

Stanislaus County Civil Grand Jury  
Stanislaus County Sheriff's Department  
Case 12-06C

SUMMARY:

The Stanislaus County Civil Grand Jury received a citizen complaint, dated August 22, 2011 alleging the Stanislaus County Sheriff was not enforcing a standing restraining order. The original restraining order was dated May 25, 2010. It was vacated July 2010. Another hearing was held in the Stanislaus County Court on October 29, 2010 where the restraining order was reinstated to be effective until October 29, 2013. A later revision to this order was added stating the subject was not to purchase or possess any firearms. This order was filed January 28, 2011 with the court.

GLOSSARY

SCCGJ – Stanislaus County Civil Grand Jury.

Person B – The complainant

Person K – The complainant's husband.

Person D – Subject of the restraining order

Penal Code 166 (a) (4) Willful disobedience of the terms as written of any process or court order or out-of-state court order, lawfully issued by a court, including orders pending trial.

DISCUSSION

D purchased an unimproved parcel of land in a rural area in Stanislaus County. D's property abutted the east boundary of B's property. This area consists of numerous ranchette and horse properties. D made alterations to the property that B felt might alter the drainage into a common pond shared by the two properties. B asked D to stop this activity and obtain the proper permits if D was to continue alterations to the property. D declined B's request.

After this incident, B alleged being the subject of harassment, bullying, stalking, and surveillance by D. B asked for and was granted a restraining order by the court against D. Section 13 of the order states (a.) the order is based on stalking and (b) the order is based on a credible threat of violence. D was directed by the order to stay at least 100 yards from B, their property, and vehicles. This order is in effect until October 2013.

B provided the SCCGJ a detailed narrative of D's actions. The issuance of the restraining order did not seem to change D's behavior. The defacing of signs, broken truck windows, and other vandalism was alleged to have occurred. The SCCGJ interviewed witnesses that verified some D's behavior alleged by B. K's daughter stated in an interview she was afraid to stay at her father's house because of D's threatening behavior.

On July 22, 2011, B, K, and K's daughter observed D leaving their property when they returned from a picnic at 8 P.M. He was seen driving out their driveway past them with the window down on his pickup. B found a door to their barn (used as an art studio) had been opened. They also observed the lights of K's pickup were flashing as if someone had tried to tamper with the vehicle. B made a citizens complaint against D for violating the court ordered restraining order. On July 27, 2011 a supplemental report was made to a Stanislaus County Sheriffs Deputy via telephone to report on a camping trip, they discovered their trailer emergency brakes had been disconnected and a fuel line to a fuel tank had been cut.

The officer that wrote the report about this incident waited at D's residence for thirty minutes and left when D did not return. He made no further attempt to interview D and ascertain D's whereabouts during the relevant time period. No follow-up investigation was requested by the deputy or his supervisor. The case was forwarded to the District Attorney's office without a complete investigative report.

There is no record that the Sheriff's Department made any contact with D during the year and a half that the restraining order was in effect.

The SCCGJ is aware of the allegations that B made about harassment by the Stanislaus County Sheriff's Department. We are also aware B walked out of an interview that was arranged by the Sheriff to discuss these issues. The Sheriff stated that he felt B lacked credibility because of this incident and numerous prior complaints involving B and D. The SCCGJ is of the opinion that many of these incidents between the two parties were precipitated by D and not B: additionally D was the subject of the restraining order.

## METHODOLOGY OF INVESTIGATION

The SCCGJ investigation of this complaint took place between August 25, 2011 and January 15, 2012. During the investigation the following actions were taken by the Criminal Justice committee:

1. Reviewed a detailed narrative of the alleged violations of the restraining order provided by B.
2. Witnesses who were acquainted with B and patrons of an art studio located on B's property were interviewed by the SCCGJ to verify that some of the accounts listed in B's complaint could be verified as factual.

3. The SCCGJ reviewed 911 tapes and sheriffs reports pertaining to the restraining order and the property disputes that occurred between B&K and D.
4. The SCCGJ went to B's property to view the scene of the violations and to view D's property.
5. Interviewed the Stanislaus County Sheriff.

## FINDINGS

- F1. The SCCGJ finds that the sheriff did not thoroughly and completely investigate violations to a standing court restraining order. This could be indicative of a lax attitude toward enforcing a restraining order within the Stanislaus County Sheriff's Department.
- F2. Although B's lack of full cooperation with the Sheriff's Department on some matters is troublesome, the SCCGJ is of the opinion that this is not a basis to deny investigation and enforcement of a restraining order. These are separate issues. In this case a lack of proper enforcement has deprived both B and D equal protection under the law.

## RECOMMENDATIONS

- R1. The SCCGJ recommends the Sheriff's Department institute a procedure to monitor *multiple* violations of a restraining order and give them a higher enforcement priority. Records of these violations should be available to a deputy in the patrol vehicle and continually updated. Multiple violations of restraining orders show disrespect for the law and could lead to consequences the restraining order was designed to prevent.
- R2. The SCCGJ recommends that the Sheriff's Department evaluate the policy of no follow up investigation for misdemeanor offences, such as, but not limited to, "willful disobedience of any process order lawfully issued by a court".
- R3. If appropriate conditions exist, a citation per Penal Code 166. (a) (4) should be issued and the case forwarded to the District Attorney with a proper investigation.

## REQUEST FOR RESPONSE

The Stanislaus County Sheriff  
Stanislaus County Board of Supervisors

This report of case 12-06c is issued by the 2011-2012 Stanislaus County Grand Jury with the following exception: three members of the grand jury volunteered to recuse themselves due to a perceived conflict of interest. These persons were excluded from all phases of the investigation including interviews, deliberations, voting, and in the writing and approval of this report.