

Robert H. Aaronson
Independent Police Auditor
CITY OF SANTA CRUZ
(650) 565-8800



AUDIT REVIEW OF *LAST NIGHT DIY* INTERNAL INVESTIGATION

February 13, 2006

I regret to say that this Internal Investigation, for my purposes, is incomplete and flawed, for a very predictable reason. It violates one of the most basic investigative precepts by having been compiled and written by the very individual whose decisions are/should be under investigative scrutiny.

In my view, the heart of the underlying matter is how and why a unilateral decision was reached to place undercover officers in the Last Night DIY organizing meetings. Unfortunately, the person who made that decision is now the person who presents his investigation of his own actions.

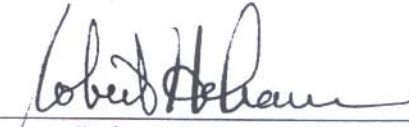
In regards to the decision to insert undercover officers, the investigation is less an independent review of what took place than a rationalization to justify the decision. The first page and half of the investigation summary contain the discussion of that decision; rather than the product of investigation, these paragraphs are the investigator's confession of his central role as the initial instigator of all the events that followed. That page and half demonstrate, beyond any doubt, that the Deputy Chief was and should have been disqualified from conducting the investigation into the decision.

The Deputy Chief's decision to utilize undercover officers may or may not have been the most appropriate, but he is certainly unable to impartially investigate it. I am surprised and disappointed that he was assigned to that task.

None of the foregoing is meant to suggest that I have or am able to reach any firm conclusion regarding the propriety of using undercover officers in this instance. I remain troubled by the fact that the Department made broad, untested assumptions (tantamount to categorical prejudices) about the Last Night DIY organizers as the basis for inserting an undercover team into their midst. As I have maintained all along, I doubt that there has been any misconduct in those underlying actions; on the other hand, the choices made have damaged the Department's relationship with a portion of the City's community. That fact alone would justify a creditable, unbiased investigation of how and why those decisions were made.

In light of these concerns, I met with the Chief of Police and the City Manager this morning. After some discussion, the City Manager directed me to take those investigative steps I deemed necessary to supplement/revise the instant investigation.

Dated: February 13, 2006


Robert H. Aaronson
Police Department Auditor