



# Office of the Sheriff

## SANTA BARBARA COUNTY

### STATIONS

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**Sheriff - Coroner Office**  
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May 29, 2024

**BILL BROWN**

Sheriff - Coroner

**CRAIG BONNER**

Undersheriff

Eva Macias  
Foreman, SBC Grand Jury  
Santa Barbara County Courthouse  
1100 Anacapa Street  
Santa Barbara, CA 93101  
[emacias@sbcourts.org](mailto:emacias@sbcourts.org)

Re: Response to the Santa Barbara County Grand Jury Report Entitled "*Potential Perceived Conflict of Interest for Death In Custody Investigations*"

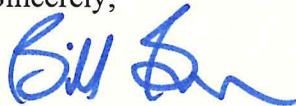
Dear Foreman Macias,

Enclosed please find the Santa Barbara County Sheriff's Office response to the 2023 – 2024 Santa Barbara County Grand Jury Report entitled "*Potential Perceived Conflict of Interest for Death In Custody Investigations.*"

As requested, my team and I carefully reviewed and considered this report and are providing the requested written responses to Finding 1 and Recommendations 1a, 1b, and 2.

Should you have any additional questions, please feel free to contact me at (805) 681-4290.

Sincerely,



**BILL BROWN**  
Sheriff - Coroner

Enclosure: Santa Barbara County Sheriff's Office response to the Santa Barbara County Grand Jury report entitled "*Potential Perceived Conflict of Interest for Death In Custody Investigations.*"

c: Honorable Pauline Maxwell, Superior Court of California  
Mike Munoz, Deputy County Counsel  
Paul Lee, Deputy County Counsel  
Das Williams, First District Supervisor; Laura Capps, Second District Supervisor  
Joan Hartman, Third District Supervisor; Bob Nelson, Fourth District Supervisor  
Steve Lavagnino, Fifth District Supervisor; Mona Miyasato, County Executive Officer

**Santa Barbara County Sheriff's Office**  
**Response to the Santa Barbara County Grand Jury 2023-2024 Report**  
*"Potential Perceived Conflict of Interest for Death In Custody Investigations"*

**Findings and Recommendations**

**Santa Barbara County Sheriff: 60 Days**

**Finding(s): 1**

**Recommendation(s): 1a, 1b; 2**

The Santa Barbara County Coroner's Bureau is staffed by an exemplary group of highly trained and experienced personnel working tirelessly to perform a vital community caretaking function: investigating and reporting on the cause and manner of unexpected deaths occurring within the county. They conduct comprehensive medicolegal investigations that include scene evaluation, witness interviews, document review, medical record analysis, toxicology testing, autopsies, and other forensic pathology analyses, all of which culminate in the determination of the cause and manner of death. Furthermore, our Coroner's Bureau team provided compassionate support to the families of those who have passed away, working closely with family members to help them understand the circumstances, cause, and manner of their loved one's death, and to provide assistance and guidance through the process of closure. With that said, we recognize the significance of the Coroner's Bureau's role and the impact its work has on the families involved and the community at large. We believe the public's trust compels us to continually evaluate and refine our policies and practices and strive for excellence in our operations.

**Finding 1**

There is a real or perceived conflict of interest in investigating and conducting pathological exams related to deaths in custody that can be avoided or mitigated by having a separate Medical Examiner's office (inclusive of a separate investigative detective unit) or outsourcing those specific cases to an independent agency.

**Sheriff's Office Response**

***Disagree***

We respectfully disagree with this Finding. While the Grand Jury's concerns about the *potential* for a *perceived* conflict of interest is recognized, it is our position that the current structure of the Santa Barbara County Sheriff-Coroner's Office operates effectively and within the bounds of California law, and that it maintains rigorous standards to prevent such conflicts. Santa Barbara County is one of 48 out of 58 counties in California that has adopted the Sheriff-Coroner model. Our operations and procedures have continuously evolved to meet both legal requirements and our commitment to transparency and accountability. It is not by accident that the Sheriff-Coroner model is utilized by over 80% of California counties, including large, medium, and small ones in terms of population and geographic area. Most counties use this model because it provides significant efficiencies and cost savings to taxpayers compared to other available models.

The Santa Barbara County Coroner's Bureau boasts a team of highly trained and seasoned professionals, comprising deputy coroners, forensic pathology assistants and a forensic pathologist, whose collective experience in medicolegal death investigations totals an impressive 188 years. This team is committed to serving our communities with unparalleled dedication, and each member



is equipped with the expertise to meticulously investigate unexpected deaths that occur within our county. The coroner's investigators collaborate closely with the Bureau's forensic pathologist, a highly trained and specialized medical doctor with a valid California medical license who is a member of the National Association of Medical Examiners (NAME) and the International Association of Coroners & Medical Examiners (IACME). Our forensic pathologist's medical career spans 33 years. His experience is extensive, having performed over 2000 autopsies and observed thousands more. His expert testimony has been instrumental in over 100 cases in state and federal courts. When needed, the Santa Barbara County Sheriff-Coroner utilizes third-party expert forensic services to supplement our internal capacities in special cases, such as forensic anthropology. This multidisciplinary approach ensures that cause and manner of death determinations are made with input from both investigative and medical perspectives, which is common even in jurisdictions that utilize a medical examiner or separate coroner system.

Given the capability and proven performance of the Santa Barbara County Sheriff-Coroner's Bureau, and the County's ongoing fiscal challenges, we believe that the current integrated Sheriff-Coroner model does not compromise our ability to conduct impartial, thorough and highly ethical investigations into in-custody deaths that occur within Santa Barbara County.

**Recommendation 1a**

To avoid a potential conflict of interest in having the Sheriff-Coroner's office conduct deaths in custody investigations, the Sheriff-Coroner's office shall request another Santa Barbara County agency to conduct either an independent or parallel investigation for all deaths in custody events. This could be implemented immediately.

**Sheriff's Office Response**

*Has been implemented*

Current practice is that the Sheriff's Office notifies the District Attorney's Office (DA) of in-custody deaths involving the use-of-force or restraint by law enforcement. The DA's Office sends a deputy DA and a DA investigator to observe the investigation and evaluate the situation, provide consultation regarding the investigation, and determine whether any violation of criminal law may have occurred. The DA then reviews the facts of the investigation and opines as to the lawfulness of any use-of-force or restraint. We are also in discussions with the District Attorney's Office about expanding this practice to include parallel DA participation and review of all in-custody death investigations, except excluding those that are expected, i.e., such as those of a terminally ill inmate.

**Recommendation 1b**

All deaths in custody pathology investigations shall be conducted using an independent medical examination team. This policy shall be implemented no later than the end of December 2024.

**Sheriff's Office Response**

*Will not be implemented with an explanation*

We respectfully disagree with this recommendation. History has shown that it is unnecessary. It would add additional expenses to an already strained Sheriff's budget. Our current and former



forensic pathologists are or were distinguished medical practitioners holding medical degrees and California medical licenses. All are or were experts in the field of forensic pathology. Additionally, all of our Coroner's detectives are certified peace officers who have extensive specialized experience and training, including an 80-hour Coroner's Basic Investigation Course. This integrated approach ensures a thorough death review in all cases. Our Coroner's services have withstood legal scrutiny in countless court cases and continue to provide the people of Santa Barbara County with credible, ethical, yet cost-effective death investigation services.

The Santa Barbara Sheriff Coroner's Bureau intentionally falls outside the Criminal Investigation and Custody Division's chain-of-command to mitigate concerns about our undue command influence over their investigations.

In the past, the Sheriff's Office has researched the possible use of contract forensic pathology services but has found them to be cost-prohibitive and/or unavailable for the investigation of certain types of deaths, including homicides and in-custody deaths. Furthermore, bringing in a new independent medical examination team to duplicate services our Sheriff Coroner's Bureau already provides would require significantly greater expenses beyond what the Sheriff's Office and County have budgeted. It must also be pointed out that while there *could* be a *perception* of a *potential* conflict of interest with the Santa Barbara Sheriff-Coroner model, our agency has never been found to have had an *actual* conflict of interest.

## **Recommendation 2**

The Sheriff/Coroner shall develop and implement a succession plan for pathology technicians (including identification of potential candidates and ensuring training budget is available) following current California Department of Health standards, with a specific timeline by the end of September 2024.

## **Sheriff's Office Response**

*Will be implemented with an implementation schedule*

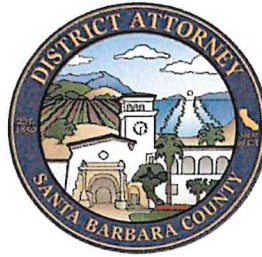
The Santa Barbara County Coroner's Bureau and the Sheriff's Human Resources Division are analyzing these positions and planning for the succession of our pathology technicians. We are evaluating available options and discussing the associated cost with the CEO's Office. Options include the use of contracted forensic pathology employees, hiring such qualified employees, or hiring additional Sheriff's Service Technicians and training them for this role. A comprehensive succession plan, aligned with California Department of Health standards, is being developed and will be finalized by the end of September 2024.

## **Conclusion**

Outsourcing forensic pathology services is a solution in search of a problem. There has never been any indication of an actual conflict of interest regarding death in-custody investigations, and we see no reason to anticipate one in the future. Just as forensic pathologists at local hospitals are trusted to conduct medical inquiries into deaths that occur within their facilities, our Sheriff-Coroner professionals are fully capable of conducting impartial, timely and accurate forensic pathology investigations of in-custody deaths within our jails. There is no business-case justification for outsourcing these services, as it would be a cost-prohibitive endeavor that would not alter investigative findings. We must always balance the need for the continuity and quality of our forensic pathology services with the careful stewardship of our taxpayers' hard-earned dollars.

OFFICE OF THE  
**DISTRICT ATTORNEY**  
COUNTY OF SANTA BARBARA

**JOHN T. SAVRNOCH**  
District Attorney



**KELLY A. DUNCAN**  
Assistant District Attorney

**SONIA E. BALLESTE**  
Chief Deputy District Attorney

**ANNE C. NUDSON**  
Chief Deputy District Attorney

**MEGAN RHEINSCHILD**  
Victim-Witness Assistance Program  
Director

**JENNIFER KARAPETIAN**  
Chief Deputy District Attorney

**KRISTINA PERKINS**  
Chief Investigator

**MICHAEL SODERMAN**  
Chief Financial & Administrative  
Officer

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**PROTOCOL FOR SANTA BARBARA COUNTY DISTRICT ATTORNEY OFFICER-  
INVOLVED INCIDENT RESPONSE PROGRAM**  
**For Officer/Deputy-Involved Shootings and In-Custody Deaths**

**PREAMBLE**

Law enforcement officers perform a vital and often dangerous job in our communities. Situations will occur where peace officers must use deadly force; we expect that such force will be used only when legally necessary and as prescribed by law. When officers or deputies use deadly force, the public and the involved officers/deputies have a right to expect that a thorough and neutral examination will be conducted of these incidents.

The Santa Barbara County District Attorney's Office and Santa Barbara County law enforcement agencies agree that district attorney personnel will immediately respond to the scene of officer-involved shootings where any person is injured or killed and have the option of responding to in-custody deaths<sup>1</sup>. The District Attorney's role in officer involved shootings and, at times, in-custody deaths, is to observe the law enforcement investigation and determine whether any violation of criminal law may have occurred. The officer-involved incidents discussed in this protocol include: officer-involved shootings where an officer/deputy shoots and injures or kills any person in the course and scope of their employment, deaths of suspects or inmates in the custody or control of law enforcement, and deaths of any person following a use of force incident by a law enforcement officer. The policies and procedures to be followed as well as the focus of our response team are set out in this protocol.

**SEPARATION OF CRIMINAL AND ADMINISTRATIVE INVESTIGATIONS**

Law enforcement agencies have the responsibility in an officer-involved shooting or in-custody death investigation to address several issues, such as: (1) whether any criminal law violations have occurred, (2) whether any participant has incurred or is at risk of incurring civil liability, (3) whether departmental policies have been followed, (4) whether appropriate law enforcement tactics were utilized under the circumstances.

The District Attorney's role is to observe the criminal investigation and determine whether any violation of criminal law may have occurred by all parties involved, including suspects, and

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<sup>1</sup> For purposes of this protocol, "in-custody deaths" refers to when an individual dies while in custody or control of a law enforcement officer or agency, following a use of force by a law enforcement officer or custody personnel. For more discussion on when District Attorney personnel may respond to an "in-custody death" see the section entitled "Incidents to be Investigated."

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whether the use of force was lawful. However, the role of the law enforcement agency may also be to administratively investigate other issues as well, and these can be conducted concurrently with the criminal investigation.

During the course of an administrative inquiry, law enforcement agencies are authorized by law to compel their officers or deputies to give statements regarding matters that are the subjects of administrative investigation. (Public Safety Officers Procedural Bill of Rights Act, Government Code Sections 3300 et seq.) However, the law provides that such a compelled statement and any evidence derived therefrom may be inadmissible in a criminal prosecution. Therefore, it is vital to ensure that from the outset of an investigation, there is a clear separation between the administrative and the criminal investigation. District Attorney personnel should not be present, either remotely or physically present, during any compelled interview, nor should they receive any information concerning the content of a compelled statement, absent unusual circumstances.<sup>2</sup>

There will be an Officer-Involved Incident team consisting of one deputy district attorney and one chief deputy or chief assistant deputy district attorney in both north and south county. Deputy district attorneys from the Officer-Involved Incident team of the Santa Barbara County District Attorney's Office will respond to the incident site to work with the investigating law enforcement officers. The District Attorney's Office will work with the investigating agency to ensure that the inquiry is conducted in a fair and professional manner that will serve the interest of justice, the community, the involved officers, those persons injured, and the families of those affected. The primary objective of this program is to accurately, thoroughly, and objectively investigate all relevant evidence and to determine the potential criminal liability, or lack thereof, of any party.

### **INCIDENTS TO BE INVESTIGATED**

This protocol shall apply when either of the following incidents occur within Santa Barbara County:

- 1) A peace officer, on or off duty, shoots and injures or kills any person during the scope and course of employment.
- 2) An individual dies while in custody or control of a law enforcement officer or agency, following a use of force by a law enforcement officer or custody personnel.

This protocol will also apply to peace officers employed by an agency outside Santa Barbara County, if the incident occurs within Santa Barbara County. This protocol will not apply where

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<sup>2</sup> For further discussion on this subject, see section entitled "Interviews of Officers and Deputies."

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officers or deputies from Santa Barbara County are involved in incidents that occur outside the borders of Santa Barbara County.

### **NOTIFICATION OF DISTRICT ATTORNEY OFFICER-INVOLVED INCIDENT TEAM**

For all incidents described in 1 and 2 above, it is the responsibility of the law enforcement agency investigating the incident to immediately notify the north or south county deputy district attorney on the Officer-Involved Incident Team, depending on where the incident occurred. The investigating agency should refer to the on-call list on file with dispatch services for the deputies on the Officer-Involved Incident Team.

The responding deputy district attorney should be given a brief summary of all the facts known at the time, including: location of the incident, command post location, suggested access routes, and any safety concerns. The notification should be made as soon as possible, preferably no later than 1 hour after the incident. An early response to the scene of an investigation is critical so that district attorney personnel may gain first-hand knowledge of lighting conditions, witness demeanor, trajectories, vehicle and pedestrian traffic conditions, etc.

### **AT THE SCENE**

The investigating law enforcement agency shall have primary responsibility to conduct a thorough, objective, and professional investigation of the incident. They shall be responsible for securing the location, collecting all physical evidence, photographing and/or diagramming the scene, and interviewing witnesses in cooperation with district attorney personnel.

The responsibilities of the District Attorney's Office shall include the following:

- 1) Assist and advise the Incident Investigators on the various legal issues that may arise, including but not limited to search and seizure, *Miranda*, identification procedures, arrests, elements of crimes, immunity, and voluntariness.
- 2) Observe the law enforcement investigation.
- 3) Advise and assist investigative officers as to the collection of evidence and the interview of witnesses, when appropriate.
- 4) Ultimately determine if the use of force was lawful.

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District Attorney personnel will notify the officer maintaining the crime scene log at the scene upon their arrival and entry into the secure scene. As soon as practical, the officer in charge of the investigation will provide district attorney personnel with an initial briefing of the incident. The briefing will consist of all relevant information known at that time, including but not limited to:

- 1) The names and present whereabouts of the officers involved in the incident;
- 2) The names, addresses and present whereabouts of all civilian witnesses to the incident;
- 3) Any public safety statement(s) made by the involved officers.
- 4) The physical evidence discovered;
- 5) A summary of witness statements and the status of the investigation;
- 6) A “walk through” at the scene, including witness descriptions of the events and the evidence recovered;
- 7) The medical condition of injured parties.

The investigating officer will ensure that district attorney personnel have access to the scene of the investigation. All physical evidence shall remain in the custody of the law enforcement agency conducting the investigation.

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### INTERVIEWS OF OFFICERS AND DEPUTIES

All officer or deputy witnesses to the events of the incident shall be separately interviewed. The interviews should take place as soon as is practical and should be recorded.

During the course of the investigation and prior to the interviews, all involved officers/deputies should be instructed not to talk with one another or any witnesses about the investigation or the facts of the incident prior to their interviews. This shall not affect an involved officer/deputy’s communication with their legal representative, non-involved association representative, clergy or counselor.

District attorney personnel will be available to participate **remotely** in interviews of law enforcement personnel at the request of the investigating agency<sup>3</sup>. However, if the officer or deputy chooses to make a non-compelled statement outside the presence of district attorney

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<sup>3</sup> “Remote participation” means that the District Attorney personnel will be observing or listening to the interview from a separate room with remote audio capabilities.

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personnel, investigators will inform district attorney personnel of the substance of the statement and provide access to any recording of the statement.

If the officer chooses not to make a voluntary statement and the police agency elects to compel a statement pursuant to Public Safety Officers Bill of Rights Act (Government Code Sections 3300 et seq.), district attorney personnel will not participate in the compelled interview.

### INVESTIGATIVE REPORTS

It is the intent of the District Attorney's Office and participating law enforcement agencies to complete their review of these matters as quickly as possible, consistent with the primary goal of conducting a thorough and objective review of the facts.

The investigating agency will submit all relevant reports regarding the incident to the District Attorney's Office as soon as possible.

### FINAL ACTION

At the conclusion of the investigation, the District Attorney's Officer-Involved Incident Team will review and analyze all the evidence to determine whether the officer/deputy acted lawfully. The crime-charging standards are the same for civilians and peace officers. The District Attorney's Office should charge only if the following basic requirements are satisfied:

1. The prosecutor, based on a complete investigation and a thorough consideration of all pertinent facts readily available, is satisfied that the evidence proves that the accused is guilty of the crime to be charged;
2. There is legally sufficient, admissible evidence to prove the case to the standard of beyond a reasonable doubt; and
3. There is legally sufficient, admissible evidence of the accused identity as the perpetrator of the crime charged;

If charges are filed against the officer they will be prosecuted by the District Attorney's office. If no charges are filed, the District Attorney's Office will issue a closing report summarizing the results of the investigation and analyzing the evidence. This report will address the question of whether or not there is proof beyond a reasonable doubt that an officer, deputy, or any other person committed a crime. It is not the purpose of the District Attorney's investigation or report to determine if any officer or deputy violated police policy or procedure, or committed any act which would be subject to civil sanctions. The District Attorney's Officer-Involved Incident

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Team will review all matters in a timely manner and issue a closing report containing its findings and conclusions in as timely a manner as possible, preferably within 90 days of receipt of the investigation. This report shall be sent to the involved police agencies and will be available to the public.

The District Attorney's Office will notify the appropriate Chief of Police, Sheriff, or their representative prior to releasing to a third party any document related to an officer-involved shooting or in-custody death, and prior to conducting a news conference or issuing a press release concerning an officer-involved shooting or in-custody death.

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