

Eviction Murders

April 2012

Findings and Recommendations

January 2013

DO NOT CROSS POLICE SCENE

In Memoriam



Glendon David Engert

Locksmith

Killed while
Working

April 12, 2012



Robert Lee Paris Jr.

Deputy Sheriff

Killed in the
Line of Duty

April 12, 2012



Sheriff Christianson's Message

As you review this report, remember the noble actions of Deputy Robert Paris and Locksmith Glendon Engert. These men were performing their profession's duties, trying to ensure that a legal process would be served in a peaceful manner.

I will always remember the days that followed this tragedy. Person after person commented on Glendon and Robert's personal values and how they had made a difference in so many people's lives and well-being. We will never forget their deaths and the sacrifices of their loved ones.

Throughout this great nation, policing our diverse communities presents the men and women in law enforcement with unique challenges and dangers. By examining this incident through independent assessment and transparent analysis, the Stanislaus County Sheriff's Department will determine how this occurred and what can be done to prevent future tragedies.

Sheriff Adam Christianson
Stanislaus County Sheriff's Department

Acknowledgments

Law Enforcement

After killing two people, a barricaded and heavily armed murderer presented law enforcement personnel with significant and violent challenges for an extended time period. Despite these dangers, the involved peace officers performed policing actions in the highest traditions of law enforcement's rich history.

Law enforcement personnel from the following local, state, and federal policing agencies are recognized for placing themselves in harm's way, for offering immediate equipment and resources, and for their efforts in addressing and investigating the incident's aftermath:

Alameda County Sheriff's Office

Calaveras County Sheriff's Office

California Department of Corrections & Rehabilitation – Parole Division

California Highway Patrol

Ceres Police Department

Hughson Police Services

Manteca Police Department

Merced County Sheriff's Department

Merced Police Department

Modesto Police Department

Newman Police Department

Oakdale Police Department

Patterson Police Services

Ripon Police Department

Riverbank Police Services

Sacramento County Sheriff's Office

San Joaquin County Sheriff's Office

Stanislaus County District Attorney's Office

Stanislaus County Probation Department

Stanislaus County Sheriff's Department

Tuolumne County Sheriff's Office

Turlock Police Department

U.S. Bureau of Alcohol, Tobacco, Firearms & Explosives

Vallejo Police Department

U.S. Federal Bureau of Investigation

U.S. Marshal's Service

Waterford Police Services

Community and Public Safety

Sheriff Christianson recognized that many community members were extremely important to others' safety and welfare during and after the incident. He commended agricultural, business, charitable, civic, educational, employee, fire, political, religious, residential, and service members and their organizations for making a difference in public safety.

The following Stanislaus County community policing partners are acknowledged for their individual and team contributions:

American Medical Response

American Red Cross

Deputy Sheriffs' Association

Loomis Armored Vehicle Company

Modesto Regional Fire Authority

Stanislaus County Community Members

Stanislaus County Community Organizations

Stanislaus County Reserve Deputy Sheriffs' Association

Stanislaus County Sheriffs' Supervisor Association

Stanislaus County's Employee Association

Stanislaus County Sheriff's Air Support Association

Stanislaus County Sheriff's Employee Foundation

Stanislaus County Sheriff's K-9 Association

Stanislaus County Sheriff's Management Association

Stanislaus County Sheriff's Posse Association

Stanislaus County Sheriff's SWAT Association

Stanislaus Sheriffs' Explorer Post No. 226

Stanislaus Sheriffs' Team of Active Retired Seniors

Stanislaus Regional 9-1-1 Communications Center

Stanislaus Sworn Deputies Association

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Critical Incident Report

On Thursday, April 12, 2012, at approximately 10:52 a.m., an eviction process was initiated by the Stanislaus County Sheriff's Department in the City of Modesto, California. Involved were two uniformed Stanislaus County Deputies accompanied by a local locksmith.

James Ferrario, the resident to be evicted, was heavily armed and awaiting their arrival. Ferrario did not respond to the uniformed deputies' door knocks and verbal announcements as peace officers. While the deputies took positions south and west of the front door, the locksmith began drilling the metal security door's lock.

Shortly thereafter, Ferrario fired multiple 7.62 caliber rounds from a semi-automatic rifle that struck and killed Deputy Paris and Locksmith Engert. Over the next 17 hours, Ferrario remained barricaded and refused to surrender. His dangerous behavior exposed numerous community members and peace officers to potential serious bodily injury and death.

Note: The aforementioned description, "semi-automatic rifle," which fires a 7.62 caliber bullet, is commonly referred to as an "assault rifle." Ferrario possessed several types of rifles. Throughout the report, the term semi-automatic rifle is used when referring to his use of a 7.62 caliber semi-automatic rifle.

Sheriff's Decision

Stanislaus County Sheriff-Coroner, Adam Christianson, directed an independent review to identify the challenges faced, decisions made, strategies utilized, and lessons learned. This included law enforcement activities before, during, and after the incident.

This report is solely based on the documents reviewed and the interviews conducted by the authors. As a result, the authors do not, and cannot, comment or base any conclusions on any person's account with whom they did not speak or any documents not reviewed.

The Report's Purpose

The following objectives were established to meet the “transparent analysis” directed by Sheriff Christianson:

- Assess Policing Actions – Policy, Tactics and Training
- Review Force Used
- Acknowledge Lessons Learned
- Identify Law Enforcement's Best Practices
- Develop Findings
- Enhance Policing Knowledge
- Improve Peace Officer Awareness, Safety, and Skills
- Provide Advisory Recommendations

“A Moment in Time”

Police work is challenging, demanding, difficult, and dangerous. The men and women who serve in law enforcement are required to make split-second decisions during rapidly changing conditions while dealing with fear, shock, startle, and surprise. Despite thousands of hours of individual and team training, peace officers continue to encounter situations that will tax their abilities, emotions, knowledge, and skills to the highest level of mastery. This is the harsh reality of policing our communities. Yet, law enforcement officers continue to risk their lives for people they will never know.

As one reads this report and develops opinions, it is important to recognize that the actions of Deputy Paris and his partner related to this critical incident were thoroughly examined. Acknowledging the lessons learned, this review does not represent Deputy Paris and his partner's public safety contributions throughout their policing careers. This is an examination of one moment in time when Deputy Paris and his partner handled a policing activity that each had successfully managed before.

No one should lose sight of the fact that Deputy Paris made the ultimate sacrifice while performing a lawful action. Clearly, peace officers who read this report can easily remember their own mistakes that could have become tragic. As you reach conclusions, remember that peace officers are expected to be perfect in an imperfect world and are held to the highest standards.

Stanislaus County

Stanislaus County is located in the Central Valley of California. Over 514,400 people live and work within 1,514 square miles that consist of nine incorporated cities and 14 unincorporated communities. Wine grapes are Stanislaus County's number one industry followed by other agricultural products.

Stanislaus County Sheriff's Department

The Stanislaus County Sheriff's Department (SCSD) is a full-service law enforcement agency. When the incident occurred, the workforce consisted of over 590 full and part-time employees assigned to civilian, correctional, and sworn positions. Patrol, investigative, and specialized policing services are provided to a geographically diverse county with rural and urban terrain and vast agricultural lands.

The SCSD is directed by an elected Sheriff-Coroner, Public Administrator who is assisted by the Undersheriff. The Department is divided into two divisions; Adult Detention and Operations. The divisions are commanded by Captains. Within the Adult Detention Division is Court and Civil Services, which is supervised by a Lieutenant.

Note: Included in the Addendum is the Department's 2012 Organizational Chart.

The SCSD's Court and Civil Services is responsible for serving civil process throughout Stanislaus County. Over the years, the SCSD has handled thousands of evictions.

Fallen Deputy Heroes

Since 1967, three SCSD deputies have been killed in the line of duty:

- Deputy Sheriff Harold Lee Thornton – End of Watch, Wednesday, August 23, 1967. After responding to a stabbing call, Deputy Thornton was shot and killed.
- Deputy Sheriff Bill Joe Dickens – End of Watch, Tuesday, January 27, 1970. While responding to a bank robbery in progress, Deputy Dickens was shot and killed.
- Deputy Sheriff Robert Lee Paris Jr. – End of Watch, Thursday, April 12, 2012. During an eviction service, Deputy Paris was shot and killed.

City of Modesto

Modesto is the 18th largest city in California and the county seat of Stanislaus County. Surrounded by rich farmlands, Modesto ranks sixth in the state's farm production. The city was immortalized in the 1973 film "American Graffiti."

Modesto Police Department

The Modesto Police Department (MPD) is a full-service law enforcement agency with over 230 civilian and sworn employees. The Department provides patrol, investigative, and specialized policing service to over 201,100 people within 37 square miles of business, commercial, and residential neighborhoods.

Fallen Officer Heroes

Since 1973, two MPD officers have been killed in the line of duty:

- Officer Leo "Bobby" Volk Jr. – End of Watch, Monday, May 21, 1973. While pursuing a fugitive vehicle, Officer Volk died in a traffic collision.
- Sergeant Steve May – End of Watch, Thursday, July 23, 2009. On July 29, 2002, Sergeant May responded to an intersection to assist other officers involved in the pursuit of a stolen vehicle. As Sergeant May entered the intersection, his marked police vehicle was struck by the stolen vehicle driven by the fleeing felon, resulting in massive injuries from the collision. Seven years later he died from his injuries.



Stanislaus County Peace Officer's Memorial

Since 1935, Stanislaus County law enforcement agencies have lost 14 peace officers in the line of duty. The victim peace officers were from the following agencies:

- California Highway Patrol – Three Peace Officers
- Ceres Police Department – One Peace Officer
- Modesto Police Department – Two Peace Officers
- Riverbank Police Department – One Peace Officer
- Turlock Police Department – Four Peace Officers
- Stanislaus County Sheriff's Department – Three Peace Officers



Stanislaus County Peace Officer's Memorial

These peace officers are honored on the Stanislaus Peace Officer's Memorial located at the Lakewood Memorial Park in Hughson, California. Annually in the month of May, these policing heroes are remembered at local, state, and national ceremonies during Police Week.

Line of Duty Deaths in Stanislaus County

California line of duty peace officer deaths are divided into two categories: accidental and felonious deaths. These deaths are tracked by the United States and California Departments of Justice. In California, the deaths are analyzed by the California Commission on Peace Officer Standards and Training (POST), Law Enforcement Officers Killed and Assaulted (LEOKA) Council.

In August of 1935, the first Stanislaus County peace officer death occurred. Between 1973 and 2004, a period of 31 years, there were no peace officers killed in Stanislaus County. However, since 2005, four of the fourteen peace officers, or 29%, have died in the line of duty.

The Person Responsible

James Ferrario, a troubled 32-year-old adult male and former security guard, was directly responsible for the murders of Deputy Robert Paris and Locksmith Glendon Engert. Ferrario was described by various people as a “paranoid recluse,” who lived alone in a residence that was being foreclosed.



James Ferrario

Before the Incident

The Neighborhood

The incident occurred in a tree-lined, densely populated residential neighborhood called Whispering Woods in the City of Modesto, California. Each two-story building has four separate apartment homes with different floor plans. All of the buildings have two attached garages that face the alley.



Whispering Woods Neighborhood
Three Days after the Incident

Ferrario's Residence

Ferrario lived at 2141 Chrysler Drive, Apartment One. His apartment was a 780 square feet single story unit that faced the street. The apartment building is described as follows:

- Side One– A front door with a window on each side of the door.



Apartment One, Side One

- Side Two – Ferrario’s master bedroom and the entrance to Apartment Two. Below is a picture of a neighbor’s building with the same floor plan. A red arrow points to where his master bedroom would be located.



Apartment Two, Side Two

- Side Three – Two attached garages with Apartment Four above them. Below is a picture of a neighbor’s building with the same floor plan. A red arrow points to Apartments Four’s front door.



Apartment Four, Back Alley, Side Three

- Side Four – A window in Ferrario’s second bedroom and the entrance to Apartment Three. A red arrow points to his second bedroom.



Apartment Three, Side Four

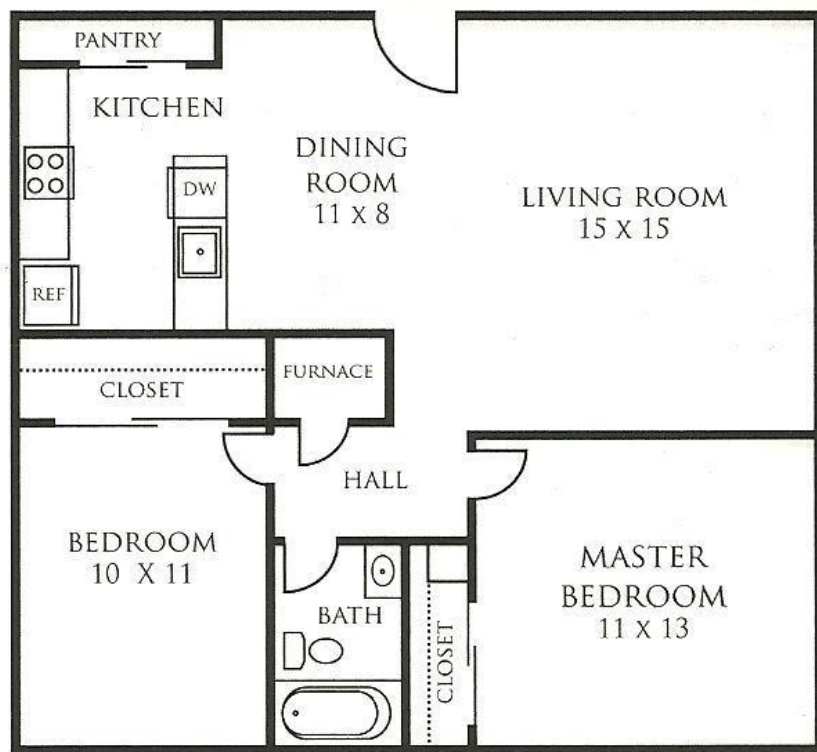
- Ferrario’s apartment had an interior common wall that separated his two bedrooms and bathroom from Apartments Two and Three.

Note: Law enforcement terminology identifies the main entrance to a structure as Side One. The remaining structure sides are numbered in a clockwise direction as Sides Two, Three, and Four. The structure’s corners are identified as the One and Two Corner, the Two and Three Corner, the Three and Four Corner and the One and Four Corner.



James Ferrario’s Residence, Apartment One

Entry into Ferrario’s home led to an open area that consisted of the dining room, kitchen, and living room. Down the hallway there was a furnace closet and a bathroom that separated the bedrooms. Each bedroom had a closet.



Ferrario's Floor Plan



Example of Ferrario's Apartment

Community Perceptions of Public Safety

In previous years, Ferrario's neighborhood was distressed and known for its criminal activity. Community policing partnerships involving neighbors, the City of Modesto, and the Modesto Police Department resulted in public safety improvements.

While examining the incident site, the authors noted that the Whispering Woods apartment homes and landscaping were well-maintained. There were no examples seen of the “Broken Window Theory” such as abandoned vehicles, automobiles parked on front lawns, broken windows, graffiti, and trash.

Significant Events and Behaviors

It was concluded that a series of events contributed to Ferrario’s violent behavior. The following, either individually or in concert, were considered significant:

Father’s Death

Between 1997 and 2008, Ferrario lived at this residence with his father. The natural death of Ferrario’s father in 2008 had adverse impacts on his financial stability and life. This death resulted in Ferrario becoming estranged from his mother and sister.

Relationships

At the time of this incident, Ferrario was not known to have any social relationships. According to investigators, the only known person that he communicated with was an individual in the neighborhood who suffered from mental illness.

Ferrario had previously divorced his wife. For two years prior to the incident, he had no contact with her or their daughter.

Financial Problems

Ferrario failed to pay homeowner association dues and mortgage payments amounting to thousands of dollars. These debts resulted in foreclosure procedures with Ferrario’s home being sold at auction. Furthermore, a lien was placed by the homeowner’s association.

Electricity Theft

Due to Ferrario’s unemployment and mounting debts, he was unable to pay for electricity. Thus, he illegally rigged an electrical cord from a garage to his home to obtain electricity.

Vigilante Activities

James Ferrario learned to conduct armed patrols from his father. It is believed that financial and personal problems increased his anger and paranoia and contributed to his vigilante behavior.

Attempted Vehicle Theft

The investigation revealed that an unknown person(s) attempted to steal Ferrario’s vehicle that was parked on the street in front of his home. The date of occurrence is unknown and was not reported to the Modesto Police Department. This crime was another causal factor for Ferrario to justify armed vigilante actions and to use surveillance cameras.

Surveillance Cameras

Although it is unclear when cameras were installed, Ferrario installed three surveillance cameras to monitor activity outside his residence. One camera was installed in a tree in front of his residence. It is believed that this camera monitored Ferrario's front door and yard area.

The second camera was installed in a window to the left of the front door. This camera was stationed on the windowsill and facing the front door. It is believed that this camera surveyed the front door, front yard, his personal vehicle, and a portion of the street.

The third camera was placed in the master bedroom window. The partner of Deputy Paris described this camera as "tubular" with a lens approximately one inch in diameter. It was concluded that this camera would monitor the street and adjacent yard area.



Evidence of a Surveillance System

Security Door

In front of Ferrario's wooden front door was a reinforced metal security door. It appeared that the door was modified to strengthen the structure. The door was powder coated white with a metal screen of tiny holes. During daylight hours, the mesh covering enabled Ferrario to see outside, while anyone at the door could not see inside. Furthermore, the person outside could not determine if the resident's front door was open or closed.

In the picture below, a hinged plate of approximately 1/8 inch steel is shown above and to the right of the entry handle. This was added to the door as an aftermarket enhancement.



Ferrario's Security Door

Carrying Firearms on Personal Patrols

In an ongoing effort to protect his property, Ferrario would emerge from his home during darkness wearing military clothing with handguns holstered on each hip and a rifle carried at port arms. Generally, this occurred each night with him walking around outside his residence. As alarming as this was, no one called the police.

Membership in a Group

Although the investigation did not find membership or participation in a group of concern, it was the opinion of an investigator, based on Ferrario's behavior, dress, and weaponry, that he was involved in "paramilitary activity."

Disputes with Neighbors

On July 13, 2006, a dispute with a neighbor resulted in a verbal threat with Ferrario stating, "If I come out, you are going to lose." Eventually, this incident escalated into a neighbor being sprayed with bear mace by Ferrario. Two of Ferrario's neighbors moved from the neighborhood as a result of his security cameras being directed toward the neighbor's door and Ferrario's disturbing and uncomfortable personal interactions with others.

In 2007, police responded to several disturbance calls involving Ferrario and his neighbors. These occurred on January 16, February 28, and July 30. During these service calls, Ferrario directed verbal threats, a laser-equipped Taser, and his surveillance cameras at neighbors. Some of these neighbors felt that Ferrario was mentally unstable. No arrests were made in these incidents.

Law Enforcement Contacts

On 11 other occasions, Ferrario was contacted by local peace officers, as follows:

- 1997 – Traffic Incident, Vehicle Towed
- 1999 – Two Disturbing the Peace Incidents
- 2000 – Two Disturbing the Peace Incidents
- 2000 – Misdemeanor Warrant Arrest
- 2003 – Traffic Citation for Speeding
- 2003 – Violation of Court Order
- 2004 – Traffic Citation for Tinted Windows
- 2007 – Victim of a Residential Burglary
- 2008 – Reckless Driving Arrest

After March of 2008, no evidence was discovered that Ferrario was the subject of any documented policing contact. It is speculated by the authors and investigators that Ferrario's reclusive lifestyle and paranoia coupled with previous police encounters caused him to avoid the police.

Opportunities to Report

Prior to this critical incident, various community members either learned of or witnessed James Ferrario's disturbing and unusual behaviors. Each person had the opportunity to discuss, evaluate, and report Ferrario's actions. Unfortunately, many of these incidents were not reported to law enforcement.

Eviction Process Initiated

On December 21, 2011, Ferrario's home was acquired at a trustee sale. The purchaser never had contact with any person at the residence. The buyer hired a bonded, licensed, and registered Stanislaus County eviction agent and process server to evict Ferrario. This agent claimed experience with over 1,200 evictions.

On Tuesday, January 24, 2012, RT Financial Inc. was granted a Writ of Possession for James Ferrario's real property at 2141 Chrysler Drive, Apartment One, Modesto, California. This was granted by the Superior Court of California, Stanislaus County, No. 672010. On Thursday, April 5, 2012, the eviction agent contacted the Court and Civil Services of the Stanislaus County Sheriff's Department for service.

Note: When the court decides in favor of the landlord, a judgment is entered. If the tenant does not vacate the property, the landlord may then request the court issue a Writ of Possession. The Writ is directed to the Sheriff and contains a statement to the tenant: "If the tenant does not vacate the property within five days from the date of service, the levying officer (Sheriff) will remove the occupants from the real property and place the landlord or their agent in possession." The tenant then has fifteen days to contact the landlord and make arrangements to claim any personal property left on the premises.

When the Sheriff receives the Writ of Possession and instructions from the landlord, a Notice to Vacate along with a copy of the Writ is served on the tenant, by personal service, or posting a copy on the property. After five days, if the property has not been turned over to the landlord, the Sheriff requires the landlord or their agent to be present at the property. The landlord or their agent must provide keys to make entry or make an arrangement with a locksmith to gain access. Sheriff Deputies are not allowed to force entry, i.e., break windows, create damage or kick doors to complete the eviction process.

Sheriff Deputies will search the property to insure the occupants are gone and allow the landlord to change locks. The landlord is then issued a Notice of Restoration and the property is restored to the landlord. Any personal property not claimed by the occupants will be sold or destroyed per code.

The eviction agent was hopeful that Ferrario would vacate the property without a Writ of Possession process. After an estimated 10 to 15 visits in-person and different written communications by the eviction agent or his representatives, Ferrario never answered his door or provided any written response.

Warnings of Danger

During on-going efforts to contact Ferrario, the eviction agent and staff members learned or witnessed the following that were linked to Ferrario:

- Cameras – Multiple Security Video Cameras
- Neighbor Conflict/Concern – Two neighbors, in close proximity to Ferrario's residence, requested a "quiet conversation" with the eviction agent. The neighbors were concerned that, should Ferrario overhear the conversation, serious conflict would occur.
- Firearms – Neighbors saw Ferrario with M16s and pistols.
- Law Enforcement Beliefs – Neighbors said Ferrario thought he was a police officer.
- Military Experience – Neighbors believed Ferrario had military police training.
- Explosives – Neighbors heard Ferrario's rhetoric regarding bombing his neighborhood and felt that there were bombs in his garage.
- Propensity to use Firearms – Neighbors recalled Ferrario saying, "You're going to have a firefight on your hands."

- Security Door – Described by the eviction agent as solid square tubing in front of the wooden entry door, fortified beyond most security doors that are generally purchased.
- Security Door Slot – The eviction agent described the hatch as a "flip-up slot" and felt that a pistol could be extended from the modified opening. In fact, he said the slot resembled "the side of a SWAT (Special Weapons and Tactics) vehicle."
- View Inside the Security Door – Could not see inside due to the powder coating, small holes, and wire mesh. The eviction agent said "It wasn't like a normal Home Depot or Lowe's door."
- Criminal Record – The eviction agent learned that Ferrario had a criminal history.
- Certified Mail – Mailings sent to Ferrario were never acknowledged.
- Writ of Possession – Posted on Ferrario's front door.
- Facebook – The eviction agent checked "James Ferrario's Modesto Facebook" and found a picture of a person that was believed to be Ferrario in a military outfit with a hat covering his face.
- Personal Concerns – The eviction agent was told by neighbors that Ferrario would learn everything about the agent. They felt that Ferrario could do this as he may be a security officer.

Note: Due to this warning, the agent checked and found no evidence of Ferrario being a private investigator. Coincidentally, after the start of the eviction process, the agent's personal vehicle was burglarized at his home and a bag was stolen. To date, there is no evidence to connect Ferrario to this crime.

- Automobile– The neighbors described Ferrario’s vehicle as follows:
 - “Jacked-up, kind of beefy”
 - “Like a cop push bar on the front”
 - “Little pop-outs, tinted windows, little cop lights on the side”



Ferrario’s 1992 Chevrolet Suburban

Note: The above photograph was taken after a search for explosives. The search was conducted by the SCSD Explosives Ordinance Disposal Team with the support of local and federal law enforcement agencies.

Ferrario’s vehicle was a 1992 Chevrolet Suburban, registered to him. The vehicle was parked one house east of his residence.

A Propensity for Violence

After considering the previous information, the eviction agent felt that a limited number of these issues would not create personal concerns. However, the totality of the observations made the agent believed that "This is weird." Specifically, the following caused the eviction agent great concern:

- Ferrario’s Erratic and Unusual Behaviors
- Presence of Firearms
- Lethal Combination of Explosives and Firearms

The agent concluded that if Ferrario was challenged, he would use violence to protect his home and stop the eviction. For safety reasons, the agent decided to proceed with an unlawful detainer action and involve law enforcement.

Note: While the critical incident was in progress, the agent shared this information with MPD detectives. The agent described Ferrario's commitment: "He's down; he's down to go down with the ship (Ferrario's home)."

Five-Day Notice Posted

Prior to the Writ of Possession, a Court and Civil Services Deputy went to Ferrario's residence. After unsuccessful attempts to speak with someone inside, the Five-Day Notice to voluntarily vacate the premises was posted on Ferrario's front door.

"Are you writing this down?"

On Wednesday, April 11, 2012, at 10:32 a.m., a day before the critical incident, the eviction agent received a call from a SCSD Court and Civil Services Legal Clerk. The clerk advised that the Chrysler eviction was scheduled for the next day, Thursday, at 10:55 a.m.

During their conversation, the clerk asked the agent what was known about the subject and location. The agent gave the following information, asking, "Are you writing this down?"

- "You need to tell these people that he's been seen with M16s and other guns."
- "There's a possibility that he has bombs in that house."
- "I know I told you guys this stuff before; this is serious."
- "The door is very strong."
- "Something doesn't look right."

Deputy Paris is Cautioned

On the day the warnings were brought to the Legal Clerk's attention, the clerk personally spoke with Deputy Paris. The clerk told Deputy Paris of the eviction agent's concerns for Stanislaus County Sheriff's personnel and the clerk's personal concern about the high likelihood for danger at Ferrario's location. The clerk added, "Be very cautious," and Deputy Paris replied, "Whatever."

Supervisors Notified of Warnings

The Court and Civil Services Legal Clerk prepared the SCSD's Eviction Packet and brought the eviction agent's warnings to the attention of the Supervising Legal Clerk. This civilian supervisor told the clerk to make the Court and Civil Services Sergeant aware of the dangers.

The clerk then met with the sergeant. After reviewing the documents, the sergeant instructed the clerk to put the warnings in bold black print on the packet's first page and use a red marking pen to circle them. The clerk complied with the sergeant's instructions and left the packet for Deputy Paris and his partner to review the next morning.

The Critical Incident

Duty Assignments

On Thursday, April 12, 2012, Deputy Paris and his partner reported for duty at the Court and Civil Services. They received their Eviction Schedule that consisted of five evictions to serve with a route and specific time schedule.

40 Years of Law Enforcement Experience

Deputy Paris and his partner had 40 years of combined law enforcement experience. Paris had served the SCSD for 15 and one-half years, 13 years as a Deputy Sheriff, and two and one-half years as a Reserve Deputy Sheriff.

Deputy Paris' partner had 24 and one-half years of law enforcement experience, serving 17 years as a SCSD Deputy Sheriff, and seven and one-half years as a Police Officer with two different police departments. The partner also had seven years of military experience.

Eviction Strategies and Tactics

Three weeks prior to this incident, Deputy Paris and his partner began working together. During this time period, their daily duties consisted of using the following patrol techniques:

- Seniority – Since Deputy Paris was the Court and Civil Services senior eviction deputy, he would serve as the contact deputy.
- Contact and Cover Responsibilities - Deputy Paris would make contact with the people being evicted while his partner would assume a guarding position.
- Verbal Tactics – Deputy Paris' partner described their communication style as, "We negotiate and sell the eviction," rather than "Throwing someone out."

Previous Experiences as Partners

During prior policing activities, Deputy Paris and his partner's tactics were likely influenced by the following:

- Use of Force – No force was used during their time as partners.
- Vacancy Factor – According to Deputy Paris' partner, most of the buildings they entered were vacant and they encountered no problems at approximately 80% of their evictions.

Deputies' Arrival and Initial Observations

At approximately 10:50 a.m., Deputy Paris and his partner arrived at the 2100 block of Chrysler Drive. Since Deputy Paris had an afternoon dental appointment, this was their last scheduled eviction for that day.



Ferrario's Apartment, 2141 Chrysler Drive, Apartment One

At previous eviction sites, the deputies sometimes made observations that might present safety concerns. On this day, the deputies noted the following:

- Absence of Blight – No Abandoned Vehicles, Discarded Furniture, Littered Trash, etc.
- Advertisements – No Real Estate Advertising Signs
- Appearance – Lawns Mowed
- Dogs – No Barking Dogs
- Movers – No People Moving In or Out

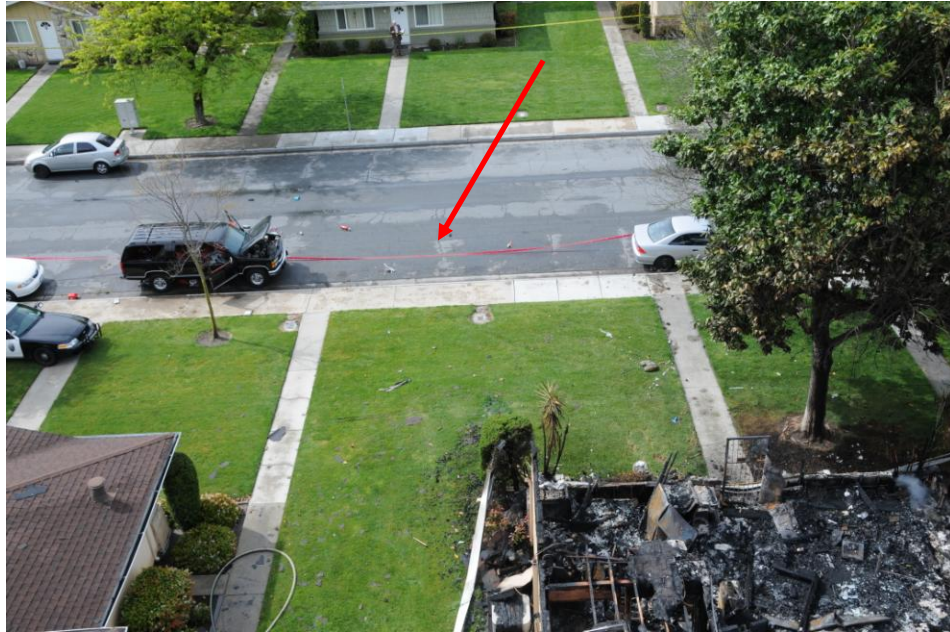
No “Calling Cards”

In August of 2012, Deputy Paris' partner was interviewed by the media at an awards ceremony. He described the activity and neighborhood: “There is always some calling card that people are upset with you. We didn't have any of that.”

Deputies and Locksmith Meet

The deputies had arrived just before their scheduled eviction time of 10:55 a.m. They unknowingly drove past Ferrario's automobile, parking their unmarked SCSD vehicle one house west of Ferrario's home.

While the deputies sat in their parked vehicle, Locksmith Engert approached on foot. Engert had parked his white utility van in front of Ferrario's residence. During their conversation, the deputies and locksmith confirmed that they had both just arrived and had not observed activity at the involved building. The landlord was expected at any moment, and none of them had keys for Ferrario's residence. Deputy Paris recommended that they start.



Location where Locksmith Engert Parked

The photograph below shows the following:

- White Ford – Deputies’ Unmarked SCSD Vehicle
- Ferrario’s Home – Blue Arrow
- Ferrario’s Automobile – A green arrow identifies a partial view of the front of Ferrario’s vehicle.



2100 Block Chrysler Drive

Written Warnings

Not noticing the security cameras that were mentioned in the eviction paperwork, the deputies and the locksmith walked together toward the home. As they were walking, the deputies speculated that Ferrario may have vacated the premises and taken the cameras.

As they crossed the lawn and approached Ferrario’s home, Deputy Paris carried the paperwork. Although the only hint of possible problems was the written notes on the following SCSD documents, Deputy Paris’s partner would later acknowledge that these warnings made the deputy feel “unsettled:”

- Eviction Schedule – Written by the Legal Clerk on the Eviction Schedule was “Be very cautious”, and “Is going to have problems.”

Stanislaus County Sheriff
Civil Division

Eviction Scheduled For: THURS 12th

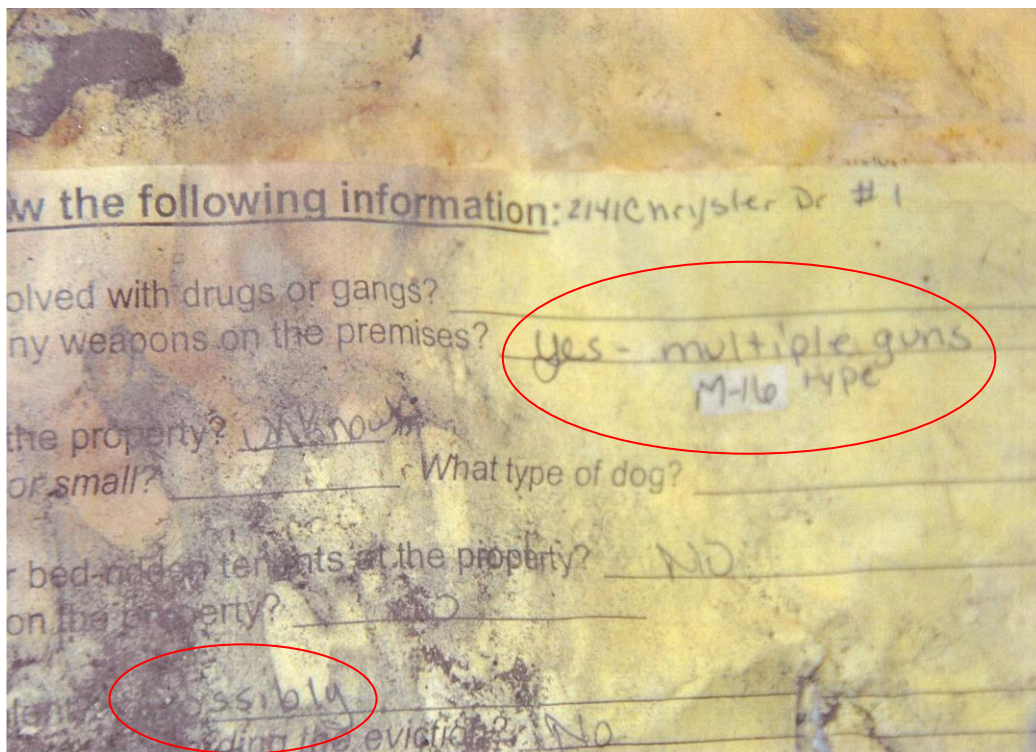
OK	TIME	CASE	ADDRESS	CITY	COMMENTS
OK	0930	1900	1337 CLOVE CT	NEW	
OK	1020	1902	2655 TOPEKA ST #3	EB	
OK	1055	1906	2141 CHRYSLER DR #1	MOD	Is going to have problems.
OK	1115	1905	1416 KEARNEY AVE	MOD	
	1140	1903	1133 COMANCHE CT	MOD	Strongly Recommend 1500 hrs. stay
OK	1300	1843	16300 Orange Blossom Rd. Sp. 38	Oak	

SCSD Eviction Schedule
(Red circles added by authors.)

During the time that Deputy Paris had been in the Court and Civil Services, this was the first occasion for the clerk to write written warnings on the form. According to the clerk, the following comments were written twice, once on the form's front and again on the back. They were written in bold black print and circled in red "squiggly" lines with asterisks "so they would stick out". A rectangular box was drawn around these warnings:

- "Very Weirdo"
- "Lots of Video Cameras Even in the Trees"
- "It May Take a While to Open Lock"
- "Extremely Secure Security Door"
- "Ex-Military/Militia"
- "Be Cautious"
- "Multiple Guns M-16 Type"
- "Violent"

Note: The fire destroyed the majority of the eviction packet.



SCSD Eviction Checklist

The above checklist recovered from the eviction scene had the following questions with these written answers:

- Are you aware of any weapons on the premises? – “Yes – multiple guns M-16 type”
- Are the tenants violent? – “Possibly”

The original eviction paperwork carried by Deputy Paris was damaged by the fire. However, some words were still visible in the photographs above and below.



SCSD Eviction Paperwork

Note: A review of the damaged document and statements from the partner of Deputy Paris and the Legal Clerk provided clarification of the written warnings.

Enforcing the Eviction

Deputy Paris repeatedly announced “Sheriff’s Department” and knocked on the front security door with his ASP baton. Simultaneously, Deputy Paris noticed the first camera in the living room’s windowsill to the left of the front door (Side One), while his partner observed a second camera in the master bedroom’s windowsill on the structure’s west side (Side Two). The camera next to the front door was described by Paris’ partner as being small like a box, about the size of a “couple packs of cigarettes.”

The security door was locked and no one acknowledged Deputy Paris’ requests. After waiting approximately 15 seconds, the locksmith started to drill. Deputy Paris was standing a couple of steps behind the locksmith while his partner had established a cover position approximately six to ten feet from the building’s southwest corner (One/Two Corner).

A Noise is Heard inside the Residence

The locksmith was partially kneeling and pushing heavily against the drill. After approximately 30 seconds of drilling, the locksmith stopped and told the deputies that he had heard someone or something inside the apartment house. Due to the drill's noise, the deputies had not heard anything. They waited another 30 seconds, and no sounds were heard. The locksmith then resumed drilling.



Drill used by Locksmith Engert

Shots Fired

As the drilling continued for approximately 30 more seconds, gunshots erupted from a semi-automatic rifle, and bullets came through the security door. During Ferrario's initial shots, the investigation found that the wooden front door was open. Deputy Paris' partner described the gunfire as follows:

- "Two or three shots, like high-powered rifle, semi-automatic, they were aimed rounds."
- "Snap, like fingers snapping."
- "This guy was pin-point, I mean he executed them."

The following events then occurred:

- Deputy Paris was shot first, receiving fatal gunshot wounds to his head and torso. Bullets penetrated both the front and rear panels of Deputy Paris' body armor. As Paris fell mortally wounded to the ground, he continued to receive additional gunshot wounds from Ferrario.
- Locksmith Engert was shot next. He attempted to run away from the doorway and collapsed with fatal gunshot wounds on the walkway between the residence and Chrysler Drive.

- At least twelve 7.62 caliber rounds were fired by Ferrario. Two vehicles that were parked on Chrysler Drive were struck, causing property damage only. One vehicle was parked in front of Ferrario's residence while the other was parked across the street.



Vehicles Damaged by Ferrario's Gunfire

"11-99 on Chrysler" – Two People Down

Immediately, Deputy Paris' partner returned gunfire. Being aware of the surveillance camera that could identify the deputy's position to the armed suspect, a kneeling position was taken next to a tree, expecting the suspect to emerge from the front door shooting.

The deputy made a radio broadcast of "11-99, Officer Down, Shots Fired, Two Down at 2201 Chrysler." The deputy requested SWAT and warned arriving officers of the suspect using a high-powered rifle.

Note: An "11-99" radio broadcast indicates that an emergency is in progress and the peace officer(s) needs immediate assistance.

Arriving within a minute of the help call were Modesto Police Department personnel. The MPD was assisted by California Highway Patrol and SCSD personnel. As these officers were deploying and starting rescue operations, Deputy Paris's partner suffered a non-gunshot related foot injury. This deputy went to the ground and low-crawled north. This route passed Ferrario's master bedroom window and led to the alley behind the building. The deputy immediately provided pertinent location and weapon information about Ferrario to the officers in the alley.

Rescue People Down

Both Deputy Paris and Locksmith Engert appeared to have suffered multiple gunshot wounds. They were motionless and unresponsive to the first responders' questions.

Modesto Police officers and detectives developed and initiated a tactical plan to rescue Locksmith Engert and Deputy Paris. As the rescue team moved forward, surveillance cameras were spotted, and the first rescue attempt was aborted.

The second rescue attempt involved using a marked MPD police vehicle for cover. A ballistic shield was placed inside the vehicle's front passenger window for additional protection. The rescue team consisted of MPD personnel and a SCSD detective.



MPD Rescue Vehicle

Upon reaching the victims, the rescue team first extracted Engert and then Paris from the front of Ferrario's residence. The victims were then transported by ambulance to a nearby hospital. Sadly, both victims were pronounced dead by medical personnel.

Special Weapons Teams Arrive and Deploy

Special Weapons and Tactics Teams (SWAT) from SCSD and MPD were the first teams to arrive and deploy. The MPD SWAT team became the primary team with SCSD assisting.

As the critical incident continued, additional SWAT teams, armored vehicles, and bomb squads from surrounding law enforcement agencies arrived, as well as agents from the Federal Bureau of Investigation. During the incident, these allied SWAT teams were used for community member evacuation, outer perimeter staffing, and other tactical missions.



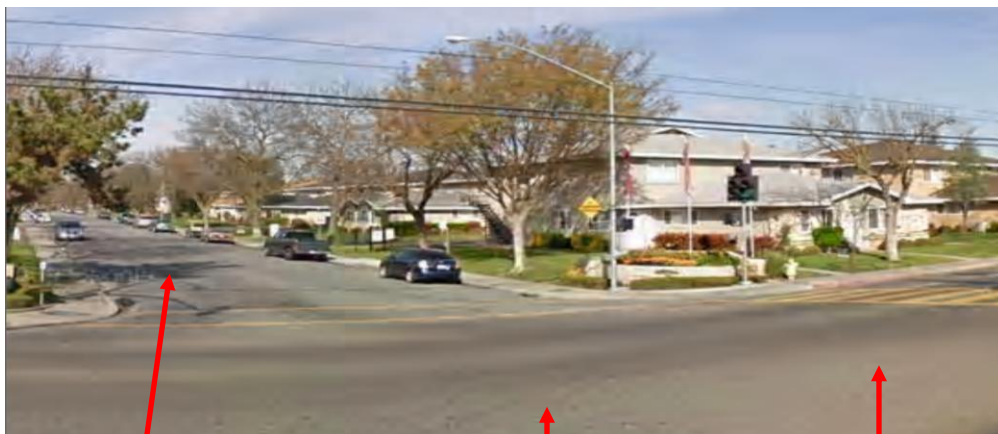
SWAT Personnel Responding and Deploying

Law Enforcement Response

Law enforcement personnel from MPD, California Highway Patrol (CHP), and SCSD responded. As the incident continued, over 200 peace officers from other local, state, and federal agencies arrived to assist.

Command Post

The MPD's Command Post (CP) and their SWAT Tactical Operations Center (TOC) were established at the intersection of Chrysler Drive and Prescott Road. The FBI later established an intelligence area, utilizing the Whispering Woods Leasing Center's administrative offices, at the northwest corner of the intersection.



Chrysler Drive

Command Post Location

Prescott Road

Gathering Intelligence

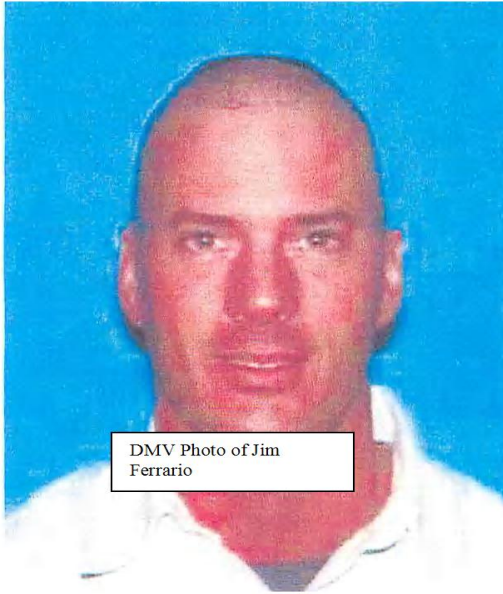
As the barricade situation continued to unfold, investigators from various law enforcement agencies worked in concert with the primary MPD investigators. The following information about Ferrario was quickly being collected:

- Contact Information – Social Media
- Family Members – Names and Locations
- Motive
- Telephone Numbers – Mobile and Residential

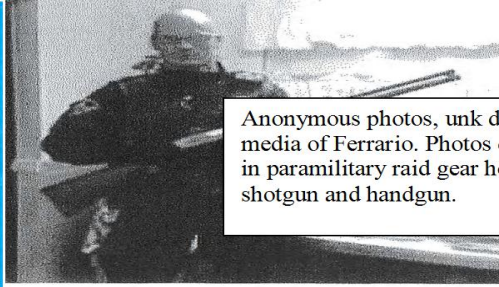
During investigators' interviews, various neighbors and witnesses said that Ferrario possessed the following:

- Ammunition Stockpiles
- Armor Piercing Ammunition
- Automatic Assault Weapons
- Body Armor
- Explosives
- Fortified Cinderblock Bunker
- Gas Masks
- Grenades
- Helmets
- High-Powered Scoped Rifles
- Police Radio Scanner
- Utilities Stolen from another Resident

They also described Ferrario as armed and dangerous, delusional, military trained and reclusive. He had also been seen patrolling the neighborhood at night in military fatigues with a rifle. Prior to this incident, none of the aforementioned information was ever reported to the MPD or any other law enforcement agency.



DMV Photo of Jim
Ferrario



Anonymous photos, unk date, sent to the media of Ferrario. Photos depict a male in paramilitary raid gear holding a shotgun and handgun.



James Ferrario

Note: The above photographs were discovered during MPD's investigation. The comments were added by an investigator and the date of the photographs could not be determined.

Attempts to Communicate

Using different communication options during the first six hours of the incident, numerous law enforcement efforts to talk with Ferrario were made. Ferrario disregarded all requests and refused to communicate, ignoring all attempts to end this violent confrontation peacefully.

Media Activities

After arriving at the scene, the SCSD Sheriff addressed the media. Throughout the incident, MPD and SCSD Public Information Officers (PIO) provided periodic media briefings.



Media Site

After the incident started, media helicopters created safety and tactical concerns. Eventually, federal law enforcement efforts, resolved the problems.



Helicopter Media

Armed and Barricaded Suspect

During the next eleven hours, Ferrario refused to negotiate or surrender. Despite attempts to initiate a dialogue through telephone and verbal efforts, he remained armed and barricaded.

Preparing for the Police Response

After the incident, it was found that Ferrario had anticipated law enforcement personnel making a forcible entry. This was due to the discovery that Ferrario undertook the following actions:

- Moved household furniture and his refrigerator to block access into his apartment.

- Placed sheets in front of window openings and closed the window coverings.
- Applied an ace bandage to his knee to deal with a wound. Due to chemical agent residue being located under this bandage, it was concluded that a chemical agent projectile caused the injury.
- Dressed in a protective manner wearing body armor and a gasmask. The gas mask was worn to endure chemical agents.



Ferrario's Body Armor



Ferrario's Gas Mask

- Inserted pieces from a plastic block into his clothing to create ballistic panels that would add padding and protection from gunfire.
- Used his bathtub as a bunker for additional protection.

- Arranged an arsenal of firearms so that these weapons were easily accessible. The semi-automatic pistols and rifles were outside the bathtub and the bolt-action rifles and shotguns were propped up in the bathtub.



Ferrario's Firearms

- Staged ammunition for his firearms in the bathroom so that the greatest amounts of bullets were for the semi-automatic pistols and rifles.
- Positioned ammunition in the bathroom to accommodate reloading.



Ferrario's Ammunition

- Loaded multiple ammunition magazines into cloth carriers with a sling for convenient and immediate movement to other locations.



Ferrario's Cloth Carriers



Ammunition inside a Cloth Carrier

- Placed in the bathroom hundreds of rounds of rifle ammunition in a cooler.
- Stored multiple water bottles in the bathroom to remain hydrated.
Additionally, the water bottles could be used as ballistic protection and first aid for chemical agents.



Ferrario's Water Bottles

- Broke through his master bedroom's wall that separated his home from the adjoining apartment (Apartment Two).
- Created access through Apartments Two and Three's common interior wall for unobserved movement. Since Apartments Two and Three both had interior stairs, this allowed access to the second story of both apartments.



Ferrario's Breaching Point between Apartments One and Two

As the barricade incident continued, SWAT observed movement in the upper areas of Apartments Two and Three. Tear gas was then deployed as a strategy to force Ferrario down to his apartment where a telephone had been inserted by a police robot.

“I Just Started Shooting Them”

At 7:35 p.m., Ferrario used a cellular telephone to call the Stanislaus Regional 9-1-1 Communications Center. He identified himself as “Jim” and said that he was calling from “2141” (Ferrario’s address was 2141 Chrysler Drive).

As their conversation continued, the 9-1-1 operator told Ferrario it was hard to understand him and asked if he was wearing a headset. Ferrario replied “yes,” and he was asked to remove it.

Note: It is speculated that Ferrario was wearing a gas mask to defeat the chemical agent that had been inserted into the building.

Ferrario then provided the following information to the operator:

- Location – He was in Apartment Two.
- Movement – He was moving between Apartments One, Two, and Three.
- Request – If a pizza was delivered to Apartment Two’s front door, Ferrario would call back and come out after eating the pizza.

In three separate statements during the telephone call, Ferrario acknowledged responsibility for shooting Deputy Paris and Locksmith Engert. The following are his admissions:

- “This is Jim at 2141, Number Four, I apologize, I thought it was a burglar and I just started shooting them.”
- “I thought it was a burglar and I shot. They woke me up out of a dead sleep.”
- “I apologize, I didn’t know it was the police until after I started shooting because I thought it was a burglar, I do apologize.”

The 9-1-1 operator immediately notified her supervisor. The information was then provided to investigative and tactical personnel.

The Fire

At 9:15 p.m., ten hours after the barricade incident began, a fire occurred in one of the upstairs adjoining apartment homes within Ferrario’s building. The fire dwindled and then reignited. By 10:00 p.m., the structure was almost fully engulfed by flames. At 10:32 p.m. Modesto Fire Department (MFD) was able to safely start extinguishing the blaze with water.

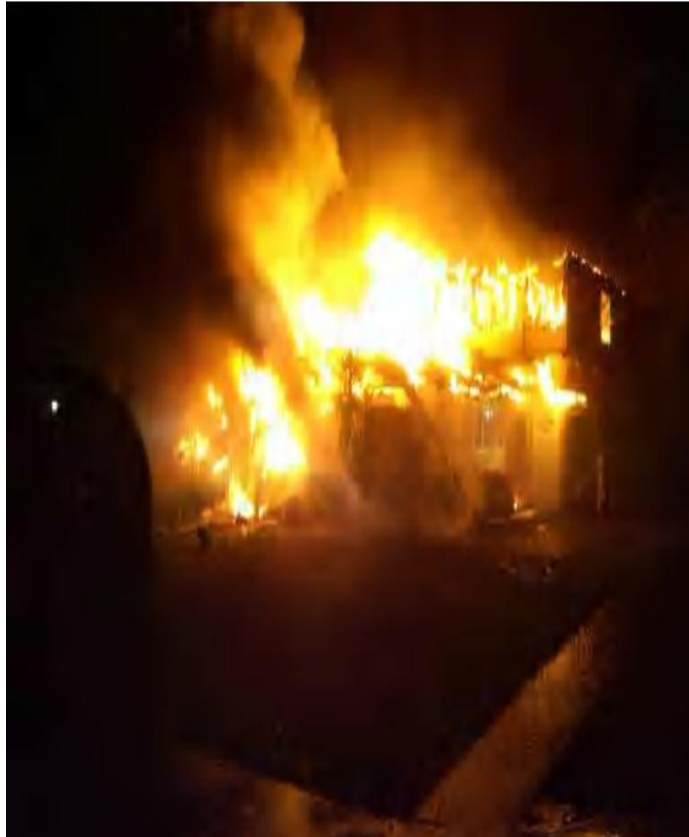
Below are pictures of the fire in Ferrario's building starting with the early stages and ending with the building completely destroyed.



Fire Starts Upstairs



Fire Reignites



2141 Chrysler Drive, Fully Engulfed in Flames

At approximately 4:00 a.m., fire had destroyed the entire building. An inner perimeter was established and a “Code Four” was broadcast.

Note: A “Code Four” is a verbal radio message indicating that a situation no longer requires additional assistance.



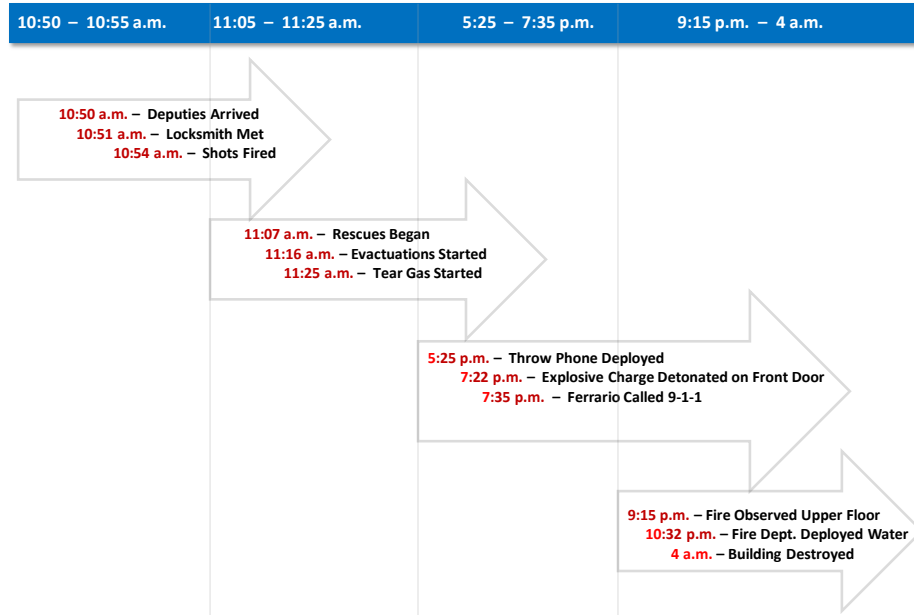
Aerial View



Street View from Chrysler Drive

Timeline on Chrysler Drive

April 12 & 13, 2012 Timeline - 2141 Chrysler Drive



The Investigation

Modesto Police Department and SCSD agreed that MPD would conduct the investigation. The investigation was assigned to the MPD Homicide Unit.

On Friday, April 13, 2012, Ferrario's body was discovered in Apartment One. He was deceased and seated in his bathroom with his back against the tub enclosure. At that time, the cause of death was unknown and he was unrecognizable due to the fire.



Investigation in Progress

“Lying in Wait”

The MPD investigation reported that Ferrario retreated to the bathroom at an undetermined time. It was concluded that Ferrario was preparing for law enforcement to enter, barricading himself inside the bathroom with the following items:

- Ammunition – Over a Thousand Rounds
- Ammunition Bandoliers - Several
- Body Armor – “Make-shift” around Legs and Lower Extremities
- Body Armor – Vest Covering his Torso
- Rifle Rounds – Hundreds in an Ice Chest

- Clothing – Several Layers below his Waist
- Firearms – 30
- Handguns – Armed with Three Semi-Automatic Pistols
- Rifles – Several in Bathtub Directly behind Him and an AK-47 Rifle next to his Body
- Unidentifiable Firearms – 10, Destroyed by Fire
- Gas Mask – Next to his Body
- Tactical Gear – Wearing Several Items

On Sunday, April 15, 2012, at 4:50 p.m., three days and six hours from the initial shooting, the crime scene investigation was completed.

Responsibility for Fire

When the “Eviction Murders” report was completed, the MPD investigation concluded that Ferrario started the fires. At this time, the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives’ agents have not determined the fire’s cause and origin.

No Additional Casualties

During the incident, approximately 100 to 150 people were safely evacuated from the Whispering Woods neighborhood to a nearby school staffed by American Red Cross personnel. This evacuation included adults and children who were moved from their homes to a position of safety.

James Ferrario

Cause of Death

The autopsy determined that Ferrario was an adult male, born on March 26, 1967. At 45 years of age Ferrario died from self-inflicted gunshot wounds, the first to the abdomen and the second to the head. Non life-threatening injuries included a gunshot wound to his foot and bruising from a ferret (tear gas) round striking Ferrario in his lower abdomen and possibly on his knee.

Toxicology Report

A heart blood sample from James Ferrario was acquired by the Stanislaus County Coroner. The findings revealed the following:

- Drugs – None Detected
- Ethyl Alcohol – None Detected

Criminal History

Ferrario had been involved with various criminal justice agencies. These encounters resulted in Ferrario being detained, cited, arrested and convicted for different California Penal and Vehicle Code violations. The charges included burglary, contempt of court, driving on a suspended license, driving unlicensed and buying/receiving stolen property. Furthermore, failures to appear in court resulted in arrest warrants being issued.

Ferrario was previously convicted of a felony, receiving stolen property. This felony conviction would have prevented him from purchasing a firearm(s) and from obtaining a security guard license. Through legal representation, Ferrario's felony conviction was reduced to a misdemeanor. Thus, he was issued a security guard license which allowed him to legally purchase handguns and inherit his father's rifles.

California Guard/Patrol License

On April 16, 2007, the California Department of Consumer Affairs, Bureau of Security and Investigative Services issued a Guard/Patrol License to Jim Richard Ferrario. The license had a related firearm permit.

Firearms

At the time of the incident, Ferrario had 30 firearms in his residence. The identifiable weapons consisted of semi-automatic rifles, handguns, hunting rifles, and shotguns, and over 1,000 rounds of ammunition. The investigation determined that Ferrario legally acquired the following revolver and semi-automatic pistols:

- Kahr Model PM9094A – 9mm – Pistol, Purchased January 29, 2008
- Glock Model 22 – 40 Cal, Purchased August 6, 2007
- Smith & Wesson Model 340 – 357 Magnum, Purchased July 6, 2007
- Glock Model 26 – 9mm, Purchased January 15, 2006
- Glock Model 27 – 40 Cal, Purchased December 9, 2005

At Ferrario's residence, the investigators discovered the following firearms:

- Norenko SKS 7.62 Caliber Rifle
- Unknown Brand AR – 15
- Unknown Brand and Caliber Semi-Automatic Rifle
- Husqvarna – 270 Rifle
- Winchester – 30/30 Rifle
- Winchester – 22 Caliber Rifle
- Unknown Type/Caliber Rifle
- Unknown – 22 Caliber Rifles (2)
- Unknown – 22 Caliber Bolt Action Rifle

- Harrington & Richards – 20 Gauge Shotgun
- Unknown – 410 Gauge Shotguns (2)
- Winchester – 20 Gauge Shotgun
- Glock – 40 Caliber Pistols (2)
- Glock – 9 Millimeter Pistol
- Kahr – 9 Millimeter Pistol
- Llama – 22 Caliber Pistol
- Smith & Wesson – 357 Magnum Revolver

Note: Although 30 firearms were discovered, only 14 rifles and six handguns were identifiable. Due to the fire, ten additional firearms could not be identified by brand, type or caliber.

The Funerals

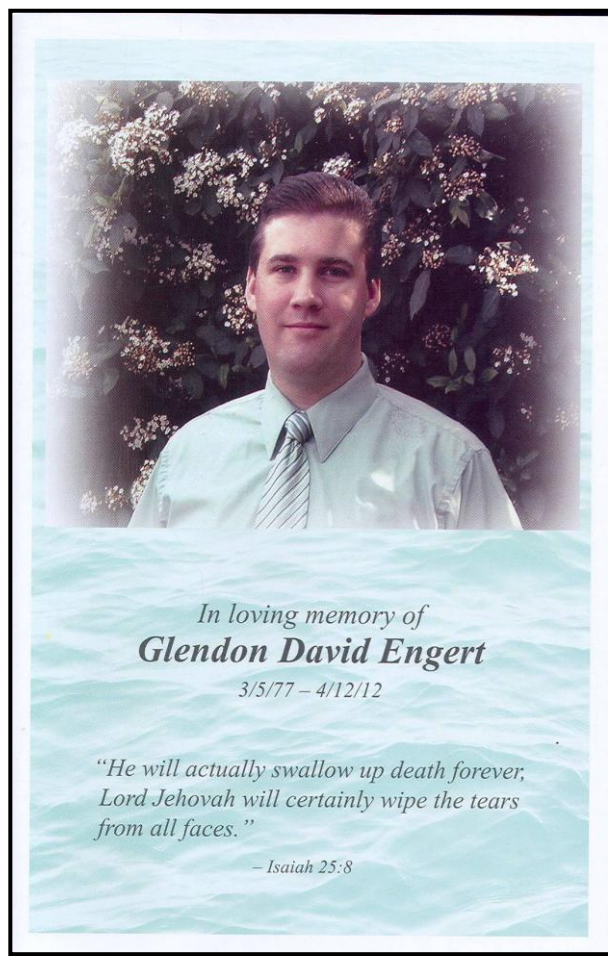
Separate viewing, funeral, and burial services were conducted for Locksmith Glendon David Engert and Deputy Sheriff Robert Lee Paris Jr. Thousands of people, including community members, family, friends, loved ones, and peace officers, paid respect and gratitude to these brave men for their service to others and ultimate sacrifice.

Glendon David Engert

During funeral services on Saturday, April 21, 2012, Glendon Engert, 35 years of age, was remembered by family and friends as a loyal husband, caring son, and kind friend. He was described as a quiet man, smart and humble at the same time, a man who loved to travel, was an avid reader and liked to camp with friends in the Sierras, “a truly gentle soul.”

A devout Jehovah's Witness, Glendon worked as a surveyor. When the economy worsened, he became a locksmith to earn a living. In relation to his new profession, he shared his concerns for people with church members. An elder at his church said, “He would sometimes talk about the unkempt and damaged homes he would encounter on calls or while changing locks on homes for banks.”

Glendon Engert is survived by his wife, parents, his brother, sister-in-law, and many spiritual friends.



Robert Lee Paris Jr.

On Friday, April 20, 2012, the funeral service for Deputy Paris, 53 years of age, was attended by over 5,000 people. Three thousand community members and approximately 2,000 peace officers paid their respects. Dignitaries included California Governor Jerry Brown and other local, county, state and federal dignitaries.

During the service Robert Paris was remembered fondly by a long line of co-workers, friends and family for his hard work, love of the outdoors, and great friendship. All of the speakers talked of Paris' love for fishing and hunting trips into the wilderness of Stanislaus County, Northern California and Colorado. Each year he would save vacation time so that he could work as a hunting guide in Montana.

Sheriff Christianson described Deputy Paris as a brave, compassionate, dedicated, and understanding law enforcement officer who would assist others with a helping hand. The Sheriff then thanked Paris for “making a difference.”

Robert Paris is survived by his mother, father, brother, sister, daughter, and son.



Findings and Recommendations

The following findings and recommendations are offered for review. This information is based on contemporary law enforcement policies, procedures, and practices. Best policing practices were determined using ethical, legal, proper, and safe professional standards that enable law enforcement to protect and serve in the highest tradition.

For the reader's convenience, a numerical list of all findings can be found on page 96. The findings and recommendations are grouped into the following three sections:

- Before the Incident
- During the Incident
- After the Incident

The following words of caution are offered. Whenever the reader reviews a finding and associated recommendation, they are reminded that the policing actions taken were either appropriate, subject to improvement, or inappropriate.

At first glance, the reader may conclude that all recommendations and findings indicate improper law enforcement actions. This is not correct, as a number of the decisions were consistent with valid police practices. However, this does not discount that lessons were indeed learned.

This review did not specifically examine the actions of other law enforcement agencies. However, within the report, the efforts of law enforcement agencies directly or indirectly involved in this incident were identified. Not all findings are followed with a recommendation.

Throughout information gathering, the authors identified specific safety issues. These concerns and recommendations were shared with Stanislaus County Sheriff Christianson. The Sheriff is acknowledged for not waiting for the report's completion to implement change. Furthermore, the initial findings and recommendations remained in the report with comments on actions taken.

The following words, "Experience is a cruel teacher," were reflected in a previous critical incident report by a supervisor. Acknowledging the lessons learned in this report will provide civilian and sworn law enforcement leaders and personnel the opportunity to use firsthand knowledge to improve effectiveness and safety.

Before the Incident

Finding No. 1 — Protecting His Castle

Ferrario knew the date and approximate time that SCSD personnel would complete the eviction. This provided Ferrario an opportunity to contemplate his misfortune and plan for law enforcement's arrival. Ferrario gathered equipment and weapons to stop the process, and indications were he was "lying-in-wait" for the deputies.

Recommendation:

The notification process has since been modified by SCSD to withhold specific information from the person being evicted. It is imperative that Court and Civil Services personnel and supervisors continue to assess if further change is necessary.

Finding No. 2 — Tactical Concerns Known and Reported

It was reported by more than one SCSD employee that there were concerns with Paris' behavior during evictions. At some previous evictions, the following actions were documented, observed, or reported to Court and Civil Services supervisors:

- Not advising dispatch of field status and location.
- Not drawing and exhibiting his firearm when entering and searching a building.
- Not having his mobile telephone on silent mode during building searches.
- Carrying eviction paperwork in his hand(s) during entering and clearing operations.
- Moving throughout a building too quickly versus a more cautious pace.
- Ignoring small rooms and closets when searching.
- Searching with a hand(s) in his pocket(s), talking on his mobile telephone, or whistling.

During the following interactions with other co-workers and supervisors, Paris' attitude toward safety and supervision was sometimes described as disrespectful or negative:

- When notified by communication personnel to log on, he responded, "Oh why, nothing ever happens."
- The day before the Chrysler Drive eviction, the clerk alerted Deputy Paris to potential dangers. Paris replied, "Whatever."

- Prior to field duties on the day of the incident, Deputy Paris and other deputies received policy training from supervisors due to recent administrative failures. In response to a supervisor's question as to whether the material was understood, Paris retorted, "Clear as mud."

Recommendation:

It is recommended that the SCSD Sheriff direct a review to determine if the leadership, management, supervision, and training strategies were insufficient to address Paris' performance.

Finding No. 3 — A Problem was Brewing

Various employees had expressed concerns regarding the Court and Civil Services' work environment. It was voiced that conflict existed and there were differences of opinion between personnel in the deputy, sergeant, lieutenant, and captain ranks.

It was difficult to determine who was right and who was wrong. Differences between the sergeant, lieutenant, and captain existed as to effective leadership, personnel, and training strategies and they experienced problems in addressing the issues in a united manner.

Unfortunately, blame and finger-pointing were occurring among employees and supervisors. Some issues were unresolved and may have been contributing factors to events before and during the critical incident.

Recommendation:

The Sheriff should determine if further Court and Civil Services personnel and operational changes are necessary. This should include a field procedures assessment when handling civil processes including evictions, money seizures, etc.

Finding No. 4 — "Retirement Center"

Civilian and sworn employees provided varying descriptions of a Court and Civil Services assignment. Their remarks included statements that only senior personnel could work there, this was a "dumping ground" for underperforming personnel, "evictions is not real cop work," and many people thought of it as a "retirement center."

Recommendation:

In many law enforcement agencies, personnel reach conclusions as to why one assignment is easier or has more perks than another. The responsibility for SCSD is to continue their current assessment of how evictions are being handled, whether the leadership and supervision at the Court and Civil

Services is working effectively together and if the lessons learned from this incident are being addressed.

Finding No. 5 — Patrol Experience

More than one employee commented that Court and Civil Services procedures were not conducive to effective and safe field operations. Specific examples cited were supervisory comments that primary eviction responsibilities would be impacted whenever Court and Civil Services deputies assisted other law enforcement, or SCSD personnel handling emergency calls or enforcement activities.

It is acknowledged that supervisory comments are sometimes misinterpreted. No matter how these messages were delivered or defined, the employees' beliefs underscore issues that require attention and clarification.

Recommendation:

- Clarify to Court and Civil Services personnel their options when they hear an emergency call or see a law enforcement officer involved in a pedestrian or vehicle stop.
- Assign an experienced patrol sergeant to Court and Civil Services.

Note: At the Sheriff's direction, this personnel change has occurred.

- Conduct frequent and joint Court and Civil Services civilian and sworn employee briefings, meetings, or training sessions. The civilian supervisor and sergeant should be present and the lieutenant and captain should attend periodically. This will enhance vertical communication and ensure a better understanding of the challenges faced and practices utilized.
- Consider whether certain Court and Civil Services field activities should be assigned to the Operations Division.
- Direct the Court and Civil Services' Lieutenant and Captain to participate in field ride-alongs with deputies to assess their knowledge, practices, and skills.
- Ensure that the sergeant has the necessary time to complete administrative duties, observe field performance, and personally supervise selected day and nighttime field activities.
- Direct the Court and Civil Services Sergeant to occasionally work evening hours to inspect evening civil process activities. The Court and Civil Services Lieutenant and Captain should consider ride-alongs during these hours.

Finding No. 6 — The Eviction Schedule

Different Court and Civil Services employees expressed frustration with the Eviction Schedule's management and requirements. They felt that the schedule's route and time constraints did not allow for potential problems.

When these problems occurred, rushing to complete the current eviction and responding to the next would generally impact the quality of their performance. Furthermore, they were concerned that the unknown occurrence in police work was not being given the proper weight and was causing risk liability and safety problems.

It is recognized that civil process presents leadership and time management challenges to the agency and responsible supervisors. However, these employee comments require further evaluation.

Recommendation:

Further review of the Eviction Schedule's objectives and time factors should occur. A communication strategy should be developed that takes into consideration employee concerns and unanticipated field issues. It should also be determined if schedule compliance may cause unsafe driving practices.

Finding No. 7 — Supervisory Meetings

The Court and Civil Services Eviction Sergeant did not regularly attend supervisory meetings. It was difficult to determine if Adult Detention supervisory meetings addressed the issues encountered in this review.

Recommendation:

It is recommended that Court and Civil Services civilian and sworn supervisors attend scheduled divisional meetings with their lieutenant and captain. Furthermore, it would be beneficial for the Court and Civil Services' Sergeant, who supervises civil process operations to attend the Operations Division's supervisory meetings.

Finding No. 8 — Restricted Duty Status

It was reported that a Court and Civil Services Sergeant had a field duty restriction. According to Court and Civil Services personnel, this restriction was being violated with the awareness of superiors. Since this finding, a weekly notice of restricted duty personnel is distributed to command personnel for compliance.

Recommendation:

It is recommended that the Department determines if managers are aware which employees have duty restrictions, if they properly understand their restrictions from field operations, and if personnel are complying with SCSD regulations.

Finding No. 9 — Documenting Performance

On six different occasions, the Court and Civil Services Sergeant worked with Deputy Paris. During these field operations involving 50 to 60 evictions, the supervisor observed officer safety concerns. Although the sergeant notified the lieutenant, Paris' performance deficiencies were not documented and no action plan was developed between the supervisors.

Recommendation:

It is recommended that SCSD's Lieutenants and Captains ensure that first line supervisors understand the importance of documenting issues of concern. The initiation of a Performance Improvement Plan (PIP) may have improved Paris' officer safety practices and performance. Furthermore, notification to the sergeants' superior is extremely important in mutually crafting and initiating leadership and training strategies for subordinate employees.

Finding No. 10 — Risk Assessment

After the eviction agent's warnings, the Court and Civil Services Clerk immediately contacted the Court and Civil Services Sergeant. The sergeant gave the clerk specific instructions to print the warnings in bold black ink and circle them in red on the eviction paperwork. The clerk was then told to give this paperwork to the assigned deputies.

The sergeant shifted the analysis, risk assessment, and decision making to subordinate personnel. The supervisor clearly should have ensured that the following occurred:

- Perform risk assessment and tactical analysis.
- Meet with the deputies and develop an operational plan with public and officer safety considerations and options.

- Direct a background check on Ferrario, including criminal record, firearm information, location history and wants/warrants.
- Approve a SCSD Risk Assessment matrix.
- Assign a field supervisor and additional deputies if SCSD specialized or SWAT personnel were determined not to be an option.
- Consult qualified SCSD personnel who could provide tactical options for surveillance, detention, arrest, and use of force strategies.
- Advise the lieutenant of the warnings and provide an operational plan approved by the sergeant.

Prior to the eviction at Ferrario's residence, both the Court and Civil Services Senior Eviction Deputy (Paris) and the Sergeant had a duty obligation to create an effective and safe operational plan. Based on the reported information, additional background investigation and alternative tactics were necessary. If strategies could not be developed within this short time period, Ferrario's eviction should have been rescheduled.

Recommendation:

It is imperative that Court and Civil Services personnel involved in civil process receive training on background information checks, risk assessment, and operational plan development and approval. Also, the sergeant should review the risk assessment and operational plan, and personally meet with the assigned deputies.

Finding No. 11 — Warnings

The deputies and sergeant did not effectively react to the verbal and written warnings. This complacency problem has a long history in the police profession and is considered a redundant causal factor in peace officer assaults and deaths.

Recommendation:

At all times, personnel should continually check and counter-check each others' actions. This ensures that common and repetitive police behavior does not lead to inattention to detail and unsafe practices. The maintenance of the Department's tactical standards is a must for all Department leaders and requires further assessment within the Court and Civil Services.

Finding No. 12 — Data Bases

Information data bases were not utilized by Court and Civil Services personnel to check Ferrario's criminal and firearms history. If Ferrario's criminal record had been checked, it would have revealed multiple arrests and five registered handguns.

Recommendation:

Conduct an assessment to determine if Court and Civil Services personnel are thoroughly trained to utilize internal and external law enforcement record systems. Furthermore, improve the division's guidelines to ensure that necessary information is gathered and reviewed prior to field activities.

Finding No. 13 — Employee Data Base Suggestions

Following the incident, Court and Civil Services personnel assessed past practices of not utilizing data base information. Consequently, the SCSD's Integrated Criminal Justice Information System (ICJIS) is now used to verify information. This system contains incident history, dates, and facts going back to 1980.

After further Court and Civil Services personnel meetings, the following employee suggestions were made to enhance effectiveness and safety:

- Provide access to all SCSD databases from in-car computers and work stations.
- Ensure that the Automated Firearm System (AFS), California Law Enforcement Telecommunications System (CLETS) and Cop Link are available and utilized.

Recommendation:

These suggestions are best policing practices and should be approved. Additionally, Court and Civil Services personnel need to maximize the use of premise history information.

Finding No. 14 — Communicating with Dispatch

When the "11-99" radio broadcast for help with shots fired was initiated, the dispatcher did not recognize the unit involved. Consequently, this created additional confusion and stress among communication personnel. Commendably, dispatch personnel quickly overcame this problem, and proper radio transmissions occurred.

Among Court and Civil Services personnel, there were differences of opinion as to whether eviction and other field activities should be reported to the Communications Center. On this day, Deputy Paris and his partner did not report the following to dispatch:

- Start of Duty Tour
- Unit Call Sign
- Eviction Activities throughout the Morning
- Arrival on Chrysler Drive

As a result of this incident, Court and Civil Services personnel are now following Department policy and communicating with dispatch.

Recommendation:

Supervisors must be reminded to frequently check radio activities of subordinate personnel.

Finding No. 15 — Supervisory Attention to Field Activities

Civilian and sworn personnel were aware of the deputies' failures to comply with SCSD radio procedures.

Recommendation:

Supervisors need to be reminded that noncompliance with required policing practices can create problems.

Note: Prior to this report's completion, Court and Civil Services Deputies began contacting dispatch regarding all activities.

Finding No. 16 — An Appointment

Deputy Paris had asked for the afternoon off. This request was approved, granting Paris an end-of-watch time after finishing Ferrario's eviction. Paris' need for time off may have influenced Deputy Paris and his partner's decisions.

Recommendation:

A time-honored practice in police work is "slowing-it-down." Unless there is a need to save lives, this tactical strategy is extremely effective in policing operations. Creating an understanding and being able to implement this valuable concept during field operations remains a challenge for all law enforcement agencies. During briefing, debriefing and training activities, instruction on "rushing-in" versus "slowing-it-down," should be reinforced.

Finding No. 17 — Follow-Up

The SCSD Eviction Schedule issued to Deputy Paris and his partner revealed the eviction agent's first name and telephone number and the attorney's first and last name with a telephone number. Had the deputies telephoned the eviction agent to acquire additional safety information or to corroborate the clerk's written warnings, this may have caused the deputies to reconsider their approach and contact strategies.

Recommendation:

When eviction documents indicate a potential for violence, it is recommended that Court and Civil Services personnel and supervisors thoroughly assess the danger, ensuring that all sources of information are reviewed.

Finding No. 18 — One Veteran to Another

Prior to arriving at Ferrario's residence, Deputy Paris and his partner reviewed the eviction paperwork. They noted the following information about Ferrario:

- Emotionally Disturbed and Delusional
- M-16 Type Weapons
- Prior Military Experience

Deputy Paris' partner felt that he might be able to verbally persuade Ferrario to voluntarily vacate the location. This was based on the deputy's prior military training and consistent with their previously agreed response tactics of "selling the eviction."

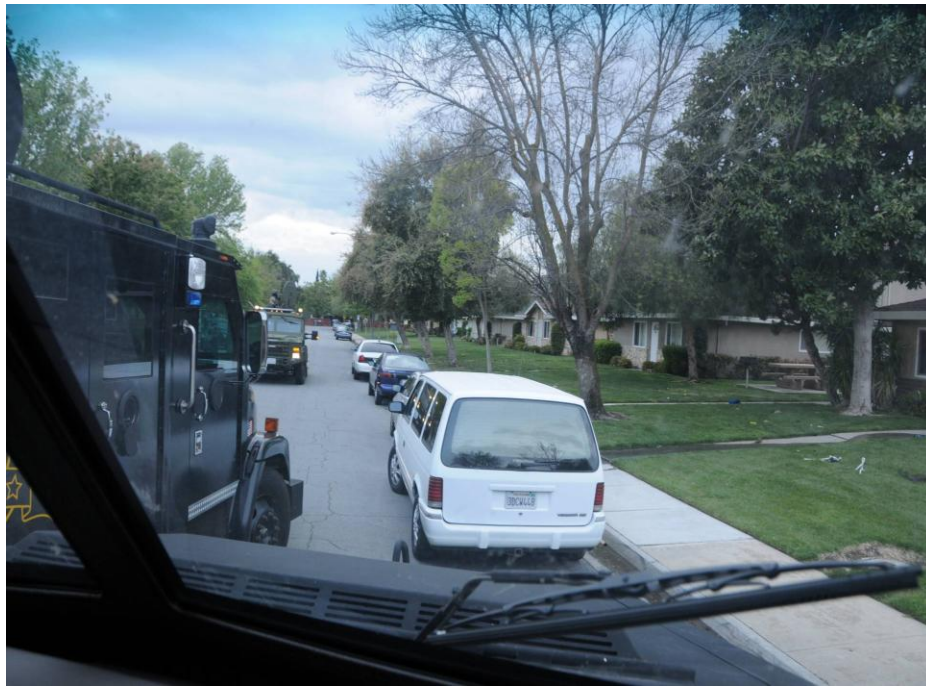
It is acknowledged that peace officers must be able to solve problems through effective communication skills. However, in this incident, the deputies' belief may have had an adverse effect on their recognition of reported dangers and selection of tactics.

Recommendation:

Stanislaus County Sheriff's Department personnel must recognize when someone is not properly using a successful policing strategy. Placing an emphasis on any tactical option must include a balance of skills so that a peace officer will not underestimate high-risk threats to public and officer safety. Proactive leadership actions and realistic and verifiable training must continue to address unsafe policing behaviors.

Finding No. 19 — Educating our Stakeholders

Locksmith Engert parked his vehicle in front of 2141 Chrysler Drive, Apartment One. Parking directly in front of a call for service location is not a recommended policing practice. Engert's vehicle was a white utility van and his parking location was described as "directly" in front of Ferrario's residence.



Locksmith Engert's Van

Recommendation:

Consider whether a SCSD educational program should be offered to locksmiths within Stanislaus County. If approved, this ongoing community policing business partnership could include a meeting(s) with selected training topics. The training topics could consist of SCSD's civil process procedures, practical safety tips, and "If you see something, say something." This may include where to safely park and meet the deputies.

Finding No. 20 — No Indicators

When Deputy Paris knocked on Ferrario's front door in the presence of his partner and the locksmith, the MPD investigation found no other indicators that anyone was inside the residence. However, this investigative finding does not discount or dismiss the written warnings that had been provided.

Note: Refer to Finding No. 74, "If the Suburban is there," page 88 for clarification regarding Ferrario's personal vehicle.

During policing activities, approaching a building or standing in front or near a door or window is considered a dangerous position. Generally, this area is referred to as a "high threat zone." This zone is defined as an area that is controlled by a criminal's field of vision and gunfire.

During this review, a MPD investigator made the following statement. "If knock and notice applies, so does everything else when it comes to following safety practices." These words underscore a policing standard that needs to exist during similar policing operations.

Recommendation:

Peace officers should be reminded that approaching a residence and standing in front of a door or a window can be dangerous. This should only be done when a peace officer is totally satisfied that no threats exist. An exception would be exigent circumstances that require immediate action.

During the Incident

Finding No. 21 — Watching the Police

While searching Ferrario's front room, crime scene investigators located a surveillance system. This included several video recording devices and a television monitor. The items appeared to have been operational.

Recommendation:

Technology has made surveillance systems inexpensive and simple to acquire and install. Law enforcement personnel are reminded that their actions and words may be surreptitiously monitored by criminals.

Finding No. 22 — "I Think Someone's In There"

After drilling for approximately 30 seconds, Locksmith Engert told the deputies that he thought he heard a noise inside the residence. He then said, "I think someone's in there."

The deputies and locksmith waited approximately 30 seconds and not hearing further noise, the locksmith resumed drilling. Approximately 15 seconds later, gunfire erupted through the front door.

Considering the totality of information, written warnings regarding Ferrario, the presence of security cameras, the noise, and the locksmith's belief that someone was inside, the deputies should have stopped and relocated everyone to a position of advantage. At this point, further tactical analysis was necessary.

Recommendation:

Law enforcement should ensure that training scenarios involve decision-making with rapidly changing conditions. Scenarios requiring critical thinking, movement, reassessment, scanning, tactical breathing, and use of force options will better prepare peace officers for today's challenges.

Finding No. 23 — Rescues

When reviewing the totality of the circumstances, especially the public and officer safety challenges, the rescues of Engert and Paris were initiated in a timely manner. Valor in law enforcement's highest traditions was demonstrated by MPD and SCSD personnel who extracted Engert and Paris.

The police equipment shown below was used during the coordinated rescues. It is important to note that a ballistic shield protected the rescue team and the driver. The moving vehicle, traveling west, placed a blocking barricade between Ferrario and the rescue team.

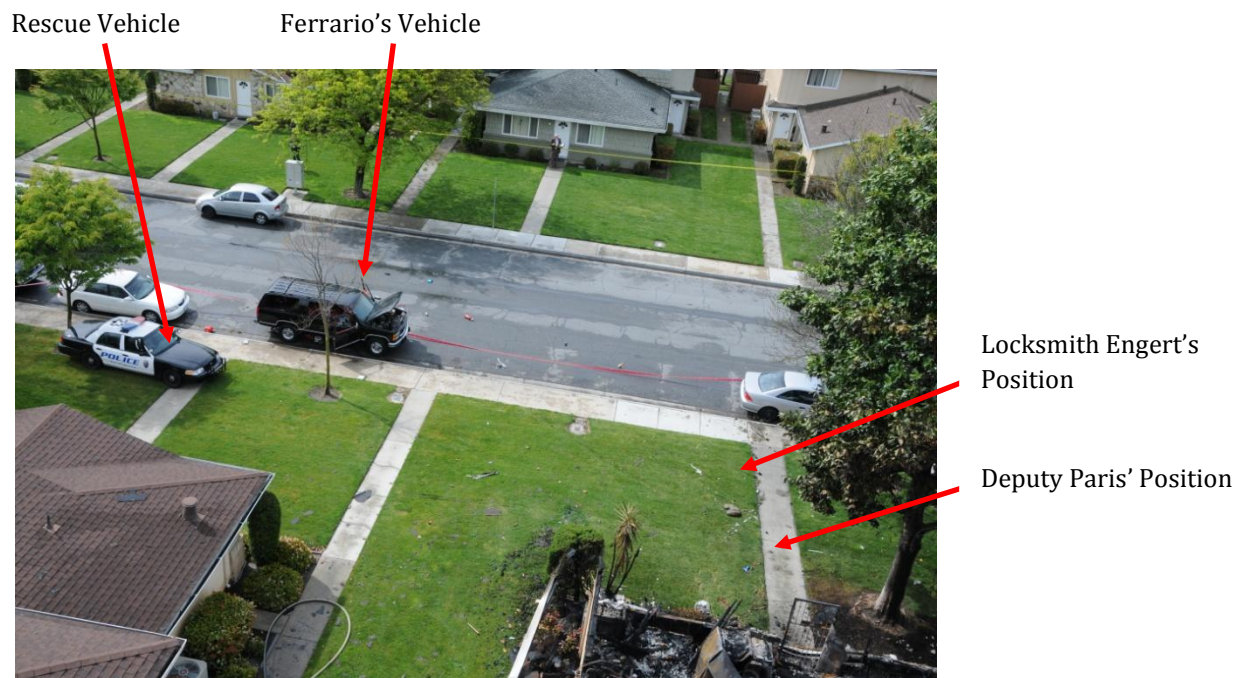
The MPD is commended for having a ballistic shield in every sergeant's car and other investigative and specialized vehicles. Consequently, this vital protective equipment was immediately available for field deployment.



Rescue Vehicle with Shield



Inside Rescue Vehicle with Shield



Rescue Scene

Recommendation:

It is recommended that law enforcement personnel receive recurrent rescue training. This training should include scenarios where personnel clearly understand tactical options for exterior and interior rescues.

Finding No. 24 — Rescue Training

Before the rescues, it was noticed by some of those present that a few first responders appeared confused and traumatized. This is understandable as they were seeing people critically injured and down in a high threat zone. Additional comments from more than one person centered on the fact that some peace officers were not confident or familiar with immediate action and rapid deployment tactics.

When responding to people down, law enforcement has learned the following lessons:

- First responders will generally be patrol and investigative personnel.
- First responders must understand how to immediately develop an operational plan and lead the rescue.
- First responders need ballistic protection, i.e., body armor, helmets, shields, etc.
- "Cover fire" or "suppressive fire" is often misunderstood.
- The rescue of people is a perishable skill that requires verifiable training.

- First responder training has been found to be non-existent or inadequate at more than one California policing agency.

Recommendation:

It is imperative that Stanislaus County's law enforcement leaders direct an evaluation of their agency's capabilities and knowledge in rescuing people down. Consideration should be given to joint training exercises that involve local, state and federal agencies to ensure the best understanding of available equipment, rules of engagement, and use of force options.

Finding No. 25 — Rescuing Deceased People

It was learned that some officers involved in the rescues felt that Deputy Paris was deceased. Despite these beliefs, these officers willingly risked their lives in the recovery of Locksmith Engert and Deputy Paris.

Recommendation:

Stanislaus County law enforcement leaders should implement person down rescue training. During this training, the following questions should be thoroughly answered:

- Do we rescue obviously deceased community members/peace officers?
- How do we justify risking lives to recover obviously deceased persons?

Finding No. 26 — Information from Another Incident

One of the primary officers in the rescues of Locksmith Engert and Deputy Paris said that he had previously reviewed the "The Minkler Incident." This officer felt that the knowledge he gained about the murders of a Fresno County Deputy Sheriff and a Reedley Police Officer in the City of Minkler, California, 2010, enhanced his personal policing abilities, decision-making skills, and tactical performance during this crisis.

The Fresno County Sheriff's Office is acknowledged for sharing this lesson with the law enforcement profession. Local, state, and federal law enforcement officers have consistently attributed their safety to learning from someone else's incident.

Recommendation:

Policing leaders should continue to determine how to share critical incident information. Consideration should be given to a mandated review by supervisors of contemporary reports that identify policing behaviors and strategies, especially when community members and peace officers are killed.

Recommended reports are the “Independent Board of Inquiry into the Oakland Police Department,” March 21, 2009, where four peace officers were murdered in a single incident, and the recently mentioned “The Minkler Incident.” This learning activity should not be limited to California incidents.

Finding No. 27 — Private Armored Vehicle

When the call for help was broadcast, Loomis Armored Vehicle employees were monitoring a police scanner. They responded and offered their vehicle as a rescue resource. Although not utilized by on-scene law enforcement personnel, this action by Loomis is commendable.

Recommendation:

Maintaining policing partnerships and working together with the armored car industry can often times enhance public and officer safety. The following considerations are offered:

- Conduct meetings with the armored car industry. These meetings can be facilitated by a detective commanding officer with the participation of a robbery detective(s). Attendance of other Department personnel can be determined.
- Ensure that tactical information is gathered regarding the capabilities of a private armored vehicle. These facts must be shared with first responders and specialized personnel.

Note: On February 28, 1997, during the “Bank of America Shootout,” Los Angeles Police Officers used a private armored car to successfully rescue community members and wounded police officers.

Finding No. 28 — Radio Broadcasts/Transmissions

According to Communications Center personnel, numerous radio requests for updated information occurred. These requests significantly congested radio traffic. Despite these challenges, Communications personnel effectively handled this crisis.

Recommendation:

Periodic briefing reminders concerning radio discipline should be provided. Communications personnel should make updated broadcasts. This will

reduce unnecessary radio transmissions and give responders information, including the address, gunfire direction, high-risk areas, etc. To assist this effort, it is suggested that computer information or a white board be used within the Communications Center to reference and update incident information.

Finding No. 29 — Medical Emergencies

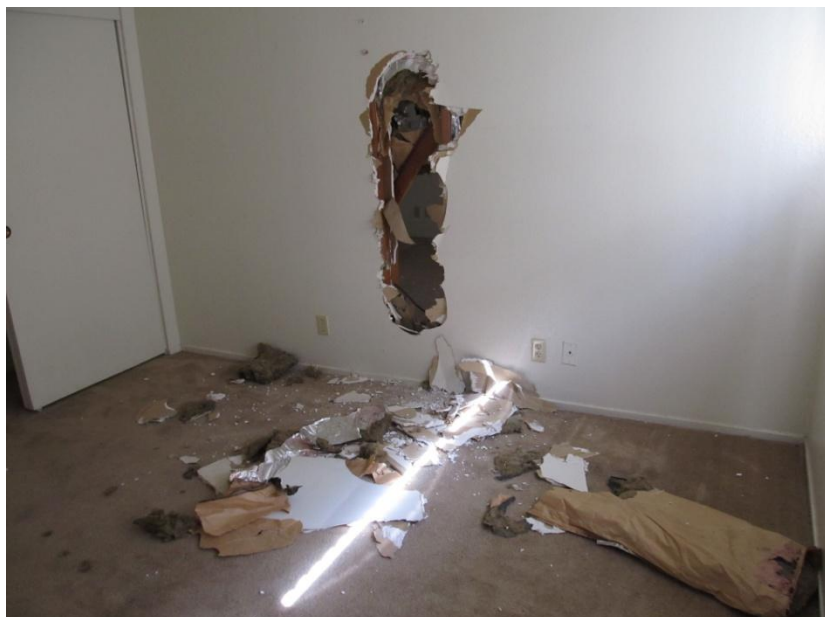
Although not directly related to the critical incident in-progress, some community members within the police perimeter experienced medical emergencies. Police and fire efforts were instrumental in rescuing these people in a timely manner and facilitating emergency medical aid.

Recommendation:

Public safety departments must be prepared to handle multiple medical emergencies incidental to the ongoing critical incident.

Finding No. 30 — Community Members in Harm's Way

Modesto Police Department personnel are commended for their heroic efforts in evacuating community members from the high-threat zone. Below is a photograph of an apartment wall near Ferrario's residence that was breached by MPD personnel to relocate community members to safety.



Breaching Point by MPD SWAT

Finding No. 31 — The Right Decision

Due to the incident occurring within MPD's policing boundaries and the emotional impact on SCSD personnel, it was determined that MPD would be the lead law enforcement agency. Sheriff Christianson is recognized for accepting and supporting this decision.

Recommendation:

Stanislaus County law enforcement leaders should continue to discuss and train for future incidents where policing authority and responsibility can be multi-jurisdictional. The ability to make the best decision during a crisis situation is paramount to the effectiveness and safety of the public and police personnel.

Finding No. 32 — Working Relationships

During and after this incident, it was noted that Stanislaus County local, state, and federal public safety leaders were successful in coordinating efforts. This unique strength is a reflection of their commitment to service, preparation efforts, and professionalism.

Recommendation:

Continue to maintain effective working relationships that will enable varied public safety agencies in an emergency to wisely deploy personnel and resources. Furthermore, joint meetings and training exercises will provide a strong foundation for future success.

Finding No. 33 — Command Staff Teamwork

The SCSD Sheriff immediately responded to the scene. Due to numerous complicated and demanding challenges, SCSD command staff personnel efficiently divided field and station leadership responsibilities. This enabled the Sheriff to deal with the pressing issues of Locksmith Engert and Deputy Paris' murders. Furthermore, the Operations Division Captain, who was on a day off, is acknowledged for immediately responding to direct station activities.

The recent and unfortunate accidental duty death of SCSD Crime Analyst Technician, Mary Donahou, in December of 2011, provided experience in dealing with one of the most difficult tragedies in law enforcement. This knowledge was effectively used to immediately address personnel and operational issues by command staff personnel.

Recommendation:

All SCSD personnel should continue to receive periodic training on reactions and responsibilities when a Department employee loses his or her life.

Finding No. 34 — Resources Impacted

As public safety personnel arrived, ingress and egress was adversely impacted due to police units blocking the street. This hampered the movement of responding emergency vehicles.

Recommendation:

Stanislaus County law enforcement personnel should receive training on parking police vehicles at critical incidents. This training should include separate staging areas for anticipated responders - fire, medical, service organizations, etc., to prevent problems. The following are training considerations:

- Identify a staging area for police personnel and vehicles.
- Identify a separate staging area for fire personnel and equipment.
- Assign an officer and eventually a supervisor to manage police personnel ingress and egress.
- Identify response routes to the critical incident and determine if different ingress/egress will require multiple postings.
- Use an available Department or ICS form to properly document agency, first and last name, rank, serial number, mobile telephone number, and specialized equipment and skills of each person arriving.
- Determine if responding personnel are wearing readily identifiable police uniforms and have appropriate safety equipment.
- Advise personnel of the radio frequency being utilized.
- Direct responding personnel where to properly position their vehicles.
- Compose squads/teams with a supervisor to receive missions.
- Create squads that are composed of peace officers from the same policing agency when staffing permits.
- Assign a supervisor or senior officer to supervise each squad.

Finding No. 35 — Command Post Location

The Command Post was established at the intersection of Chrysler Drive and Prescott Road, 11 buildings east of Ferrario's residence. If Ferrario had exited his home and reached Chrysler Drive, and discharged his firearm eastbound, command post and responding personnel would have been subjected to gunfire.

Recommendation:

Establishing the command post on Prescott Road either south or north of Chrysler Drive would have been better. To the north there were two possible locations, a mobile home park on Prescott Road north of the Whispering Woods Estates and a church at the corner of Prescott and West Rumble Roads. To the south there was a church on Prescott Road, south of Peach Drive.



Church - Prescott and West Rumble Roads, Northwest Corner



Church - Prescott Road south of Peach Drive

At a minimum, the command post should not have been able to be seen by anyone on Chrysler Drive. First responders and supervisors should receive periodic reminders to

select effective locations and when necessary, immediately move the command post from an unsafe to a safe location.

Finding No. 36 — ICS Vests Not Worn by PD Personnel

As the incident progressed and local, state, and federal peace officers continued to arrive, it was reported that Command Post personnel were not wearing Incident Command System (ICS) vests.



Incident Command Vests

Recommendation:

At previous critical incidents in California, the practice of not wearing ICS vests has occurred too often. The following practices are considerations:

- Vests – Easily Accessible
- ICS Guidelines – In each Vest’s Pocket
- Reference Guidelines – Utilized
- Supervision – Are personnel being directed to wear vests?
- Training – Are vests worn during training exercises?

Finding No. 37 — Peace Officer Bill of Rights

As the incident progressed, getting tactical information from Deputy Paris' partner was important. Due to this deputy's gunfire exchange with Ferrario, the deputy was entitled to attorney representation during interviews.

Since the deputy's attorney could not arrive immediately, the MPD lead detective did an outstanding job in obtaining critical information without violating the deputy's rights. This was done through a telephone conference call involving the attorney, the deputy, and the investigators.

Recommendation:

Law enforcement investigators should consider using this strategy when time is of the essence.

Finding No. 38 — Verifying a Caller was Ferrario

At approximately 7:35 p.m. the lead investigator was told that a person representing himself as Ferrario had called the 9-1-1 Regional Communications Center. As a result of this telephone call, the following was revealed:

- The person on the telephone, later determined to be Ferrario, was calling from a cell phone.
- The Communications Center operator was not able to call back due to canceled cell phone service. Due to the discontinued service, only outgoing emergency 9-1-1 calls could be made.
- The caller requested a pizza and admitted to shooting "them."

A digital copy of this conversation was e-mailed to the MPD lead investigator. The investigator provided the information to other detectives for immediate action. These detectives then directed an emergency lights and siren response to contact Ferrario's mother.

Local and federal efforts to re-establish service to Ferrario's phone were unsuccessful.

Recommendation:

While a critical incident is in progress, investigators must be contemporary and creative in using technology to quickly verify information.

Finding No. 39 — The Caller was Ferrario

At approximately 11:20 p.m., MPD investigators located Ferrario's mother at a friend's home near San Francisco, California. Ferrario's telephone call to the 9-1-1 Regional Communications Center was played for the mother and her friend. Although the mother was unable to confirm the voice, the friend said it was Ferrario.

The investigative efforts used by MPD to locate the mother, arrange a meeting, and confirm the caller's identity are commendable.

Finding No. 40 — Media Helicopters

After the incident started, media helicopters created safety and tactical concerns. Initially, local law enforcement requests to vacate the airspace were refused by a television news director. Eventually, FBI agents working with the Federal Aviation Administration (FAA) resolved the problem.

Recommendation:

As soon as possible, secure airspace should be established. It is in the best interest of local law enforcement to add this procedure to any pre-established checklist or procedures.

Command post and SWAT supervisors should have a current roster of media contacts with names, titles, and business/mobile telephone numbers. This information should be audited and maintained by the agency's press information personnel. Also, local law enforcement should be aware of how to contact FAA or FBI personnel during on and off-duty hours.

Finding No. 41 — Press Information Officers' Suggestions

After speaking with various SCSD personnel, including the Department's Press Information Officer (PIO), the following suggestions were identified:

- Information Checks – The PIOs conducted a discussion with the incident commander each hour to determine what information was available for release.
- Media Telephone Calls – In this incident, one PIO felt it was beneficial to answer calls while responding to the situation. This afforded an opportunity to provide initial information and to describe future efforts that would be taken by law enforcement media representatives.
- PIO Rotation – Working effectively together, the MPD and SCSD PIOs alternated the management of scheduled press conferences.

- Clothing – During the press conferences, rain occurred. Unfortunately, one PIO did not have foul weather gear.

Recommendation:

The preceding lessons learned and strategies are worthy of consideration. Additionally, if it is decided that two agencies will rotate PIOs for scheduled press conferences, it is imperative that the rotating PIOs attend each other's presentations to ensure consistency.

It is recommended that the SCSD PIO conduct scheduled media meetings at a SCSD facility. The frequency of these meetings should be decided and consideration given to highlighting various Department initiatives and solving mutual concerns.

Finding No. 42 — Initial Press Statement

During the incident's initial moments, the SCSD Sheriff provided media information regarding chemical agent deployment. Shortly thereafter, it was learned that this information was incorrect.

An analysis of this information found no significant bearing on the incident's management. Furthermore, this was later resolved by law enforcement media personnel.

Recommendation:

During critical incidents, the volume of information initially presented to first responders is overwhelming and may be inaccurate. As information is communicated throughout the agency's chain of command, there can always be errors and misunderstandings. All law enforcement agencies are reminded to assess information prior to media release

Finding No. 43 — The Robot

The MPD SWAT effectively used a robot to check Ferrario's vehicle, to enhance fields of vision, to communicate, and to move Ferrario's furniture away from a window and door. These uses reduced risk to the public and peace officers present.



Ferrario's Vehicle being Checked for Explosives

Recommendation:

If not already available, it is recommended that Stanislaus County law enforcement agencies individually acquire robots. During discussions with SWAT personnel, it was learned that an armor-plated bobcat tractor capable of stopping .50 caliber bullets would be beneficial for tactical options during future incidents. If not affordable, consider mutually purchasing this equipment for countywide utilization.

After the Incident

Finding No. 44 — Surrender was not an Option

Ferrario was prepared for an extended barricade incident with law enforcement. He was heavily armed with multiple firearms, hundreds of rounds of ammunition, body armor, gas masks, and other supplies to support his refusal to surrender peacefully. Furthermore, these actions are indicative of a person willing to die.

Finding No. 45 — Ferrario Described as...

During media and MPD interviews, the following words by various people in describing Ferrario:

“Aggressive”	“Odd”
“Angry”	“Only Left Home at Night”
“Combative”	“Paranoid”
“Confrontational”	“People Out to Get Him”
“Deranged”	“Recluse”
“Erratic”	“Rude”
“Increasingly Isolated”	“Threatening”
“Intimidating”	“Weird”
“Jerk”	“Wore an Old Security Uniform”
“Lived Like a Survivalist”	“World was Out to Get Him”

Finding No. 46 — Letter Corroborates Ferrario Behavior

After the incident, an anonymous letter was received by the primary MPD investigator regarding Ferrario’s background. The letter substantiated the investigator’s following beliefs:

- Ferrario was emotionally distraught.
- Ferrario was on the verge of joining people who agreed with his views and were involved in vigilante activities.

Recommendation:

This underscores the importance of reviewing correspondence involving a case of this nature. Investigators should be attuned to drawing appropriate conclusions when information dovetails with other facts.

Finding No. 47 — Explosives

Although neighbors speculated that Ferrario kept explosives, only a few packages of M-80 fireworks were found in his residence. No other explosives were discovered in Ferrario's home or vehicle. The combined efforts of local and federal explosives personnel during and after the incident were commendable.

Finding No. 48 — Origin of Fire

At approximately 9:15 p.m., a fire started in Ferrario's building. The fire began in a second story apartment. It stopped and then restarted a few minutes later.

It is speculated that Ferrario started both fires. This is supported by the fact that Ferrario had broken through the wall to gain access to the residence where the fire started.

It has not been determined exactly how the fire started. However, fire investigators found that the fire's cause and origin was not electrical or gas. Furthermore, the primary MPD investigator working with local fire and federal law enforcement personnel conducted testing. This examination determined that the MPD tear gas canisters could not start a fire.

Recommendation:

At the time this report was published, the federal investigation as to cause and origin had not been completed. When the federal report is finished, it should be reviewed.

Finding No. 49 — Outstanding Public Safety Efforts

Everyone who reviews this report should acknowledge the outstanding public safety efforts of fire and police personnel. With the cooperation of community members, people were safely evacuated and no one else was seriously injured or killed.

Recommendation:

This is a classic example of how important training is to public safety personnel. Stanislaus County fire and police leaders should continue to assess their training programs and conduct more joint exercises with integrated Incident Command System exercises.

Finding No. 50 — Community Leadership

In the days following the incident, the Sheriff met with community members to answer questions and address concerns. This was a proactive effort to calm the community and share information.

Recommendation:

Timely responses to public concerns are key cornerstones for community policing partnerships. When incidents of this magnitude occur, countless lives are impacted. It is recommended that law enforcement leaders carve time from their schedules to meet with community members and organizations to encourage people to report suspicious behavior.

Finding No. 51 — The Investigation

MPD investigators working with local and federal investigators conducted a thorough investigation requiring extensive staffing hours. The following actions by investigators are worthy of being mentioned:

- Maintained a protected crime scene for three and one-half days during rainy conditions.
- Established two crime scenes, one inside and one outside the structure.
- Determined that no bullet holes were found in Ferrario's front door. This indicated that the front door was open when Ferrario fired through the security door.
- Conducted over 250 interviews.
- Developed a review of Ferrario's life and issues that influenced his behaviors.
- Worked diligently to corroborate information with Whispering Woods residents who currently and previously resided there.

In December 2012, approximately eight months after the incident, MPD's investigation was provided for review. It was noted that sections of the investigation remain "open."

Recommendation:

An investigation of this magnitude is not completed quickly. Any agency faced with a similar incident must commit multiple resources in a timely manner to properly gather evidence and information.

Finding No. 52 — Working Effectively Together

During three days of processing the crime scene, the MPD effectively assigned two detectives as the primary and secondary Crime Scene Managers. Utilizing local, state, and federal law enforcement personnel is an example of best policing practices.

Investigators from the following agencies efficiently processed over 500 evidentiary items from the complex crime scene:

- Modesto Police Department
- Modesto Regional Fire Authority
- Stanislaus County District Attorney's Office
- U.S. Department of Justice – Bureau of Alcohol, Tobacco, Firearms and Explosives
- U.S. Department of Justice – Federal Bureau of Investigation



Crime Scene Investigation at Ferrario's Front Yard and Building

Finding No. 53 — Communication Needs

The Director of the 9-1-1 Regional Communications Center cited the recent murders of Locksmith Engert and Deputy Paris as an incident that could have been more effectively managed with a new communication tower. The installation will address the following issues:

- Accessibility – Improved
- Communications – Coordination between Service Agencies
- Consolidation – Four Transmission Sites become One Site
- Direct Benefits – City of Modesto and Stanislaus County
- Emergency Generator Power – Potential Use
- Environmental Report - Favorable
- Financial Savings – Eliminates Rent Payments
- Security – Enhanced
- Power Supply System – 24-hour Emergency Operation

Recommendation:

This project should be approved.

Finding No. 54 — Court and Civil Services Radio Frequency

A Court and Civil Services supervisor recommended that an individual radio frequency be established for civil activities. It was felt that this frequency could be monitored by a Court and Civil Services Clerk with a “hot line” to the Regional 9-1-1 Communications Center.

Recommendation:

This recommendation should be reviewed. If established, it is imperative that civilian personnel receive radio training. Since Court and Civil Services personnel sometimes conduct policing activities during non-business hours, consideration should be given to who would monitor this frequency.

Finding No. 55 — Police Work is Dangerous

During trauma debriefing sessions of SCSO civilian and sworn personnel and their loved ones, various individuals expressed shock that a peace officer working the Court and Civil Services could lose their life. There was a perception that policing tragedies only occurred in high-risk patrol and specialized law enforcement activities. Comments included the following:

- “This is not supposed to happen.”
- “This should not be happening to those working at Court and Civil Services.”

- “Not a hook and book assignment.”
- “Can rest on my laurels there.”
- “Can take it easy there.”

Recommendation:

Stanislaus County Sheriff’s Department leaders at all policing ranks should frequently check their agency’s pulse to ensure that the frequency of directed, initiated, and requested activities does not permit complacency to develop in all assignments.

Finding No. 56 — Ballistic Protection

Although SCSD maintains a body armor replacement calendar, Deputy Paris’ body armor replacement date had passed. This oversight was both a system and personal failure.

Deputy Paris’ body armor was not designed to stop Ferrario’s rifle ammunition. Most peace officer body armor does not stop 7.62 caliber rifle ammunition. The Sheriff was notified and without delay directed a review of the body armor replacement schedule.

Recommendation:

A quarterly review of safety equipment replacement dates should be established and a safety equipment data system developed. This would identify approaching expiration dates so that equipment can be ordered and replaced for ballistic helmets, body armor, traffic safety vests, etc.

Finding No. 57 — Ballistic Helmets and Shields

Stanislaus County Sheriff’s Department issues ballistic helmets to all patrol operation deputies. It was found that some deputies in the Court and Civil Services did not have a ballistic helmet.

It was also learned that a Court and Civil Services supervisor did not recognize a need for ballistic helmets and shields. This supervisor believed that sworn personnel in Court and Civil Services would not encounter situations requiring this equipment.

Recommendation:

Regardless of assignment, it is recommended that all SCSD personnel working plainclothes or uniform assignments be issued and required to have available body armor and a ballistic helmet. Policy should clearly state when wearing the ballistic helmet is mandatory versus optional.

Consideration should be given to replacing current helmets with a minimum Level Three-A ballistic helmet equipped with a civil disorder face shield. This helmet would provide gunfire and personal protection.

Based on insights from SCSD personnel, an audit and personal inspection of issued ballistic helmets and shields should determine the following:

- Do personnel possess helmets and shields issued initially?
- Are supervisors addressing the culture of not using safety equipment?
- Are supervisors ensuring the availability and encouraging the use of safety equipment?
- Do personnel receive training on how and when to use this equipment?

Finding No. 58 — “Dragon Skin”

A recent body armor development by Pinnacle Armor in Fresno, California, claims to have successfully defeated 7.62 caliber rifle rounds. This company states that the flexible “Dragon Skin” armor provides “resistance against armor piercing handgun, shotgun slug, fragmentation, and full puncture/thrust resistance all in one.”

According to Wikipedia (http://en.wikipedia.org/wiki/Dragon_Skin), “In Fresno, California, a police department commissioned the purchase of Dragon Skin for its officers after a vest stopped all the bullets fired during a test, including .308 rounds from a sniper rifle and 30 rounds from a 9mm MP5 fired from five feet away. Ninety-eight federal, state, and local law enforcement officers witnessed the SWAT test. The armor also stopped 40 rounds of PS-M1943 mild steel-core bullets from an AK-47 along with two hundred 9 mm FMJ military ball bullets fired from a submachine gun.”

Recommendation:

Stanislaus County law enforcement agencies should examine the viability and practicality of “Dragon Skin.”

Finding No. 59 — Building Entry and Search Equipment

At the time of the incident, it was found that Deputy Paris did not have a flashlight. Furthermore, it was learned that some SCSD Court and Civil Services deputies do not utilize building entry and search equipment.

Recommendation:

The proposed Court and Civil Services building approach, entry, and search training should include awareness of equipment that enhances safety. These items may include doorstops, a mirror, and rope, and should be easily accessible.

It would also be beneficial to determine if Operations Division personnel possess and utilize similar building entry and search equipment. Furthermore, a safety inspection of all SCSD personnel in field assignments should occur for mandated and optional equipment such as additional ammunition, ballistic helmet, back-up firearm, reflective safety vest, trauma bandage, etc.

Finding No. 60 — Back-Up Deputy

It was learned that civil process deputies handle field activities that involve money seizures at various businesses. These enforcement contacts generally occur during evening hours at bars and liquor stores where robberies and other crimes are not uncommon.

Related to these duties, the following areas of concern were cited by Court and Civil Services personnel:

- Late Evening Hours – A supervisor said this was the most productive time to seize larger amounts of money.
- Plainclothes – A supervisor recommended that these details could be conducted in this attire.
- Angry People – Many times, people became emotional and upset due to their money being seized.
- Single Deputy – The counting of money by a single deputy is unsafe and tempts others to commit a crime.
- False Accusations – When only one deputy is present, people can claim that the money count is inaccurate.
- Open Areas – When money counts were not done in a private area, the deputy was sometimes exposed to challenging behaviors.
- Mixed Messages – Sometimes civil process deputies were advised that the patrol radio frequency should not be used for this enforcement activity.
- Criminal Activity – Deputies were not encouraged or mandated to conduct a premise history check, wants and warrants verification or narcotics and vice intelligence determination for drugs, gambling, money laundering, etc.

Recommendation:

It is recommended that money seizure practices be reviewed. This field activity should be handled by at least two uniformed deputies with notification to dispatch. If staffing permits only one uniformed Court and Civil Services Deputy, a uniformed field deputy should be requested.

Finding No. 61 — Court and Civil Services Training

It was determined that sworn Court and Civil Services personnel require additional building approach, entry and search training. The Court and Civil Services supervisors believed that the California Commission on Peace Officer Standards and Training's (POST) Basic Course and SCSD's in-service training programs met these needs. This was not a correct perception.

Recommendation:

It is recommended that Court and Civil Services deputies attend all field training activities provided to patrol deputies and receive additional first responder training on building approach, entry, and search.

Finding No. 62 — Tactics Training

After reviewing Deputy Paris and his partner's actions related to Ferrario's eviction, it was determined that tactical training is necessary.

Recommendation:

This training by SCSD personnel should include decision-making and policing tactics. Furthermore, the training should be documented by date, time, topic, and trainer for each deputy.

Finding No. 63 — Introducing Startle and Surprise

This incident involved rapidly changing conditions of extreme stress that challenged policing abilities, decision-making skills, and lethal use of force. Training with Simunition rounds realistically creates shock, startle, and surprise and measures performance.

Recommendation:

The SCSD managers and trainers responsible for training must ensure that deputies are exposed to scenarios that present changing behaviors under stressful conditions. An emphasis must be placed on realism that requires immediate tactical decision-making with consideration for ethical, legal, proper, and safety issues. This includes training exercises that address when

to use force and the pros and cons of a specific physical or verbal tactical option.

Finding No. 64 — Working Together

After interviewing the involved fire and police command personnel involved, it was recognized that perceptions of operational effectiveness differed. Although this happened, it did not adversely impact the incident's conclusion. This is corroborated by the fact that only one structure burned and there were no additional serious injuries or deaths.

When local, state, and federal law enforcement leaders, and fire managers cooperate to improve safety at critical incidents, change and improvement occurs. It was found that Stanislaus County fire and police personnel are working together to establish joint training exercises. In August, 2012, a planning meeting for an "Active Shooter" training scenario was held. In light of recent incidents throughout our nation, these actions by the following Stanislaus County public safety agencies and personnel are commendable:

- Ceres Police Department, Deputy Chief
- Modesto Police Department, Chief
- Modesto Regional Fire, Chief
- Turlock Fire Department, Chief
- Turlock Police Department, Chief
- Stanislaus County Sheriff's Department, Sheriff

Recommendation:

The following are offered for consideration for Stanislaus County fire, police and sheriff personnel:

- Establish a Critical Incident Task Force chaired by the Stanislaus County Sheriff, formalizing interagency cooperation and training for future critical incidents.
- Enhance a clear understanding of fire and law enforcement's needs and response guidelines during major multi-jurisdictional incidents.
- Conduct quarterly training sessions with effective information sharing.
- Address issues of communication, who is in charge, who has responsibility, etc.
- Assess if standard definitions - jurisdictional department, primary authority, support unit, etc., can be adopted to eliminate confusion.
- Develop immediate action rapid deployment scenarios where fire and police train together.
- Recognize public safety capabilities and emergency response protocols for the fire and police agencies.

- Conduct exercises where effective real-time communications between fire and police are demonstrated. This must be followed by a debriefing, including as many participants as possible, that concentrates on improvement and lessons learned.
- Confirm that training includes pre-staging and actual staging of fire and police resources, including specialized resources from both agencies - explosive, paramedic, SWAT personnel, etc.
- Draft and initiate operational plans that involve joint efforts under a single or joint incident command system during the exercise.
- Establish defined command and control systems.
- Ensure that the fire and police leaders are able to communicate in real time. Ideally, separate command posts should include a liaison representative from both agencies.
- Cross-training exercises should occur semi-annually.

Finding No. 65 — E-Learning

It was found that civil process employees in the Court and Civil Services were not trained in a systematic manner. There was no evidence of a training calendar or documentation when training occurred.

During the latter part of 2012, SCSD developed and implemented a new electronic training process. This E-Learning training can be individually accessed by SCSD employees. The system includes SCSD's guidelines, policies, procedures, and other relevant documents.

This proactive effort will significantly improve the dissemination of mandated training information to a policing agency that has alternating shift schedules and geographic challenges. The system creates accurate training records to ensure that everyone has received contemporary training in critical subject areas.

Finding No. 66 — Procedure Manual

While reviewing a recent Procedure Manual for deputies involved in eviction procedure, the following was noted:

- This effort in April 2012, by Court and Civil Services civilian and sworn supervisors is commendable.
- There was no evidence of the date established or an approval by either the Court and Civil Services Lieutenant or the Adult Detention Division Captain.

Recommendation:

It is recommended that Court and Civil Services' policy and procedure directives or manuals be reviewed to determine if appropriate chain of command concurrence has occurred.

Finding No. 67 — Police Clergy

Various SCSD clergy members responded, making valuable contributions. Their efforts were acknowledged by the Sheriff and the Police Psychologist. However, it was determined that SCSD clergy members have not received formalized police trauma training.

Recommendation:

It is recommended that SCSD General Order No. 1.05, "Chaplaincy Program" be reviewed. Consideration should be given to including trained police clergy in SCSD's trauma response program and determining if the order's training requirements meet SCSD's needs.

Finding No. 68 — Maintaining Original Paperwork

The Court and Civil Services' original paperwork regarding Ferrario's eviction was taken by the deputies into the field. This paperwork was significantly damaged by the fire.

Recommendation:

The original paperwork should be maintained at the Court and Civil Services. This is a best practice that ensures immediate reference for tactical information and litigation protection.

Finding No. 69 — Risk Assessment

It was found that the Court and Civil Services' Risk Assessment form requires change. Although this form was revised after the incident, it needs further improvement.

Recommendation:

Consideration should be given to creating an information checklist. The checklist could be used to provide the deputies with animal, building, location, people, and vehicle information. This data should be followed by a criminal record check, firearm inquiry, and premise history search. As this form is developed, the lessons learned from this incident should be incorporated.

Finding No. 70 — Adult Detention or Operations Division

More than one SCSD employee recommended that Court and Civil Services field deputies should be managed by the Commanding Officer of the Operations Division. The primary reason cited was that Adult Detention supervisors and managers lacked patrol experience.

Recommendation:

The issue of patrol experience requires SCSD management review.

Finding No. 71 — Field Supervision

At the time of the incident, SCSD had one sergeant in the station and an acting sergeant for field operations. Due to budget constraints, the absence of field supervision is a constant challenge for California law enforcement agencies.

Recommendation:

When only one patrol sergeant is assigned to a patrol shift, SCSD must determine the value of the supervisor being assigned to the station or being present in the field. Many policing agencies are opting for field supervision, using deputies as acting sergeants to staff station supervisory duties.

Finding No. 72 — Rapid Response

Due to SCSD SWAT personnel having take-home police vehicles with their equipment inside, they were able to make an immediate response. This was a factor in keeping Ferrario contained by specialized personnel.

Recommendation:

This practice should continue.

Finding No. 73 — Warning to the Locksmith

No evidence was discovered that the eviction agent's warnings on the Court and Civil Services' eviction paperwork were discussed with Locksmith Engert. When peace officers are aware of threats, it is a best policing practice to ensure that community members are in a safe location. Once peace officers have determined the area to be reasonably safe, only then should community members be allowed to approach.

Recommendation:

The SCSD should evaluate and determine whether a policy is necessary for similar situations. Additionally, training should address this issue.

Finding No. 74 — “If the Suburban is there”

During the eviction agent’s efforts to contact Ferrario, the agent learned from neighbors that “If the Suburban is there, Ferrario is there.” It could not be determined if this information was passed to the Court and Civil Services Clerk.

Recommendation:

Court and Civil Services civilian and sworn personnel should receive training on extracting safety information from people who request civil process. Supervisors must ensure that information gained is evaluated and shared with all personnel involved in the activity.

Finding No. 75 — Department Changes

Prior to the report’s completion, it was determined that SCSD was initiating change as a result of this incident. Due to the lessons learned, the statewide Civil Process Survey initiated by Sheriff Christianson, employee feedback, and author recommendations, the following changes have occurred or are in progress:

- Ballistic Shields – Added to Court and Civil Services’ Vehicles
- Court and Civil Services Vehicles – Equipped Same as Patrol Vehicles
- Computer Systems – Installed in Vehicles
- Protective Helmets – Issued
- Vehicles – Purchased Three New Vehicles
- Briefing Session – Formal Monthly Session Established
- Threat Alerts – Court Bailiffs Identify and Share Danger Signs
- Eviction Date and Time – Eviction Agent Directed to Not Share
- Eviction Date and Time – Not Provided to the Tenant
- Five-Day Notice – Modified to Reflect SCSD Arrival at 6:01 a.m.
- Case Information – Scanned into Computer File
- Risk Assessment Matrix – Modified for Civil Unit
- Building Approach, Entry and Search Training – Being Developed
- Rifle – Being Trained to Deploy
- SWAT – Utilizing as a Training Resource

Recommendation:

The following should be considered:

- Briefing – Change Frequency to Weekly
- Briefing – Include Court and Civil Services Civilian Personnel
- Briefing – Documented Agenda with Open Discussion

- Court and Civil Services Orders and Protocols – Document in Manual
- Eviction Date and Time – Agent Sign Non-Disclosure Form
- Information Scanned – Develop Section with Guidelines
- Level Three-A Ballistic Helmets – Provide

Finding No. 76 — Psychological Services

Without properly trained and available trauma response personnel, natural reactions to a critical incident are seldom acknowledged and understood. If not immediately addressed, self-destructive behavior, poor work performance, termination, and suicide may occur.

It was commendable that the SCSD Police Psychologist was immediately involved. The following contributed to the psychologist's effectiveness and people's welfare:

- Sheriff's Immediate Notification to the Psychologist
- Previously Established Working Relationship
- The comment "part of the SCSD team" by the Sheriff and other Department members endorsed the psychologist's organizational position.
- Modesto Police Department's Critical Incident Stress Management Team's (CISMT) Actions
- Clergy Efforts

Recommendation:

The SCSD should maintain their effective partnership and working relationship with their police psychologist.

Finding No. 77 — Stress Management

As the incident continued, MPD's Critical Incident Stress Management Team (CISMT) assisted the SCSD Psychologist with individual and group debriefings. Their efforts created a bridge for the most traumatized to connect with the police psychologist sooner rather than later. Also, this provided timely opportunities for involved personnel to ask questions, express frustrations, and share concerns.

It is known that a CISMT can immediately contribute to the recovery process by helping people make sense of the tragedy and preventing further emotional trauma. Although it is commendable that efforts are underway at SCSD to establish a CISMT, protocols, personnel selection, and training have not been completed.

Recommendation:

The SCSD should finalize current efforts to implement a CISMT.

Finding No. 78 — Family Liaison

A SCSD deputy was assigned to the Paris family as a liaison. Later, family members thanked the Department for handling the following tasks:

- Coordinated with East Coast law enforcement to assist two relatives with their drive to the airport.
- Assisted a relative who had a brain tumor and was confined to a wheelchair.
- Provided Deputy Paris' badge to the family.
- Handled numerous requests from family members during on and off-duty hours.
- Posted security at Deputy Paris' home.
- Worked with a family contact person to initially discuss issues.

Finding No. 79 — Funeral Requests

The family of Deputy Paris asked for specific considerations which the SCSD Sheriff ensured were honored. These actions and concerns along with other SCSD efforts were commendable.

Finding No. 80 — Viewing the Deceased Peace Officer

In this incident, Deputy Paris received multiple gunshot wounds. The SCSD Sheriff soundly advised Deputy Paris's relatives to consider not viewing his body as this would be a difficult memory. This insight prevented additional trauma to those who wished to view Deputy Paris. The Sheriff's leadership is commendable.

Finding No. 81 — Neighbor Requests Entry

Shortly after Deputy Paris' murder, SCSD personnel volunteered to secure Deputy Paris' home. Since Paris lived alone, the SCSD wanted to ensure that no one would enter his home prior to his immediate family's arrival.

On one occasion, a trusted neighbor, who had been provided keys by Deputy Paris, requested permission from the on-scene deputy to enter. This deputy wisely contacted a lieutenant and was instructed to not allow entry. This was an outstanding decision as this ensured the residence's sanctity and security.

Recommendation:

In similar circumstances and prior to deployment, it is recommended that the supervisor of the assigned deputy discuss potential hypothetical situations that might occur.

Finding No. 82 — Peace Officer Death Responsibilities

After reviewing SCSD's General Orders and General Order Number 1.03, "Death Notification/Funerals," it was discovered that a new order(s) should be created or the current order amended.

Recommendation:

The amended or new order should contain a checklist for various ranks. The following should be considered:

- Escorts – Immediate Family Members
- Family Liaison Officer – Assign
- Personal Belongings – Inspection and Protection
- Security – One Uniformed Officer Posted at the Victim's House
- "Google Alert" – Approval of the Investigating Supervisor

Note: A detective supervisor should insert the names of the involved criminal(s) and the victim peace officer(s) in an on-line "Google Alert." This will result in an E-mail notification to the supervisor about Internet postings.

Finding No. 83 — The Victim Peace Officer's Belongings

On Monday, April 16, 2012, three days after the incident, Deputy Paris' desk and locker contents were removed by a sergeant and a civilian supervisor. Department property was returned and personal items were given to the liaison deputy for the Paris family.

Other than the order to clear the locker, the sergeant was given the assignment without directions. Being unprepared for the potential emotional consequences from handling and viewing Paris' personal effects, the sergeant experienced an adverse emotional impact.

No consideration was given to securing the locker and office area from other employees and completing an inventory. Fortunately, no one was present when this occurred.

Recommendation:

The following protocols are recommended for personnel removing Department and personal property from a peace officer's briefcase, desk, duty or personal bags, duty or personal vehicles, locker, work space, etc.

- A supervisor shall be assigned this task.

- The superior officer assigning this task shall meet with the involved employee(s) before the inspection to discuss potential consequences, responsibilities, and strategies.
- If someone within the agency has previously handled this activity or similar matters, they should be consulted.
- Two people should handle this task. This ensures a witness to everything that occurs.
- Involved employees should be cautioned of the significant potential for unanticipated emotional experiences.
- The assigned supervisor shall be alerted to the possibility that items discovered may have an adverse impact on loved ones or the Department.
- A superior officer shall be notified whenever improper items are discovered. This person shall make additional notifications to their chain of command.

Finding No. 84 — Employee Emergency Contact Information

The SCSD's database has automated and useful employee emergency contact information. This system is commendable and the form is included in the addendum.

Recommendation:

The following information should be added to the form:

- Clergy Information
- Current Assignment and Rank
- Date Information Entered
- Organ Donor
- Person designated to assist loved ones during an emergency.

Finding No. 85 — Funeral Expenses

The Stanislaus Sworn Deputies Association (SSDA) established a trust in memory of Deputy Paris. Trust funds were used to pay for the funeral expenses. Furthermore, SSDA formed a trust fund with other associations for Locksmith Engert's family. These efforts are commendable.

Finding No. 86 — Use of Lethal Force

During the critical incident, only one law enforcement officer used lethal force. Deputy Paris' partner fired rounds from a 40-caliber pistol. The deputy's rounds were fired in response to Ferrario's gunfire. The Stanislaus County District Attorney determined the deputy's use of force to be justified.

Recommendation:

It is recommended that the SCSD find the deputy's drawing, exhibiting, and discharging his firearm to be within policy. This is based on the deputy's response to an immediate defense of life from gunfire that caused two deaths.

Finding No. 87 — Learning from Prior Events

Stanislaus County Sheriff Deputies cited an eviction that occurred in November 2001. At this incident, gunfire was directed toward two landlords and SCSD deputies, wounding one landlord. In response, lethal force was used.

During conversations with SCSD civilian and sworn employees, differences of opinion existed as to whether the lessons learned from this incident were remembered. It was apparent that some employees had forgotten how quickly police work can become violent.

Recommendation:

Law enforcement supervisors must consistently remind subordinate personnel to maintain their abilities, knowledge, and skills to effectively and safely respond to a wide range of policing activities.

Finding No. 88 — Civil Committee

A SCSD civilian supervisor with 35 years of law enforcement experience currently serves on the California State Sheriff's Association, Civil Committee. This person will have an opportunity to share the lessons learned with this committee and implement change.

Recommendation:

A specific suggestion would be to enhance the officer safety information offered. It is recommended that this incident and the lessons learned be incorporated into the committee's training programs.

Finding No. 89 — Statewide Survey

California is divided into 58 counties, each with an elected Sheriff. Prior to the report's completion, the authors recommended a survey of these sheriff agencies to assess their civil process guidelines and practices. Commendably, the SCSD Sheriff initiated a statewide civil process survey.

The SCSD Sheriff is working with the California State Sheriff's Association to review the survey's findings. It is anticipated that this information will be shared with law enforcement.

Recommendation:

As SCSD's civil process assessment continues, it should be determined if the survey's information can be helpful.

Finding No. 90 — Completing the Report

This report required accurate and relevant information. The availability and cooperation of people to be interviewed and the completion of law enforcement investigative reports were necessary to corroborate and refute facts. The following issues impacted the report:

- Investigative Reports – The primary reports were not received until the latter part of 2012.
- Interviews – Months passed before a group of people agreed to be interviewed.
- Refusal to Interview – Some people refused to be interviewed, while others initially declined and later agreed.
- Trauma – The aftermath of violent deaths required time for some people to process their feelings and determine whether they would be interviewed.
- Public Safety Officers Procedural Bill of Rights – Issues needed to be resolved with law enforcement agencies, employee associations, and attorneys.
- Lethal Use of Force – Needed to be resolved prior to an interview.
- Follow-Up Interviews – Some people refused a second interview.
- Investigative Issues Unresolved – Pending further investigation, issues in one report remain "open."
- Corroborate or Refute – When information was offered, time was required to verify if this was fact or opinion.

Finding No. 91 — The Sheriff's Decision

Stanislaus County Sheriff Adam Christianson directed a “transparent analysis” of two critical incidents. In the first incident, SCSD Crime Analyst Technician Mary Donahou was accidentally killed in a traffic collision. Locksmith Engert and SCSD Deputy Paris were murdered in the second incident.

Sheriff Christianson decided to utilize independent review to acknowledge what went right, determine what went wrong, and ensure that best policing practices were utilized. Furthermore, he was extremely clear in his direction to identify all lessons learned and determine what changes are necessary.

Recommendation:

Independent review of a critical incident should continue to be an option for law enforcement leaders.

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The Future

Today, law enforcement personnel continue to encounter complex and dangerous incidents that present serious threats to community members. Clearly, it is difficult to predict when the people of California will experience our next critical incident where lives are endangered. Unfortunately, there is no question that something will occur that will require the immediate and safe response of California Peace Officers.

As this report was being prepared, a number of shooting incidents occurred throughout our great nation. These senseless and violent shooting attacks included the following tragedies:

- Colorado Movie Theater – 24 Killed/58 Wounded
- Wisconsin Sikh Temple – 6 Killed/4 Wounded
- Connecticut School - 26 Killed/2 Wounded
- New York Firefighters – 2 Killed/3 Wounded

Authors

This report was prepared by retired Los Angeles Police Captain Rich Wemmer and retired Huntington Beach Police Lieutenant Ed Deuel. Rich and Ed are active members of the California Commission on Peace Officer Standards and Training (POST), Law Enforcement Officers Killed and Assaulted (LEOKA) Advisory Council. They have written critical incident reviews for POST and have served as commentators, panel members, and subject matter experts for POST Telecourses.

Rich and Ed have reviewed the deaths of over 500 California Peace Officers and interviewed hundreds of law enforcement officers who have survived deadly incidents. Collectively, they have 70 years of law enforcement experience and have trained thousands of local, state, and federal peace officers throughout the United States. Both have been recognized for their contributions to peace officer safety and training and acknowledged for making peace officers more efficient and safer.

Rich is a recipient of the *Lifetime Achievement Award for Excellence in Training* by the California Commission on Peace Officer Standards and Training in Sacramento, California. Ed received the prestigious *Golden Badge Award* for his training contributions.

Addendum

Glendon David Engert Eulogy

Glendon David Engert was born in Kansas City, Missouri, to proud parents, Ron and Anne Engert. Two years later they welcomed Glendon's younger brother, Rollin.

Thanks to Anne's diligent efforts to home school Glendon, he learned to read at the tender age of 3. He was able to give a public Bible reading at the age of 6. He continued to be an avid reader throughout his life.

While growing up in Oakdale, California, Glendon developed a love for the outdoors. He loved to spend time skiing, camping, fishing, and horseback riding. He also enjoyed playing games with family and friends. The thing that brought him the greatest joy was cultivating a relationship with his Creator. He dedicated his life to Jehovah God in July of 1987 when he was only 10 years old.

Glendon's love for people moved him to devote much of his youth to helping others in the community understand the Bible and how it can better our lives. From 1996 through 1997 he had the privilege of serving as a volunteer at the Bethel facilities in Brooklyn, New York (headquarters of Jehovah's Witnesses). While there he learned trades he would use later in life.

When he returned to California, he met the love of his life Irina. On March 20th 1999, they began a life together as husband and wife. Glendon and Irina loved to travel. Many of the places they experienced were Russia, France, Belgium, Germany, Italy, Canada, Mexico and Australia. They also traveled throughout the U.S. from Florida to Hawaii, making lifelong friends along the way.

Friends describe Glendon as kind, gentle, quiet, honest, sympathetic, and a good listener. A childhood friend was quoted as saying, "all growing up he was the voice of reason, and tried to keep me from getting myself in trouble-a full time job as most would know. There wasn't a bad bone in him, and he never did anything to intentionally hurt or upset anyone."

Glendon believed and put full faith in the promise recorded at Revelation 21:4 "He will wipe out every tear from their eyes, and death will be no more, neither will mourning nor outcry, nor pain be anymore. The former things have passed away." We eagerly await the time when we can see him again.

Robert Lee Paris Jr. Eulogy

On Thursday April the 12th we responded to a colleague's call for help, 11-99, shots fired, officer down, the last thing any one of us wants to hear, was radio broadcast and suddenly we found ourselves in a situation to where we couldn't save Bob or Glendon.

My fellow Sheriffs, Police Chiefs, Law enforcement officers from throughout the state and nation along with many other dignitaries, officials for coming together today to honor Deputy Robert Paris.

Deputy Robert Paris was also a hero to many, compassionate in his service, thoughtful in his actions, dedicated to his profession. He too, served his community and the Stanislaus County Sheriff's Office with honor and distinction.

Bob was our colleague, our friend and a member of our family. He sacrificed his own life paying the ultimate price doing what he loved to do, serving the community as a Deputy Sheriff. Words can not express our pain and anguish over what's happened and we will never be able to understand this senseless act of violence.

Today we honor Deputy Robert Paris but let's not forget the Engert family, the Gilinskas family, the Humble family, our entire Sheriffs family, law enforcement families, first responders and dispatchers and many others who not only placed themselves in harm's way but responded to our call for help and supported us in our time of need.

On behalf of the men and women of the Stanislaus County Sheriff's office and on behalf of the entire law enforcement community and on behalf of Bob's family and friends everywhere, I close, saying Bob thank you for making difference. We know you are safe, may God bless you and your family. We will miss you, we will never forget you and we will see you again my friend.

Sheriff Adam Christianson

Stanislaus County Sheriff's Eviction Packet

Notice of Restoration

File # 2012001906
Court Case # 672610
Court Stanislaus Superior Court
Bail # RT Financial, Inc
Plaintiff Phone # No Phone
Defendant James Ferraro

Date	Time
Deputy/Clerk Signature/Stamp # Person Served Service Status <input type="checkbox"/> Successful <input type="checkbox"/> Unsuccessful <input type="checkbox"/> Cancelled Stay of Execution Stay Until: _____ Hold Writ Full Term <input type="checkbox"/> Per Attorney <input type="checkbox"/> Per Plaintiff <input type="checkbox"/> Per Office <input type="checkbox"/> Other Return to Court <input type="checkbox"/> Per Attorney <input type="checkbox"/> Per Plaintiff <input type="checkbox"/> Per Office <input type="checkbox"/> Other Restoration Schedule Time The Prejudgment Claim of Right to Possession was served. Service Fee \$50.00	

Claim of Right to Possession/Bankruptcy	
Date of Filing	
Person Filing	
Person Accepting	
County of Filing	
Attorney Notified	
Date Sent to	
Bankruptcy #	

Date	Time	Deputy	Remarks

LAL/LAWSONG
WFO/LOA
6/26/2012 04:38 PM
188657

Modesto

Tenant: James Ferraro

Address 2141 Chrysler Dr. #1
Modesto, CA 95350

Agent Paul
(209) 918-2775 (Landlord/Att. Mgr)

Attorney: JAMES D. STRUCK
(209) 874-1440 (Daytime)

Evection Date 4/12/2012

Agent's Signature

Print Agent's Name

RT Financial, Inc

James Ferraro

2141 Chrysler Dr. #1

Modesto, CA 95350

Stanislaus Superior Court

801 10th Street, 4th fl

Modesto, CA 95354

Civil Division

OFFICER

James Ferraro

RT Financial, Inc

James Ferraro

672610

2012001906

Eviction Restoration Notice

To Evicted Tenants, Property Owners, Their Agents and The Local Police

By virtue of a Writ of Execution for Possession of Real Property, the following property was restored to the landlord on:

Evection Date: Thursday, April 12, 2012

Evection Address: 2141 Chrysler Dr. #1
Modesto, CA 95350

Pursuant to Penal Code Sections 419 and 602, and judgment debtor, any persons removed by the Sheriff or Marshal, or any person not authorized by the landlord, who enters the real property after eviction, may be subject to arrest.

Pursuant to California Civil Procedure sections 715.010(b)(3) and 715.030, all personal property left on the premises has been deemed abandoned and is the responsibility of the tenant for the safe keeping of tenant's property for fifteen (15) days from the date of eviction. The landlord may charge a fee for storage of the property. If the tenant does not retrieve the property within the fifteen (15) day period, the landlord may dispose of the property as it sees fit. The landlord must return the tenant's property if the tenant pays all costs incurred by the property owner for storage and maintenance. If the costs are not paid by the tenant and the tenant does not take possession of the property left behind before the 15 day period, the landlord may dispose of the property as it sees fit. The landlord may either sell the property at public sale and keep from the proceeds of the sale the costs of storage of the property, or if the property is valued at less than \$300.00, the landlord may dispose of the property or retain it for his own use. (1174 CCP)

Adam Christman
Sheriff

By: _____
Sheriff's Authorized Agent

CPM Form 8.33
07/09/2008 (Revised)

188657

Stanislaus County Sheriff's Emergency Information Contact Form



STANISLAUS COUNTY SHERIFF'S DEPARTMENT

Employee Emergency Contact Information

Personal Information PLEASE PRINT CLEARLY-THANK YOU			
Full Name:			
	<i>Last</i>	<i>First</i>	<i>M.I.</i>
Address:			
	<i>Street Address</i>		<i>Apartment/Unit #</i>
	<i>City</i>	<i>State</i>	<i>ZIP Code</i>
Mailing:			
	<i>Street Address</i>		<i>Apartment/Unit #</i>
	<i>City</i>	<i>State</i>	<i>ZIP Code</i>
Home Phone:	()	Alternate Phone:	()
Desk Phone:	()	Work Cell, or Pgr	()
Allergies:			
Blood Type:	E-Mail Address:		
Medic Alert:			
Physician:	Drivers License:		
Birth Date:	Physician's Phone: ()		
Spouse's Name:	Marital Status:		
Spouse's Employer:	Spouse's Cell Phone: ()		
	Spouse's Work Phone: ()		
Contact Person IN CASE OF AN EMERGENCY			
Full Name:			
	<i>Last</i>	<i>First</i>	<i>M.I.</i>
Address:			
	<i>Street Address</i>		<i>Apartment/Unit #</i>
	<i>City</i>	<i>State</i>	<i>ZIP Code</i>
Primary Phone:	()	Alternate Phone:	()
Relationship:			
Full Name:			
	<i>Last</i>	<i>First</i>	<i>M.I.</i>
Address:			
	<i>Street Address</i>		<i>Apartment/Unit #</i>
	<i>City</i>	<i>State</i>	<i>ZIP Code</i>
Primary Phone:	()	Alternate Phone:	()
Relationship:	Today's Date:		
Job Information STAFF USE ONLY			
Title:	Employee ID:		
LBU	Position #:		
Start Date:	Location:		

Stanislaus County Sheriff's 2012 Organizational Chart



Valid as of 11/1/2012

Stanislaus County Sheriff's Court and Civil Services Eviction Checklist

Eviction Check List

- ☐ Your eviction at _____ is scheduled for: **Date:** _____ **Time:** _____.
Be sure to arrive at the given date and time **promptly**.
- ☐ Have you done an eviction with us before? *(If so, then you know to do the following.....)*
- ☐ **Do not** enter the property before the deputies arrive.
- ☐ Provide the keys or a means to open the door. *(If using a locksmith be sure to make arrangements ahead of time.)*
- ☐ *Is a gate code or keycard required to gain access to the property? Failure to provide this may result in a delay or non-service of your eviction.*
- ☐ Meet the deputies in front of the property and **identify yourself**.
- ☐ The deputies **will not** go through windows or allow you to go through windows or break a door to gain entry.
- ☐ If you do not provide a means to enter the property or if you do not appear at the scheduled time, the eviction will not proceed and you **will not** be given possession of the property.

We need to know the following information:

Are the tenants involved with drugs or gangs? _____
Are you aware of any weapons on the premises? _____

Are there dogs on the property? _____ 
If so, are they big or small? _____ *What type of dog?* _____

Are there elderly or bed-ridden tenants at the property? _____
Are there children on the property? _____

Are the tenants violent? _____
Have threats been made regarding the eviction? _____

Person spoken to _____ **Date:** _____

Time: _____ **Clerk:** _____ **Msg left:** _____

Stanislaus County Eviction Restoration Notice

TO (Name and Address): James Ferrario 2141 Chrysler Dr. #1 Modesto, CA 95350	LEVYING OFFICER (Name and Address): Stanislaus County Sheriff's Office Sheriff's Civil Division P.O. Box 3288 801 11th St. Ste. 2200 Modesto, CA 95354 (209) 491-8762 Fax: (209) 491-8766 California Relay Service Number (800) 735-2929 TDD or 711
NAME OF COURT, JUDICIAL DISTRICT or BRANCH COURT, IF ANY: Stanislaus Superior Court 801 10th Street, 4th fl P.O. Box 1098 Modesto, CA 95354 Civil Division	COURT CASE NO.: <div style="text-align: center;">672610</div>
PLAINTIFF: RT Financial, Inc DEFENDANT: James Ferrario	LEVYING OFFICER FILE NO.: <div style="text-align: center;">2012001906</div>
Eviction Restoration Notice	

To: Evicted Tenants, Property Owners, Their Agents and The Local Police:

By virtue of a Writ of Execution for Possession of Real Property, the following property was restored to the landlord on:

Eviction Date:	Thursday, April 12, 2012
Eviction Address:	2141 Chrysler Dr. #1 Modesto, CA 95350

Pursuant to Penal Code Sections 419 and 602, and judgment debtor, any persons removed by the Sheriff or Marshal, or any person not authorized by the landlord, who enters the real property after eviction, may be subject to arrest.

Pursuant to California Civil Procedure sections 715.010(b)(3) and 715.030, all personal property left on the premises has been turned over to the landlord. The landlord is responsible for the safe keeping of tenant's property for fifteen (15) days from the date of eviction. The landlord may charge a reasonable fee for removal and storage of the property. However, upon demand of the tenant, the landlord must return the tenant's property if the tenant pays all costs incurred by the property owner for storage and maintenance. If the costs are not paid by the tenant and the tenant does not take possession of the property left behind before the end of the fifteen (15) day period, the landlord may either sell the property at public sale and keep from the proceeds of the sale the costs of storage and of the sale (1988 CCC), if the property is valued at less than \$300.00, the landlord may dispose of the property or retain it for his own use. (1174 CCP)



Date: _____

Adam Christianson
Sheriff

By: _____
Sheriff's Authorized Agent

Stanislaus County Notice of Eviction

Notice of Eviction

Modesto



Tenant: James Ferrario

File #: 2012001906
Court Case #: 672610
Court: Stanislaus Superior Court
Beat #:
Plaintiff: RT Financial, Inc
Plaintiff Phone #: No Phone
Defendant: James Ferrario

COPY

Address: 2141 Chrysler Dr. #1
Modesto, CA 95350

Agent: Paul
(209) 918-2775 (Landlord/Apt Mgr)

Attorney: JAMES D. STRUCK
(209) 574-1440 (Daytime)

Eviction
Date: 4/12/2012

Date	Time
Deputy/Clerk Signature/Badge #	
Person Served:	
Service Status	
<input type="checkbox"/> Successful <input type="checkbox"/> Unsuccessful <input type="checkbox"/> Cancelled	
Posted: _____	Mailed: _____
The Prejudgment Claim of Right to Possession was served.	

Service Fee: \$75.00

The Notice to Vacate must be posted or served by 4/6/2012

Date	Time	Deputy	Remarks

LAOL:HUMBLEJ
WSNbr:006

09/26/2012 01:26 PM
188686

Stanislaus County Notice of Restoration

TO (Name and Address): James Ferrario 2141 Chrysler Dr. #1 Modesto, CA 95350	LEVYING OFFICER (Name and Address): Stanislaus County Sheriff's Office Sheriff's Civil Division P.O. Box 3288 801 11th St. Ste. 2200 Modesto, CA 95354 (209) 491-8762 Fax: (209) 491-8766 California Relay Service Number (800) 735-2929 TDD or 711
NAME OF COURT, JUDICIAL DISTRICT or BRANCH COURT, IF ANY: Stanislaus Superior Court 801 10th Street, 4th fl P.O. Box 1098 Modesto, CA 95354 Civil Division	COURT CASE NO.: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">672610</div>
PLAINTIFF: RT Financial, Inc DEFENDANT: James Ferrario	LEVYING OFFICER FILE NO.: <div style="text-align: center; font-weight: bold;">2012001906</div>
Eviction Restoration Notice	

To: Evicted Tenants, Property Owners, Their Agents and The Local Police:

By virtue of a Writ of Execution for Possession of Real Property, the following property was restored to the landlord on:

Eviction Date:	Thursday, April 12, 2012
Eviction Address:	2141 Chrysler Dr. #1 Modesto, CA 95350

Pursuant to Penal Code Sections 419 and 602, and judgment debtor, any persons removed by the Sheriff or Marshal, or any person not authorized by the landlord, who enters the real property after eviction, may be subject to arrest.

Pursuant to California Civil Procedure sections 715.010(b)(3) and 715.030, all personal property left on the premises has been turned over to the landlord. The landlord is responsible for the safe keeping of tenant's property for fifteen (15) days from the date of eviction. The landlord may charge a reasonable fee for removal and storage of the property. However, upon demand of the tenant, the landlord must return the tenant's property if the tenant pays all costs incurred by the property owner for storage and maintenance. If the costs are not paid by the tenant and the tenant does not take possession of the property left behind before the end of the fifteen (15) day period, the landlord may either sell the property at public sale and keep from the proceeds of the sale the costs of storage and of the sale (1988 CCC), if the property is valued at less than \$300.00, the landlord may dispose of the property or retain it for his own use. (1174 CCP)



Date: _____

Adam Christianson
Sheriff

By: _____
Sheriff's Authorized Agent

Stanislaus County Notice to Vacate

TO (Name and Address): James Ferrario 2141 Chrysler Dr. #1 Modesto, CA 95350	LEVYING OFFICER (Name and Address): Stanislaus County Sheriff's Office Sheriff's Civil Division P.O. Box 3288 801 11th St. Ste. 2200 Modesto, CA 95354 (209) 491-8762 Fax: (209) 491-8766 California Relay Service Number (800) 735-2929 TDD or 711
NAME OF COURT, JUDICIAL DISTRICT or BRANCH COURT, IF ANY: Stanislaus Superior Court 801 10th Street, 4th fl P.O. Box 1098 Modesto, CA 95354 Civil Division	COURT CASE NO.: <div style="text-align: center;">672610</div>
PLAINTIFF: RT Financial, Inc DEFENDANT: James Ferrario	LEVYING OFFICER FILE NO.: <div style="text-align: center;">2012001906</div>
Notice to Vacate	

By virtue of the Writ of Execution for Possession/Real Property (eviction), issued out of the above court, you are hereby ordered to vacate the premises described on the writ.

Eviction Address:	2141 Chrysler Dr. #1 Modesto, CA 95350
--------------------------	---

Final notice is hereby given that possession of the property must be turned over to the landlord on or before:

Final notice is hereby given that possession of the property must be turned over to the landlord on or before:	Thursday, April 12, 2012 6:01 AM
---	---

Should you fail to vacate the premises within the allotted time, I will immediately enforce the writ by removing you from the premises. All personal property upon the premises at the time will be turned over to the landlord, who must return said personal property to you upon your payment of the reasonable cost incurred by the landlord in storing the property from the date of eviction to the date of payment. If the property is stored on the landlord's premises, the reasonable cost of storage is the fair rental value of the space necessary for the time of storage. If you do not pay the reasonable storage costs and take possession within fifteen (15) days, the landlord may either sell your property at a public sale and keep from the proceeds of the sale the costs of storage and of the sale (1988 CCC), or, if the property is valued at less than \$300.00, the landlord may dispose of your property or retain it for his own use. (715.010(b)(3), 1174 CCP)

If you claim a right of possession of the premises that accrued prior to the commencement of this action, or if you were in possession of the premises on the date of the filing of the action and you are not named on the writ, complete and file the attached Claim of Right of Possession form with this office. No claim of right to possession can be filed if box 24a(1) located on the back of the writ is checked.



Adam Christianson
Sheriff

By: _____
 Sheriff's Authorized Agent

CPM Form 8.32
 11/30/2009 (Revised)

Original

Stanislaus County Writ of Execution

County of Stanislaus
SHERIFF

INSTRUCTIONS FOR SERVICE OF WRIT OF EXECUTION/ATTACHMENT INSTRUCCIONES PARA EL PROCESO DE LOS DOCUMENTOS DEL MANDAMIENTO DE EJECUCION / EMBARGO

The Sheriff must have written, sign instructions by the Plaintiff representing him/her self or the Attorney of Record in accordance with California Civil Procedure Code 262.

Court Case # 672610 Sheriff's File # 001906
Numero De Caso De La Corte Numero De Archivo De Los Sheriff's

RT FINANCIAL, INC VS. James Ferrario et al.
(Plaintiff/Petitioner) Demandante/Peticionario (Defendant/Respondent) Demando/Acusado

BY THE AUTHORITY OF THE ACCOMPANYING WRIT, YOU ARE HEREBY INSTRUCTED TO PERFORM:

De Acuerdo A La Autoridad Que Acompaña Esta Order, Usted Esta Dirigido A Hacer:

(Please Type or Print Legibly) (por favor escriba a maquina o escriba en molde legible mente)

() Bank Levy – Impuesto ejecutivo del Banco () Vehicle Levy – Impuesto ejecutivo del vehiculo
() Writ of Possession – Orden Judicial () Third Party Levy – Tercer Partido del Impuesto ejecutivo
NAME OF BANK, THIRD PARTY OR DEFENDANT NOMBRE DEL BANCO, TERCER PARTIDO U ACUSADO

Name: james ferrario
(Nombre)
Address: 2141 CHRYSLER DR #1
(Direction) MODESTO CA 95350

Name: _____
(Nombre)
Address: _____
(Direction)

Bank Levy Only: Account number if known _____
(Impuesto Ejecutivo del Banco solamente: numero de la cuenta, si le es conocido)

Type of property to be levied (for vehicle: License #, Vin # & Descriptions) _____
Tipo de propiedad cuya sera recaudada (para el vehiculo: no. de la liceniam no. del Vin., y la descripcion)

For Writ of Possession: turn over contact person paul 9182775

Telephone# _____
(No. de Telefono)

Special instructions (best hours for service) Instrucciones especiales; (El mayor tiempo de haver entrega de la notificacion) _____

NOTICE: ALL COMMUNICATION, REFUNDS AND COLLECTIONS WILL BE MADE TO THE NAME AND ADDRESS LISTED BELOW. ANUNCIO: TODA COMUNICACION, REEMBOLSO Y COLECTA SERA (N) ENTREGADO(S) A LAS PARTES CUYO NOMBRE(S) Y DOMICILIO(S) ESTAN ALISTADO ABAJO.

DATE: April 5, 2012

james struck, esq
(Print name of party Requesting Service)

(Signature of Party Requesting Service)

Email: _____

Mailing Address 125 MCHERNY AVE
Direccion de correo

modesto, ca 95354
(City, State Zip)

209-574-1440

(Telephone number where you may be reached between 8am & 5)

NOTE: THE SHERIFF IS ENTITLED TO HIS FEE FOR SERVICE, WHETHER OR NOT THE SERVICE IS SUCCESSFUL (GOVT CODE 26738.)
THE LAW ALLOWS THE SERVICE OF PROCESS BETWEEN THE HOURS OF 6:00AM AND 10PM.

Whispering Woods Map

