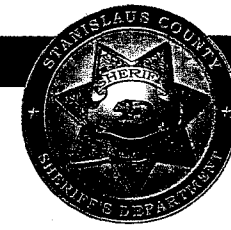
STANISLAUS COUNTY *Keeping the Peace Since 1854*

SHERIFF'S DEPARTMENT
Adam Christianson, Sheriff-Coroner



ADMINISTRATION DIVISION

July 2, 2012

The Honorable Ricardo Cordova, Presiding Judge
Stanislaus County Superior Court
P.O. Box 3488
Modesto, CA 95353

Re: Response to Grand Jury Report 12-06C

Dear Judge Cordova:

The Sheriff's Department is in receipt of the Stanislaus County Civil Grand Jury's completed report "Stanislaus County Sheriff's Department Case 12-06C" dated June 20, 2012.

Pursuant to Penal Code Sections 933(c) and 933.5, the following is our response.

Findings:

F-1. 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.

Response: The respondent disagrees with the finding.

Deputies acted appropriately and professionally in all cases reported by "Person B." Unless there's probable cause to believe a crime has been committed and/or all elements of the crime exist, deputies will not detain, cite or arrest. In these reported cases, there were no independent witnesses or corroborating evidence. The complainant, "Person B" refused to cooperate with Sheriff's investigators and "Person K" the complainant's husband is currently being prosecuted for an alleged criminal act as a result of this on-going dispute.

F-2. 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 is a basis to deny investigation and enforcement of the 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.

Stanislaus County
STRIVING TO BE THE BEST

250 East Hackett Rd. • Modesto, CA 95358
(209) 525-7216 • FAX (209) 525-7106
www.scsdonline.com

Response: The respondent disagrees with the finding.

All incidents were properly and thoroughly investigated.

Recommendations:

R-1. The SCCGJ recommends the Sheriff's Department institute a procedure to monitor multiple violations of a restraining order and give them a higher priority 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.

Response: The respondent agrees in part and disagrees in part with the recommendation.

Multiple calls for service at the same location, alleged violations of court orders, reports filed by deputy sheriffs are all automated and electronically available from the mobile computers in the patrol cars. The Computer Aided Dispatch (CAD) system, the Integrated Criminal Justice Information Systems, (ICJIS) and restraining orders issued by the Court are entered into Department of Justice (DOJ) database systems, all accessible by deputies. Given current demand for our services that require an immediate priority response to protect life and property, the investigation of alleged misdemeanor restraining order violations will remain a priority 3 call for service.

R-2. The SCCGJ recommends that the Sheriff's Department evaluate the policy of no follow up investigation for misdemeanor offenses, such as, but not limited to, "willful disobedience of any process order lawfully issued by a court".

Response: The respondent agrees with the recommendation.

The Sheriff's Department re-evaluated applicable policies as recommended. While the Sheriff's Department will always do it's very best to protect and serve the community with the resources we have, the harsh reality of our economic climate is that all calls for service have to be prioritized and with limited investigative resources, there are insufficient resources to follow up on alleged misdemeanor criminal activity especially where there's no direct evidence a crime was committed, no independent witnesses, no corroborating evidence and/or uncooperative victim(s).

R-3. 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.

Response: The respondent agrees with the recommendation.

Sincerely,

ADAM CHRISTIANSON
Sheriff-Coroner
Stanislaus County

cc: Supervisor Bill O'Brien, Chairman
Stanislaus County Board of Supervisors

Monica Nino, Chief Executive Officer
Stanislaus County Chief Executive Office

Benny Del Re, Foreperson
Stanislaus County Civil Grand Jury 2011-2012