

Allegation:

Finding: **SUSTAINED**

Allegation:

Finding: **SUSTAINED**

Allegation:

Finding: **NOT SUSTAINED**

Allegation:

Finding: NOT SUSTAINED

Allegation:

Finding: UNFOUNDED

Other Supervisory Employees

Allegation: Whether supervisory employees instituted unwarranted investigations and/or discipline or made personnel decisions in order to punish employees that the supervisory employees viewed unfavorably.

Finding: UNFOUNDED

Allegation:

Finding: UNFOUNDED

Allegation: Whether supervisory employees of the Department protected other supervisory employees from internal and external complaints of misconduct.

Finding: UNFOUNDED

B. Credibility Assessment

In connection with determining the facts alleged, and consistent with EEOC guidelines, the Investigator assessed the credibility of each witness by evaluating the witness's demeanor, potential bias or motivation to be untruthful, ability to recall information, the specificity of the information provided, the consistency of statements with a witness's prior statements and/or the statements of other witnesses, the inherent plausibility of witness statements, and, in some cases, the past record of a witness.

III. METHODOLOGY OF THE INVESTIGATION

A. Persons Interviewed

The witnesses were each provided with a Notice of Interview compelling them to participate in the interviews. The Investigator reminded each witness to keep confidential all aspects of the interview during the course of the investigation, to answer the Investigator’s questions truthfully, and to refrain from, and report, any suspected retaliation.

All witness interviews were digitally recorded and roughly transcribed. Copies of recorded interviews or transcriptions will only be provided to authorized personnel upon request.

Interview Subject	Position	Date(s) Interviewed
		April 15, 2021
		April 22, 2021; May 11, 2021
		April 23, 2021; May 14, 2021
		May 19, 2021
		May 26, 2021
		May 26, 2021
		June 3, 2021
		June 7, 2021
		June 10, 2021
		June 10, 2021
		June 15, 2021
		June 15, 2021
		June 21, 2021
		June 23, 2021
		June 24, 2021
		June 25, 2021
		July 1, 2021
		July 14, 2021
		July 16, 2021
		August 4, 2021

B. Documents Reviewed

Ex.	Description
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Ex.	Description
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Ex.	Description
Description	
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Ex.	Description
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IV. WITNESS STATEMENT SUMMARIES

V. FINDINGS AND ANALYSIS

In weighing the evidence, the general civil standard of proof was applied. An incident was found to have occurred if the preponderance of the evidence obtained during the investigation supported that conclusion. That is, it was more likely than not that the event happened. In reaching these determinations, it is critical that the information is both reliable and susceptible of proof. Credibility resolutions were made where appropriate.

Pursuant to Eureka Police Department Policy Manual Section 1019.5.3, the following is a key to the terminology used in reaching findings:

SUSTAINED	There is sufficient evidence to establish the act occurred and that it constituted misconduct.
NOT SUSTAINED	There is insufficient evidence to sustain the complaint or fully exonerate the member.
UNFOUNDED	The alleged acts did not occur or did not involve department members.
EXONERATED	The alleged acts occurred but the acts were justified, lawful and/or proper.

It is also beyond dispute that many of these texts are inappropriate, profane, and/or derogatory and are properly viewed by the community as patently offensive and inconsistent with the values relative to law enforcement and the public trust.

the scope of this Investigation includes whether other supervisors or Command staff were aware of the existence and nature of these group texts. All of the witnesses interviewed were consistent and unanimous that other supervisors and the Command staff were not aware of and had no reason to know of the nature of these texts, and there is no evidence to the contrary. Instead, it appears that there was general surprise, alarm, and condemnation around the Department when the nature of the texts was revealed in the March 17, 2021 Sacramento Bee article.

It is also beyond dispute that many of these texts are inappropriate, profane, and/or derogatory and are properly viewed by the community as patently offensive and inconsistent with the values law enforcement and the public trust.

Q. Whether supervisory employees instituted
unwarranted investigations and/or discipline or made personnel decisions
in order to punish employees that the supervisory employees viewed
unfavorably.

The Investigator finds by a preponderance of the evidence that the allegation that supervisory employees instituted unwarranted investigations and/or discipline or made personnel decisions in order to punish employees that they viewed unfavorably is **unfounded.**

S. **Whether supervisory employees of the Department protected other supervisory employees from internal and external complaints of misconduct.**

The Investigator finds by a preponderance of the evidence that the allegation that supervisory employees of the Department protected other supervisory employees from internal and external complaint of misconduct is **not sustained**.

Respectfully Submitted,

/s/ *Todd Simonson*

Todd Simonson, Investigator

SACKS, RICKETTS & CASE, LLP