

Peter Anthony Lance

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Camerino Sanchez - Chief
Santa Barbara Police Department
215 East Figueroa Street
Santa Barbara, CA 93101

December 6th, 2011
By Express Mail - By Hand Delivery to City Clerk

Chief Sanchez,

I am hereby submitting a formal complaint and demanding an immediate investigation based on the multiple violations of my constitutional rights and the obstruction of justice by you and other officers and officials in the Santa Barbara Police Department (SBPD) stemming from my stop and arrest for an alleged DUI on January 1st, 2011.

As you know, that case was dismissed on November 15th, 2011.

The rights violations and misconduct by you and other personnel in the SBPD include but are not limited to the following:

- 1) The actions by Officers Kasi Beutel, Bruno Peterson and Heather Clark in connection with that unconstitutional stop and arrest; which included:
 - a) Material Misstatements of fact by Officer Beutel in my police report which she made under penalty of perjury;
 - b) Intentionally false statements of fact in my police report written by Officer Clark in her arrest narrative, made at the request of the Assistant District Attorney prosecuting my case; four and one half months *after* the arrest;
 - d) The destruction of key exculpatory evidence in my case by Officer Clark in the form of an audio recording that would have documented the misconduct of Officer Beutel and proven that statements Officer Clark made in her months-after-the-arrest narrative were false.
 - e) The pre-checking of boxes in the Trombetta blood waiver and Field Sobriety Test report of my arrest by Officer Beutel, suggesting a pre-determined mindset to frame me for a DUI offense before she ever met me in the field.
 - f) The witnessing by Officer Beutel of my alleged signature on a Trombetta blood test waiver which was a clear forgery;

g) The intentional manipulation by Officer Beutel of the Alcotest 7410 breathalyzer by covering the exit port and her screaming demand that I “blow hard, blow harder;” both techniques designed to inflate the Blood Alcohol Content (BAC) in my breath tests; thus making it appear that I was guilty of a DUI crime, when I was, in fact, innocent.

2) The utter failure by you to follow the Policy of the SBPD to investigate my allegations of misconduct by Officer Beutel which were first published in a five part-series in the Santa Barbara News Press. See: links to pdfs of the series as it ran in the News-Press:

Parts One-Ten: http://peterlance.com/SB_DUI_Parts_One-Ten.pdf

Parts Eleven-Thirteen: http://peterlance.com/SB_DUI_Parts_Eleven-Thirteen.pdf

a) Your failure to investigate these allegations include a violation of Section 340.4 of the manual which requires that:

“Regardless of the source of an allegation of misconduct, **all such matters will be investigated** in accordance with Personnel Complaint Procedure.” (emphasis added).

b) Not only did you fail to conduct a proper investigation of my allegations, but two (2) days after my initial five-part series ran on June 23d, 2011, you authorized the issuance of a press release (Attached as **Exhibit A**) in which you:

i) Tried my case in the media. Not only making multiple misstatements of fact about the vehicle I was driving, but going so far as to endorse Office Clark’s false statement about my condition at the time of the stop; using words similar those in her arrest narrative:

“One officer described Lance as looking down at his lap; the other described him as head drooping, chin nearly on his chest.”

ii) That second line was repeatedly quoted in the media, including *The Santa Barbara Independent* and other online news services giving rise to false and libelous conclusions that I was driving “drunk.” As a result of your action in approving and issuing this false and malicious release, irreparable damage was done to my reputation for honesty and integrity earned over 35 years as a journalist reporting on government misconduct;

iii) Not only did this false and malicious statement suggest that I was asleep at the wheel, when Officer Clark knew that she and officer Peterson had followed me for more than a block after observing me with no signs of impairment, but in a reckless disregard for the SBPD’s Police Manual regulation requiring you to investigate allegations of misconduct by your officers, you were quoted in that press release as effectively exonerating Officer Beutel when you stated:

“Police Chief Cam Sanchez and the entire Santa Barbara Police Department support Officer Kasi Beutel. The number of DUI arrests Officer Beutel has made is a testament to her dedication and commitment to keep our community safe. Peter Lance, like any defendant in a criminal case, is innocent until proven guilty. He has the opportunity to defend himself, and has the right to a fair trial. Officer Beutel has an unblemished career”

- 3) Your refusal to address those issues and others relating to the misconduct of Officer Kasi Beutel when I sent you the detailed email on July 20th (attached as **EXHIBIT B**). In that email I made you personally aware of the following evidence that I had uncovered with respect to Officer Beutel which went **DIRECTLY** to her credibility – a key factor in determining the guilt or innocence of a driver accused by a police officer in a DUI offense:
- a) That she and the SBPD had inflated the DUI arrest statistics that earned her awards from Mothers Against Drunk Driving (MADD) in 2009-2010 as “Top DUI Officer.”
 - b) That she and her ex-husband Todd Beutel had filed back-to-back Chapter 7 bankruptcies between 1998-2000 in which they amassed almost \$200,000 in credit card debt;
 - c) That “Lack of well-balanced credit” and “Falsification of any required application or report” were grounds for the SBPD to turn down an applicant to the Department.
 - i) In fact, according to a report in the *SB Independent* (attached as **EXHIBIT C**) during the trial of ex-Officer Ruben Lino, who was seeking reinstatement in the SBPD, you testified that although he was an exemplary officer, you chose not to rehire him because of a bad credit report. Query why Officer Beutel wasn’t held to the same standard?
 - d) That Officer Beutel committed perjury in Federal bankruptcy proceedings in 2000 and in state divorce proceedings in 2005:
 - e) That Officer Beutel had suborned the perjury of the very minister who married her in 2005;
 - f) That she submitted a false claim for Workers Compensation benefits in connecting with a “shoulder injury” she alleged she sustained in the August 2009 arrest and Taser of Michael Kenny, a DUI arrestee whom she stopped and arrested whose blood test later showed a BAC below the legal limit of .08;
 - g) That in Mr. Kenny’s police report Officer Beutel not only made material misstatements of fact but almost seven minutes was missing from an audio recording of the incident which should have been construed as exculpatory Brady material and turned over to Mr. Kenny’s attorney;
 - h) That Officer Beutel also withheld key exculpatory evidence in the 2009 DUI case of Alison Woolery whose forged Trombetta blood waiver was witnessed by Officer Corbett, the man Officer Beutel was scheduled to marry on May 1st, 2011;
 - i) That Sgt. Todd Stoney, the Supervisor of Internal Affairs for the SBPD may have perjured himself during an April 8th, 2011 Pitchess Hearing in my case when he testified under oath that there were no complaints in Officer Beutel’s file when we know for a fact that there was at least one (from Cruzito Cruz) and possibly a second (from Taurino Torres).

- j) That despite SBPD policy as outlined in the Policy Manual citizen complaints against officers like Mr. Cruz's and Mr. Torres fall into a "black hole" because of the policy of your department NOT TO TIME OR DATE STAMP COMPLAINTS RECEIVED – another example of your reckless disregard for the procedures of your own department at the expense of citizens' rights.
- 4) Since I sent that email to you on July 20th, which you ignored and never responded to, I uncovered additional evidence documenting the outrageous governmental conduct of Officer Kasi Beutel, including, but not limited to proof that:
- a) For at least two months in 2009 and 2010 and at the time of my arrest, she went into the field with those pre-checked pre-printed forms.
 - b) During the 2009-2010 period in some instances she had pre-checked up to 21 boxes that answered questions ahead of time which would have determined a suspect's sobriety;
 - c) In my case she pre-checked at least two of the boxes including a notation suggesting that I did not want a blood test, when, in fact, Officer Beutel never presented a blood test to me as an option at the time of my arrest as required by law.
- 5) The destruction of evidence. As you know, within days of my arraignment on February 2nd, my attorney, Darryl Genis, filed a request to the District Attorney for copies of the ORIGINAL documents in my police report. This request was reiterated to the D.A.'s office at least DOZEN TIMES verbally and in writing over the next several months, and, in fact, Judge Brian Hill on May 31st, in Dept. 2 ORDERED that the original of the Trombetta blood test waiver in my case and that of two (2) other Kasi Beutel arrestees be furnished to the defense so that we could examine them for palm prints and finger prints and determine DEFINITELY if those waivers had been forged – which was a key allegation in my defense. By June we had requested the Trombetta waiver originals in four (4) other Kasi Beutel arrests.
- a) Nonetheless, is a clear violation of Section 135 of The California Penal Code your department ALLOWED those original Trombetta waivers to be destroyed, KNOWING that they were about to be produced in evidence. This is a crime under the California Penal Code and just another extraordinary example of the SBPD's outrageous governmental conduct.

Since you are the Chief of the Department, you are ultimately responsible for the misconduct and violations of citizens constitutional rights committed under color of state law by the Officers under your command.

DEMAND FOR AN INVESTIGATION

Given the facts and allegations as stated in this letter and assuming that you will do your proper due diligence and download and printout my 13 part series for the News-Press which goes into even more detail about the allegations of misconduct by Officers Beutel and other members of your department I call upon you to follow the law and conduct a full investigation of my findings.

As a citizen as well as a victim of misconduct and rights violations by the SBPD, I stand ready and willing to prove the allegations raised in my series and in this demand letter.

However, time is off the essence because after multiple weeks in which Officer Beutel was on some kind of undetermined leave, she is back on the streets once again, potentially threatening the rights of Santa Barbara citizens as documented in my series for the News-Press and email to you.

Please get back to me as soon as possible so that I can get a sense of when you intend to do what you should have done in June and conduct a full, open and unbiased investigation of my findings.

Sincerely

Peter Lance