

CONFIDENTIAL

Administrative Investigation

IA #23-63

CONFIDENTIAL



Police Department
Jason Benites, Chief of Police

INTERNAL INVESTIGATION

DATE: 1/18/2024
EMPLOYEE: Angelica Duran
INCIDENT: Exceeding Lawful Peace Officer Powers
FILE NUMBER: 23-51337

IMPORTANT

CONFIDENTIAL

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ADMINISTRATIVE COMMENTS:

1/18/2024 Approved as to content and form: Ricardo Vazquez, Commander *RV4733*



Police Department

Jason Benites, Chief of Police

IA# 23-63

BACKGROUND INFORMATION

ON OFFICER: Officer Angelica Duran

DATE OF HIRE: April 12, 2014

DATE OF PRESENT ASSIGNMENT: July 1, 2021

PRESENT ASSIGNMENT: Patrol (Field Training Officer)

DATE OF BIRTH:



COMMENTS:

Officer Duran has not been the subject of an internal investigation within the last five years.



Police Department

Jason Benites, Chief of Police

Date: March 4, 2024

To: Jason Benites, Chief of Police

Via: Denise S. Morehouse, Assistant Chief *gsm*

From: Rocky Marquez, Commander

Subject: Officer Angelica Duran Disciplinary Recommendation IA #23-63

Analysis

On July 18, 2023, at 1850 hours, Officer Angelica Duran, Officer Edgar Franco, and Officer Eduardo Hernandez responded to a call for service at [REDACTED] in the City of Oxnard. The call for service was to check the well-being of a [REDACTED] who had a restraining order against he [REDACTED] allowed [REDACTED] to stay at the residence periodically.

Upon arrival, Officers Hernandez and Duran made contact with [REDACTED] and asked to speak with [REDACTED]. [REDACTED] went inside the home and, moments later, exited, closed the front door, and told the officers that [REDACTED] was not home. Officer Hernandez asked [REDACTED] if he could check the house to confirm [REDACTED] was not home, and [REDACTED] refused. [REDACTED] subsequently exited the residence, was detained, and placed into handcuffs pending further investigation by Officer Hernandez. During this time, [REDACTED] tried walking back inside the residence. [REDACTED] told Officer Duran [REDACTED] could not enter [REDACTED] home and asked if she had a warrant. Officer Duran and Officer Franco entered the home and handcuffed [REDACTED] to check if [REDACTED] was inside. [REDACTED] was not.

Sergeant Jaime Miranda arrived to assist and began reviewing the court order. He noticed it was a no-harassment order only and did not prohibit [REDACTED] from making contact with [REDACTED]. Based on the totality of the circumstances, no arrests were made, and all parties were released.

During an interview, Officer Duran admitted to entering the residence without a warrant or consent from [REDACTED]. She further acknowledged that she did not hear any sounds of distress or any other factors that would present circumstances justifying an exigency entry. Officer Duran confirmed that she did not review the terms of the court order before entering the home and detaining [REDACTED].

Conclusion

The following factors were considered regarding the allegations against Officer Duran:

- Officer Duran admitted entering the house without a warrant or consent from
- Officer Duran admitted that she did not hear or see any sounds of distress from occupants inside the apartment or the immediate area that would warrant exigent circumstances to enter the residence.
- Once the primary suspect was detained, Officer Duran did not take the time to review the court order or direct officers to gain additional facts to establish a compelling argument that a person or persons inside the apartment were in distress and were in danger of life or well-being.
- Officer Duran did not obtain enough information to establish the facts and probable cause necessary to justify an exigent entry into the apartment to check wellbeing. Subsequently, placing into handcuffs was not warranted.
- Officer Duran's justification of entering the house to check on well-being was insufficient to justify the exigent entry and circumvent the Fourth Amendment of the US Constitution. Officers would need additional information and circumstances to establish that was in distress, such as crying, calling for help, or information that and the inside were the possible victims of lewd or lascivious crimes.

Based on my review of the Internal Affairs Investigation Report and other related material and information, I agree with Sergeant Serrato's findings that Officer Duran violated the following department policies:

DEPARTMENT POLICY 340.3.5(u): Exceeding lawful peace officer powers by unreasonable, unlawful, or excessive conduct.

DEPARTMENT POLICY 340.3.5 (c): Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or instructions of supervisors without a reasonable and bona fide excuse.

Disciplinary Recommendation

- Letter of Reprimand for exceeding lawful police powers and unsatisfactory work performance.

- Attend review and scenario-based training on restraining orders and search and seizure laws with the Family Protection Unit Sergeant and Patrol Development Unit.



Police Department

Jason Benites, Chief of Police

Internal Affairs Investigation Report

IA# 23-63

Officer: Angelica Duran, Police Officer

Investigator: Miguel Serrato, Sergeant

Date of Report: August 23, 2023

Summary of Allegations:

On July 18, 2023, at 1850 hours, Officer Angelica Duran, Officer Edgar Franco, and Officer Eduardo Hernandez responded to a call for service at [REDACTED] in the City of Oxnard reference checking the well-being of [REDACTED], a [REDACTED] who had a restraining order against her [REDACTED], [REDACTED]'s [REDACTED], allowed [REDACTED] to stay at the residence periodically.

It is alleged that officers illegally entered the residence and unlawfully detained [REDACTED] for refusing to allow a search of the residence.

Possible violations of the following Department policy sections are alleged as follows:

DEPARTMENT POLICY 340.3.5(u): Exceeding lawful peace officer powers by unreasonable, unlawful, or excessive co

DEPARTMENT POLICY 340.3.5(c): Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or instructions of supervisors without a reasonable and bona fide excuse.

Summary of Investigation:

On August 2, 2023, Commander Ricardo Vazquez received an email from Commander Rocky Marquez regarding a call for service that resulted in a possible unlawful entry and detention of [REDACTED] and [REDACTED]. Sergeant Thomas Rawlings wrote a memorandum detailing the circumstances. As a result, it was determined that a review of the event should be conducted to determine if the officers' actions were within the law and department policy.

On July 18, 2023, at 1850 hours, Officer Duran, Officer Franco, and Officer Hernandez responded to a call for service at [REDACTED] [REDACTED] [REDACTED] in the City of Oxnard, reference checking the well-being of [REDACTED], who had a restraining order against [REDACTED]. [REDACTED] was allowing [REDACTED] to stay at the residence periodically.

Upon arrival, Officer Hernandez rang the doorbell to the residence. [REDACTED] answered the front door, and Officer Duran asked to speak to [REDACTED]. [REDACTED] went inside and moments later came out of the house, closed the front door, and told the officers that [REDACTED] was not home. Officer Hernandez asked [REDACTED] if he could check the house to confirm [REDACTED] was not home, and [REDACTED] said no. [REDACTED] then walked out of the home. [REDACTED] was detained and placed into handcuffs pending further investigation by Officer Hernandez.

During this time, [REDACTED] tried walking back inside [REDACTED] home. [REDACTED] told Officer Duran that she could not enter [REDACTED] home and asked her if she had a warrant to enter the house. Officer Duran and Officer Franco entered the home and handcuffed [REDACTED] to check if [REDACTED] was inside.

Sergeant Miranda arrived on scene, and officers checked the house for [REDACTED]. Officers did not locate [REDACTED] inside the home. [REDACTED] was contacted via phone, and [REDACTED] met with officers outside the house. Sergeant Miranda looked through the court order and noticed it was a no-harassment order only. The order did not prohibit [REDACTED] from making contact with [REDACTED]. Based on the totality of the circumstances, no arrests were made, and all parties were released.

Officer Lidia Vazquez Interview:

On August 30, 2023, Sergeant Miguel Serrato interviewed Officer Lidia Vazquez. Officer Vazquez was temporarily assigned to the Family Protection Unit to process Children and Family Services referrals.

Officer Vazquez said on July 18, 2023, she reviewed a referral where [REDACTED] had disclosed she had a restraining order against [REDACTED] because [REDACTED] had sexually assaulted [REDACTED] in the past. [REDACTED] said [REDACTED] had been living at [REDACTED] house for the last year, and [REDACTED] allowed it.

Officer Vazquez spoke with Sergeant Scott Aaron about the [REDACTED] referral. Sergeant Aaron told her to generate a call for service in order to have officers check on [REDACTED]'s well-being.

Officer Vazquez called Records and confirmed there was an active restraining order against [REDACTED], and the protective person was [REDACTED]. Officer Vazquez didn't check what conditions the restraining order had. Officer Vazquez called Dispatch and generated the call for service. Officer Vazquez gave Dispatch all the information she had obtained from the [REDACTED] referral.

Officer Angelica Duran was dispatched to the check the well-being call. Officer Vazquez spoke with Officer Duran over the phone before officers responded to the call for service. Officer Vazquez told Officer Duran that she obtained the information from a [REDACTED]. Officer Vazquez told Officer Duran that [REDACTED] had a restraining order against [REDACTED], for sexual abuse, and [REDACTED] was still living at the house. Officer Vazquez told Officer Duran that [REDACTED] wasn't supposed to be at the home.

Referral Review:

The referral was written on July 17, 2023, at 2052 hours, by [REDACTED]. [REDACTED] stated that the reporting party, [REDACTED], reported that [REDACTED] sexually abused [REDACTED] when [REDACTED], and there was an open criminal case against [REDACTED]. [REDACTED] said there was an active restraining order against [REDACTED], and [REDACTED] was not supposed to be at the residence; nonetheless, [REDACTED] had been living at the house for the last year.

[REDACTED] was not making current sexual abuse allegations against [REDACTED]. [REDACTED] advised that [REDACTED] were also living at the residence.

Seven referrals and two investigations involving [REDACTED] and [REDACTED] have been generated to [REDACTED] in the past. The last investigation was documented on January 30, 2020.

Sergeant Scott Aaron Interview:

On September 6, 2023, Sergeant Serrato interviewed Sergeant Aaron.

Sergeant Aaron advised that on July 18, 2023, Officer Vazquez told him she received a referral for a possible restraining order violation. After Officer Vazquez provided Sergeant Aaron with the details of the restraining order violation, he directed her to generate a call for service to have officers check the well-being of [REDACTED].

Later that day, Sergeant Jaime Miranda called Sergeant Aaron via phone and told him about the call for service. Sergeant Aaron and Sergeant Miranda did not discuss how officers entered the house. The phone conversation was strictly about the restraining order violation. Sergeant Aaron was not told, nor did he know, the terms of the restraining order.

Sergeant Jaime Miranda Interview:

On September 19, 2023, Sergeant Serrato interviewed Sergeant Miranda.

Sergeant Miranda advised on July 18, 2023, Officer Duran, Officer Franco, and Officer Hernandez were dispatched to a call for service at [REDACTED] [REDACTED] [REDACTED] in the City of Oxnard, reference checking the well-being of [REDACTED], who had a restraining order against [REDACTED]. When the officers were at the call for service, Officer Duran requested for a

supervisor to respond. Sergeant Miranda responded to the call for service, and upon arrival, he had a private conversation with Officer Duran.

Officer Duran told Sergeant Miranda she responded to the residence to check on the well-being of [REDACTED], who had a restraining order against [REDACTED]. Officers contacted [REDACTED] and had [REDACTED] sit outside the house with another officer. Officer Duran told Sergeant Miranda the [REDACTED] did not let them enter the house to check on [REDACTED]'s well-being. Officer Duran then entered the residence and handcuffed the [REDACTED].

Officer Duran and Sergeant Miranda entered the house to talk to [REDACTED], who was no longer handcuffed. Sergeant Miranda asked [REDACTED] if they could check the house to see if [REDACTED] was home, and [REDACTED] said it was fine as long as [REDACTED] went with them. Officer Duran and Officer Franco searched the house in the company of [REDACTED] but did not find [REDACTED] in the home.

[REDACTED] gave officers [REDACTED]'s phone number. Officer Franco called [REDACTED] and got a hold of [REDACTED] via phone. [REDACTED] told Officer Franco [REDACTED] was in the parking lot next to [REDACTED] house with her [REDACTED]. Officer Franco walked to the parking lot and met with [REDACTED], who was in the company of [REDACTED].

[REDACTED] told officers [REDACTED] just wanted to know if there was an active restraining order against [REDACTED]. [REDACTED] said [REDACTED] was the protective person, but [REDACTED] was still living at the house. [REDACTED] said [REDACTED] was going to stay with [REDACTED].

Sergeant Miranda called Sergeant Aaron to give him an update. After Sergeant Miranda spoke with Sergeant Aaron, he returned to the house to talk to [REDACTED]. [REDACTED] was adamant that there should not be a restraining order prohibiting [REDACTED] from staying at the house. Sergeant Miranda looked at the restraining order on his phone very thoroughly and noticed the order did not prohibit [REDACTED] from contacting [REDACTED]. The order only prohibited harassing behaviors. Based on the totality of the circumstances, there was no restraining order violation; therefore, the officers cleared the area and did not arrest anyone. Sergeant Miranda told Officer Duran to complete a report.

Officer Eduardo Hernandez Interview:

On October 18, 2023, Sergeant Serrato interviewed Officer Hernandez.

Officer Hernandez advised that on July 18, 2023, Officer Duran, Officer Franco, and he were dispatched to a call for service at [REDACTED] [REDACTED] [REDACTED] in the City of Oxnard in reference to checking the well-being of [REDACTED], who had a restraining order against [REDACTED]. Officer Hernandez said Officer Duran was the primary officer for the call for service.

Officer Duran called Officer Vazquez, who indicated that she had generated the call for service and confirmed an active restraining order against [REDACTED]. After they confirmed the information, they responded to the residence. As they walked to the front door, Officer

Hernandez did not hear anything or see anyone in the area. Nobody was screaming or yelling for help. The officers knocked on the front door, and [REDACTED] answered it. Officer Duran told [REDACTED] they were there to check on [REDACTED]'s well-being and asked if [REDACTED] was home. [REDACTED] said [REDACTED] was fine and was inside. [REDACTED] went back inside house to get [REDACTED] and closed the front door. Moments later, [REDACTED] opened the front door and said [REDACTED] was not home. Officer Hernandez stated [REDACTED] was cooperative because [REDACTED] was talking to them but uncooperative at the same time because [REDACTED] did not allow them inside the house. Officer Hernandez felt [REDACTED] was hiding something from them based on how [REDACTED] acted.

As Officer Duran spoke with [REDACTED], [REDACTED] came to the front door. Officer Hernandez felt [REDACTED] was hiding something; therefore, he handcuffed [REDACTED] pending further investigation. Officer Hernandez told [REDACTED] was not arrested and was just being detained. Officer Hernandez had [REDACTED] sit on a nearby bench outside the home's patio area.

Officer Hernandez stayed outside the house, standing beside [REDACTED] while Officer Franco and Officer Duran spoke with [REDACTED] inside [REDACTED] home. Officer Hernandez did not see how Officer Duran and Officer Franco entered the house since he was occupied with [REDACTED].

Officer Hernandez explained the call for service to [REDACTED], but [REDACTED] told him there should not be a restraining order against him because he had already taken care of that in court. [REDACTED] said [REDACTED] had a copy of the court order, which stated [REDACTED] could be in the home. [REDACTED] advised [REDACTED] did not live in [REDACTED] home for approximately one year until he fixed the restraining order conditions with the court. Once the restraining order conditions were cleared, [REDACTED] moved back into [REDACTED] home. [REDACTED] told Officer Hernandez [REDACTED] had a lawyer and wanted to speak to him. Officer Hernandez stopped asking [REDACTED] any other questions.

Officer Hernandez did not read all the restraining order conditions until after the officers were inside the home. When Officer Hernandez read the conditions of the restraining order, he realized that [REDACTED] could be at the house as long as he did not harass [REDACTED].

Officer Edgar Franco Interview:

On November 30, 2023, Sergeant Serrato interviewed Officer Franco.

Officer Franco was hired as an entry-level Police Officer on April 3, 2023, and was in the Field Training Program during this incident. Officer Franco was in his third phase of training, and his field training officer was Officer Duran.

Officer Franco advised that on July 18, 2023, Officer Duran, Officer Hernandez, and he were dispatched to a call for service at [REDACTED] [REDACTED] [REDACTED] in the City of Oxnard reference checking the well-being of [REDACTED] who had a restraining order against [REDACTED].

Officer Duran called Officer Vazquez, who indicated that she had generated the call for service and confirmed an active restraining order against [REDACTED]. After they confirmed the information, they responded to the residence.

As they walked to the front door, Officer Franco did not hear anything or see anyone in the area. Nobody was screaming or yelling for help. The officers knocked on the front door, and [REDACTED] answered it. Officer Duran told [REDACTED] they were there to check on [REDACTED]'s well-being and asked if [REDACTED] was home. [REDACTED] said [REDACTED] was fine and was upstairs in the house. When officers asked if they could check on [REDACTED]'s welfare, [REDACTED] said, "Oh no, well, [REDACTED] not even here anymore." Officer Franco felt that [REDACTED] was trying to hide something from them. Officer Franco felt that [REDACTED] did not want to let them check on [REDACTED], which "raised red flags."

During this time, [REDACTED] came out of the house, and Officer Hernandez detained [REDACTED]. Officer Franco said [REDACTED] tried closing the door on them, and that is when he entered the house with Officer Duran to check on [REDACTED]'s well-being. Based on how [REDACTED] acted, Officer Franco felt they had exigent circumstances to enter the home.

Officer Franco obtained [REDACTED]'s cell phone number, and he called [REDACTED]. [REDACTED] told Officer Franco [REDACTED] was outside [REDACTED] house with [REDACTED]. Officer Franco met with [REDACTED], and initially, [REDACTED] was surprised that the police were at [REDACTED] house. [REDACTED] told Officer Franco that [REDACTED] did talk to [REDACTED] about [REDACTED], but stated everything was fine. [REDACTED] said [REDACTED] occasionally argued with [REDACTED], but overall, everything was adequate. [REDACTED] wanted to know if [REDACTED] still had a restraining order against [REDACTED]. Therefore, [REDACTED] asked [REDACTED]

Sergeant Miranda was contacted in order to guide the officers on what to do next. Officer Franco did not recall whether he had read the restraining order and the conditions.

Officer Franco typically handled the calls for service when he was in field training with Officer Duran, but because this call was "super complicated," Officer Duran took over as the primary officer. Depending on the call for service and the circumstances, Officer Duran would assist Officer Franco if he needed help with his calls for service.

Body Worn Camera (BWC) Video Review:

Sergeant Serrato reviewed the body-worn camera videos of the officers on the scene. Below is the summary of the BWC footage:

Officers arrived on scene at approximately 1905 hours. Officer Hernandez rang the doorbell to the residence, and [REDACTED] answered the door. Officer Duran asked [REDACTED] if she could speak with [REDACTED], and [REDACTED] said, "Yes." [REDACTED] went inside [REDACTED] house and closed the front door. Moments later, [REDACTED] returned, walked out of the house, closed the door behind [REDACTED] and told the officers that [REDACTED] was not home.

Officer Hernandez asked [REDACTED] if they could check inside [REDACTED] house to confirm [REDACTED] was not home, and [REDACTED] said, "No." [REDACTED] said [REDACTED] could "imagine why you're here" but refused to answer questions. Officer Duran asked [REDACTED] if there was another adult in the house, and [REDACTED] said [REDACTED] was home but refused to give [REDACTED] name ([REDACTED] appeared disturbed by the officers' presence). Moments later, [REDACTED] walked out of the house using the front door. Officer Hernandez instructed [REDACTED] to walk away from the front door. [REDACTED] initially refused but subsequently followed his instructions. Officer Hernandez handcuffed [REDACTED] and told [REDACTED] was not under arrest.

During this time, [REDACTED] walked back into [REDACTED] house. [REDACTED] told Officer Duran, "You can't come inside my house." Officer Duran told [REDACTED] she needed to check [REDACTED] house to see if [REDACTED] was home. [REDACTED] asked Officer Duran, "Do you have a warrant to enter my house?"

Officer Duran told [REDACTED] if [REDACTED] prevented them from doing their "lawful duties" to check on the welfare of the [REDACTED] could be liable "from being arrested." Officer Duran asked [REDACTED] if [REDACTED] refused to comply with a lawful order, and [REDACTED] said, "Yes."

Officer Duran and Officer Franco entered the residence and handcuffed [REDACTED]. Officer Duran escorted [REDACTED] outside the home and had [REDACTED] sit next to [REDACTED] as Officer Franco stayed inside.

Officer Duran asked dispatch for a Sergeant to respond. Officer Duran asked [REDACTED] if [REDACTED] took her back inside the house if [REDACTED] would be willing to speak to her, and [REDACTED] said yes. Officer Duran walked [REDACTED] back inside the house, and they walked to the living room. Officer Duran read [REDACTED] *Miranda* advisement.

Officer Duran asked [REDACTED] if [REDACTED] knew [REDACTED] had a restraining order and was not supposed to be at the house. [REDACTED] said, "There isn't an active restraining order," and the order did not prohibit [REDACTED] from being in the house. Officer Franco showed [REDACTED] the stay-away order on file on his cell phone. [REDACTED] said the restraining order was removed.

Officer Duran took [REDACTED]'s handcuffs off and asked if [REDACTED] was home. [REDACTED] said [REDACTED] initially thought [REDACTED] was home but discovered [REDACTED] was not when [REDACTED] went inside to check for [REDACTED]

[REDACTED] told Officer Franco that [REDACTED] initially did not allow them inside [REDACTED] home because [REDACTED] was trying to protect [REDACTED] in the house. [REDACTED] said [REDACTED] has been having problems with [REDACTED] because [REDACTED] throws "fits" when things do not go [REDACTED] way.

Officer Duran walked out of the house and contacted Sergeant Jaime Miranda, who had just arrived on scene. Officer Duran had a private conversation with Sergeant Miranda and muted her BWC.

After the private conversation, Sergeant Miranda and Officer Duran contacted [REDACTED] inside the house. Officer Duran asked [REDACTED] again if [REDACTED] was home in front of Sergeant Miranda. [REDACTED] said [REDACTED] was unsure if [REDACTED] was home because [REDACTED] other [REDACTED] told [REDACTED] was not home, but [REDACTED] never checked [REDACTED] to confirm. [REDACTED] said [REDACTED] had not checked [REDACTED]'s room.

Officer Duran, Officer Franco, and [REDACTED] walked around the house to check if [REDACTED] was home. [REDACTED] was not located inside the house. Officer Franco obtained [REDACTED]'s phone number from [REDACTED], and he called [REDACTED]. Officer Franco got a hold of [REDACTED] by phone, and [REDACTED] said [REDACTED] was outside with [REDACTED].

Officer Franco and Sergeant Miranda walked outside the house and met with [REDACTED]. [REDACTED] said [REDACTED] asked [REDACTED] what was going on with the sexual assault case involving [REDACTED]. [REDACTED] said [REDACTED] was the [REDACTED] which took place five years ago. [REDACTED] said nothing was going on with [REDACTED] now, and everything was fine. [REDACTED] said [REDACTED] was only inquiring about the case to [REDACTED].

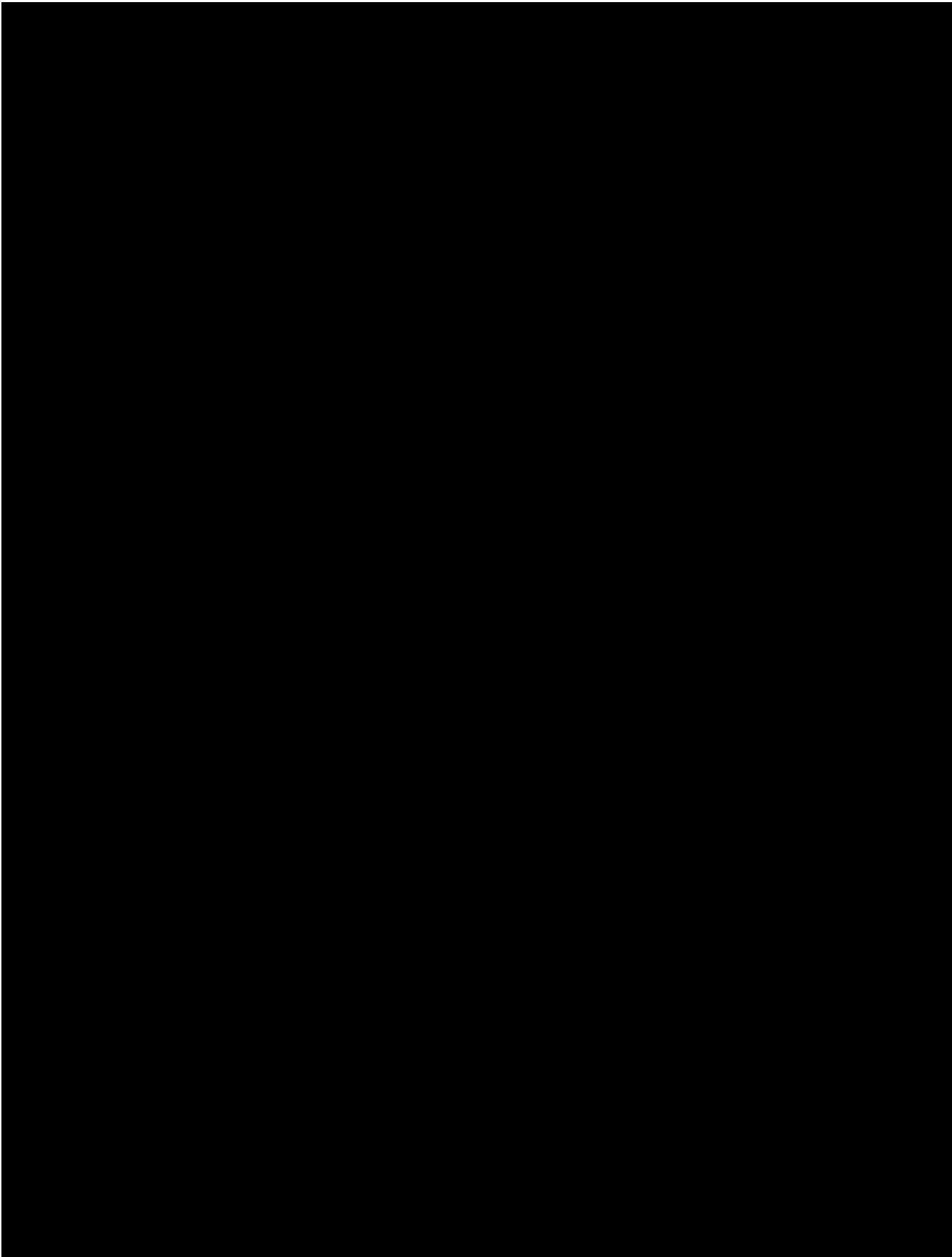
Officer Duran walked over to [REDACTED], who was with Officer Franco. [REDACTED] told officers [REDACTED] could stay with her [REDACTED]. Officer Duran walked back to the home and briefly spoke with [REDACTED], who was still seated outside the home beside Officer Hernandez without handcuffs. Officer Duran walked back inside the residence to talk to [REDACTED]. Sergeant Miranda showed Officer Duran [REDACTED] cell phone and told her he did not see a stay-away order for [REDACTED] on the court order. Officer Duran said it must have been "amended." Officer Duran took the phone from Sergeant Miranda, looked at the court order, and returned the phone.

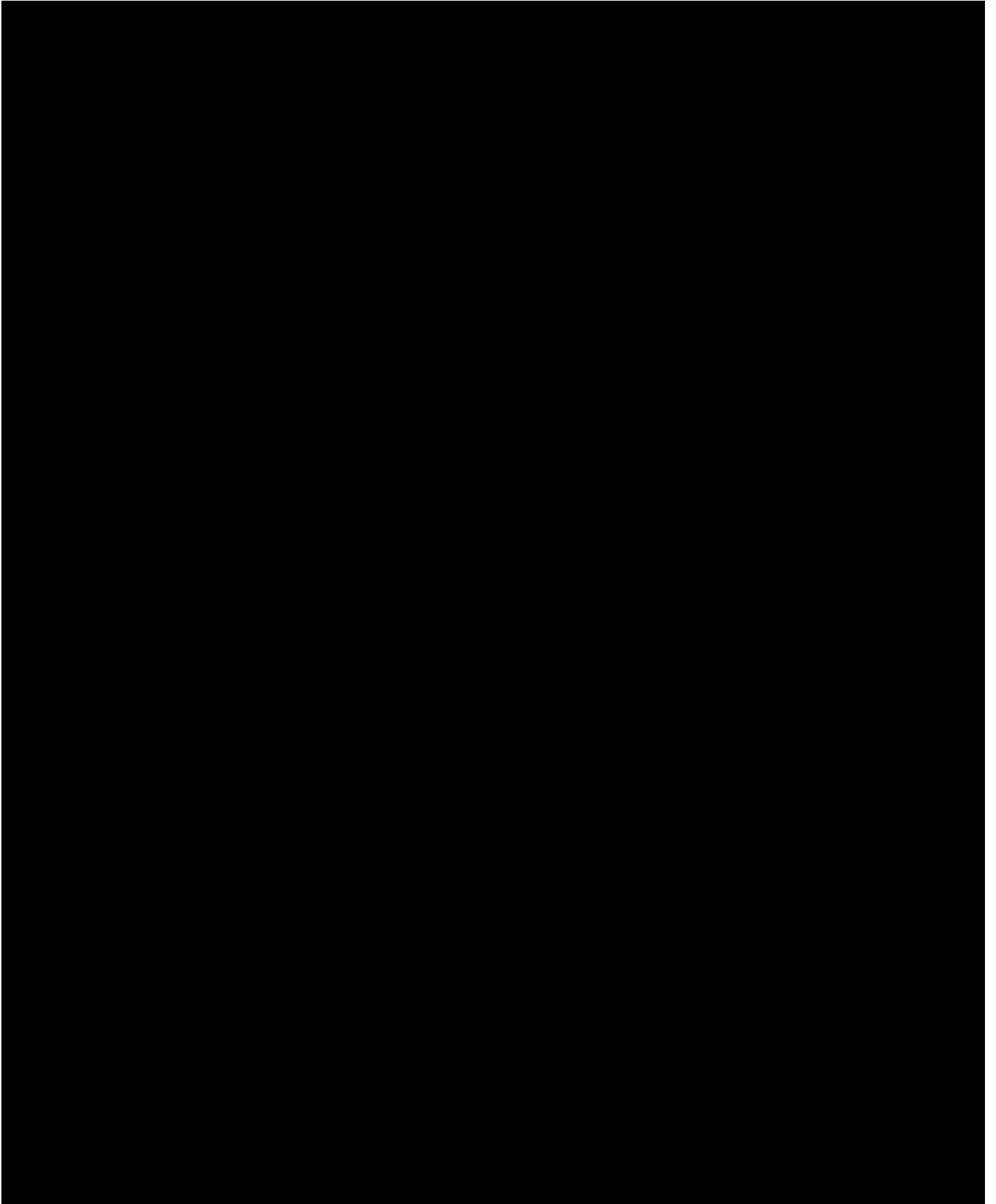
Officer Duran walked over to [REDACTED] and told [REDACTED] she was going to generate a report and submit it to the District Attorney's Office for review regarding this incident. All officers subsequently cleared the area, and no arrests were made.

Officer Angelica Duran Interview:

On September 20, 2023, Sergeant Serrato served Officer Duran with a notice regarding an administrative investigation. Officer Duran agreed to provide an interview on October 17, 2023. Commander Vazquez and Sergeant Serrato were present during the interview. Officer Duran was read her *Miranda* rights and refused to waive them. Officer Duran was advised of the Administrative Admonishment (*Lybarger*), which she stated and signed that she understood. The following is a summary of the interview:

[REDACTED]





Other Related Information:

Dispatch Call Center Recording

The following is a summary of information provided by Officer Vazquez to the Dispatch Call Center regarding the call for service:

- Officer Vazquez told dispatch to generate a call for service reference checking the well-being of [REDACTED].
- Officer Vazquez told dispatch there was an active restraining order against [REDACTED], and [REDACTED] was not supposed to be at the home.

Computer Aided Dispatch (CAD) Report Review

The following is a summary of relevant information from the CAD Report:

- Dispatch Narrative: Dispatched confirmed [REDACTED] was served with a criminal protective order; the protective person was [REDACTED] and [REDACTED] was allowing to stay in the home.
- Court Information (Court Order) was included in the CAD report, which was available for officers to review while responding to the call for service. The order states the protected person is [REDACTED] and the restrained person is [REDACTED]. The order states the restrained person can contact the protected person. The court order was effective as of February 1, 2021, and the expiration date is on February 1, 2024. The court order also has all the conditions that must be followed by the restrained person.

Court Order

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

Conclusion:

The following factors were considered regarding Officer Duran's allegation of exceeding lawful peace officer powers by unlawfully entering the residence and detaining [REDACTED]:

- Officer Duran admitted that she did not hear or see any sounds of distress from occupants inside the apartment or the immediate area that would warrant exigent circumstances to enter the residence.
- Officer Duran admitted entering the house without a warrant or consent from [REDACTED].
- Officer Duran's justification of entering the house to check on [REDACTED]'s well-being was insufficient to justify the exigent entry and circumvent the Fourth Amendment of the US Constitution. Additional information and circumstances would be needed to establish that [REDACTED] was in distress, such as crying, calling for help, or information that [REDACTED] and the children inside were the possible victims of lewd or lascivious crimes.
- Officer Duran did not obtain enough information to establish enough facts and probable cause to justify an exigent entry into the apartment to check the well-being of [REDACTED]. Subsequently, placing [REDACTED] into handcuffs was not warranted based on [REDACTED]'s refusal to consent to a search of her residence.
- Officer Duran did not direct officers to gain additional facts to establish a compelling argument that a person or persons inside the apartment were in distress and were in danger of life or well-being.

Based on the information gathered, it is my recommendation of the allegation that Officer Duran violated **DEPARTMENT POLICY 340.3.5(u)**: *Exceeding lawful peace officer powers by unreasonable, unlawful, or excessive conduct* be **sustained**.

The following factors were considered regarding Officer Duran's allegation of unsatisfactory work performance:

- Officer Duran did not conduct a proper investigation to establish a compelling argument that she needed to go inside the apartment. She did not review the court order to establish enough facts and probable cause to justify an exigent entry into the apartment to check the well-being of [REDACTED]. Subsequently, placing [REDACTED] into handcuffs was not warranted based on [REDACTED]'s refusal to consent to a search of [REDACTED] residence.
- Once [REDACTED] walked out of the house and was detained, Officer Duran should have involved a sergeant immediately.
- Officer Duran admitted that she should have slowed everything down once the restrained person/suspect, [REDACTED], was detained outside the home.
- Officer Duran admitted it was her responsibility to confirm the restraining order and the conditions before responding to the call for service. She did not verify the restraining order and conditions this time because Officer Vazquez told her [REDACTED] was in violation.
- It is an officer's responsibility to confirm a restraining order and its conditions before enforcing the order.

- Additional due diligence should have been directed, such as:
 - Have officers verify the conditions of the court order and verify the conditions of the order.
 - Have officers contact other neighbors to establish if they had heard or seen signs of subjects in distress.
 - Have officers use other methods, such as calling [REDACTED] and trying to obtain [REDACTED]'s phone number to call [REDACTED] and check on [REDACTED] before making entry.

Based on the information gathered, it is my recommendation the allegation that Officer Duran violated **DEPARTMENT POLICY 340.3.5 (c):** *Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or instructions of supervisors without a reasonable and bona fide excuse* be **sustained**.

Internal Affairs Interview Report

I.A. #: 23-63
Interview of: Angelica Duran
Date: 10/17/2023
Investigator: Miguel Serrato

MS: Miguel Serrato
RV: Ricardo Vazquez
AD: Angelica Duran

MS: All right. We're gonna be going on the record. Uh, this – the date today is October 17th, 2023, and it's about 1800 hours. This is reference Administrative Investigation 23-63. Present during this interview, and I'll actually just go around the room and, uh, have them, uh, identify themselves: myself, Sergeant Miguel Serrato.

RV: Uh, Ricardo Vazquez, Professional Standards Commander.

AD: Officer Duran, uh, Angelica Duran. 5431.

MS: Okay. See, and actually, the first page, and I'll, I'll let you keep that page and I'm gonna just read off of this one.

RV: We're gonna take a pause real quick.

MS: All right. Going back on the record. Um, so we're gonna – I just gave you that p-, that, uh, page. Uh, and I'm gonna go from top to bottom. Um, there gonna be certain questions that I'm gonna ask you and I even put a pen right next to you. Uh, so, when I ask you if,

number one, then you'll do yes or no and then a signature, and then we'll keep on going. Okay, Angelica?

AD: Sounds good.

MS: So, the first thing is, uh, I'm gonna read you *Miranda Warning*. Uh, you have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the ro-, the right to consult an attorney, to be represented by an attorney, and have an attorney present both before and during questioning. If you cannot afford to hire an attorney, one will be appointed by court, free of charge, to represent you before any questioning if you wish. Do you understand each of these rights that I explained to you?

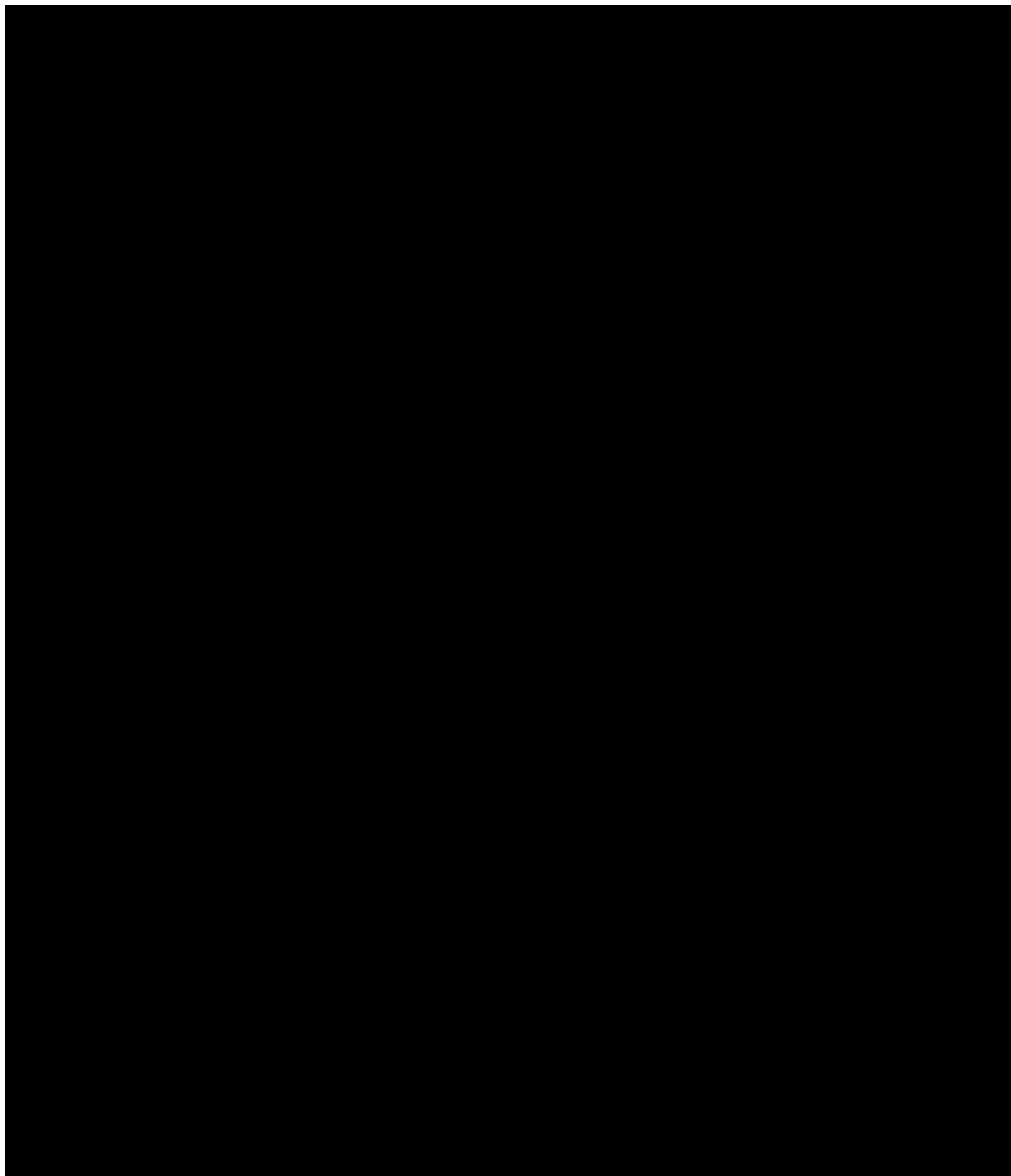
AD: Yes.

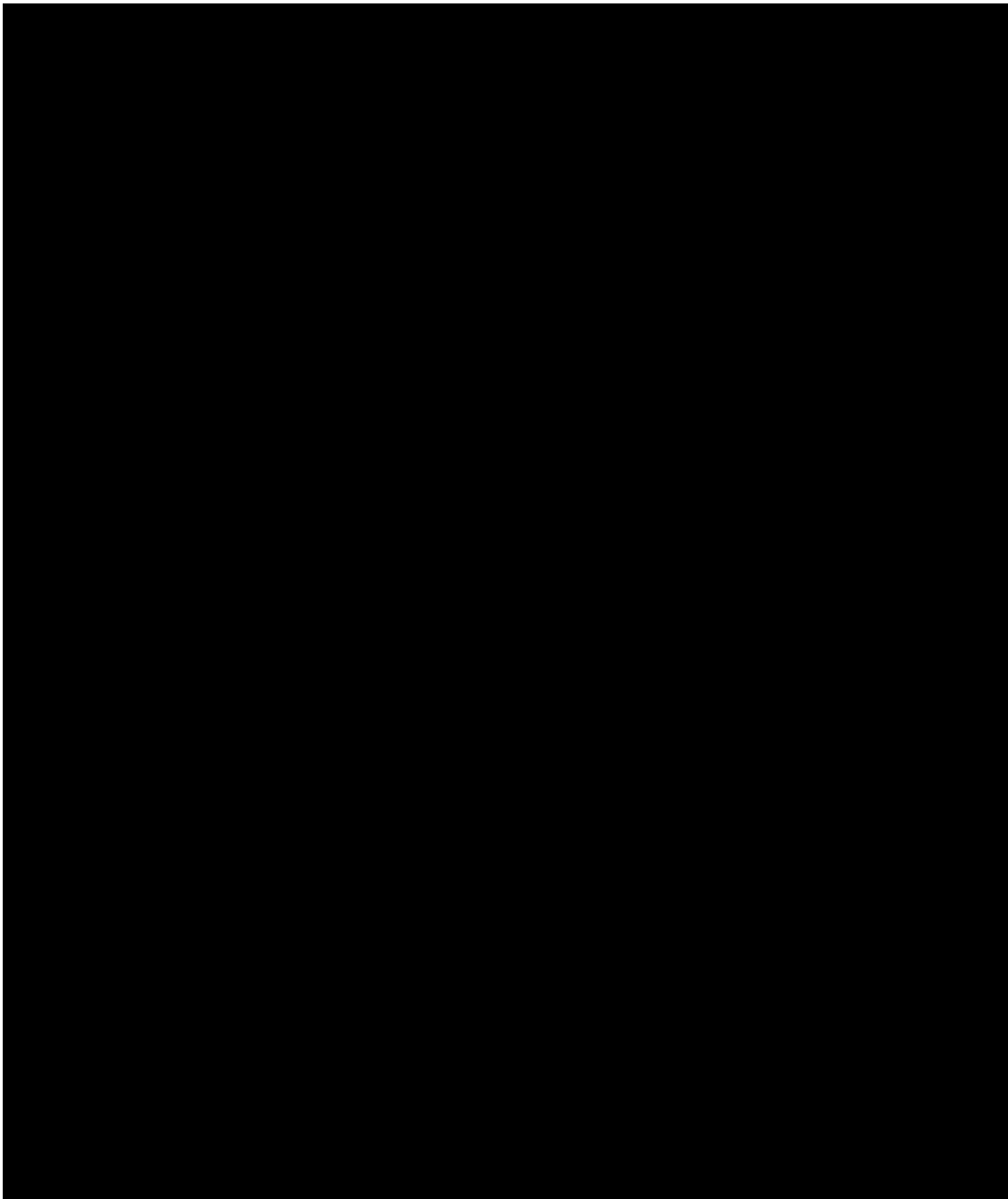
MS: All right. Can you check yes please and sign? Having these rights in mind, do you wish to talk to us now under *Miranda*?

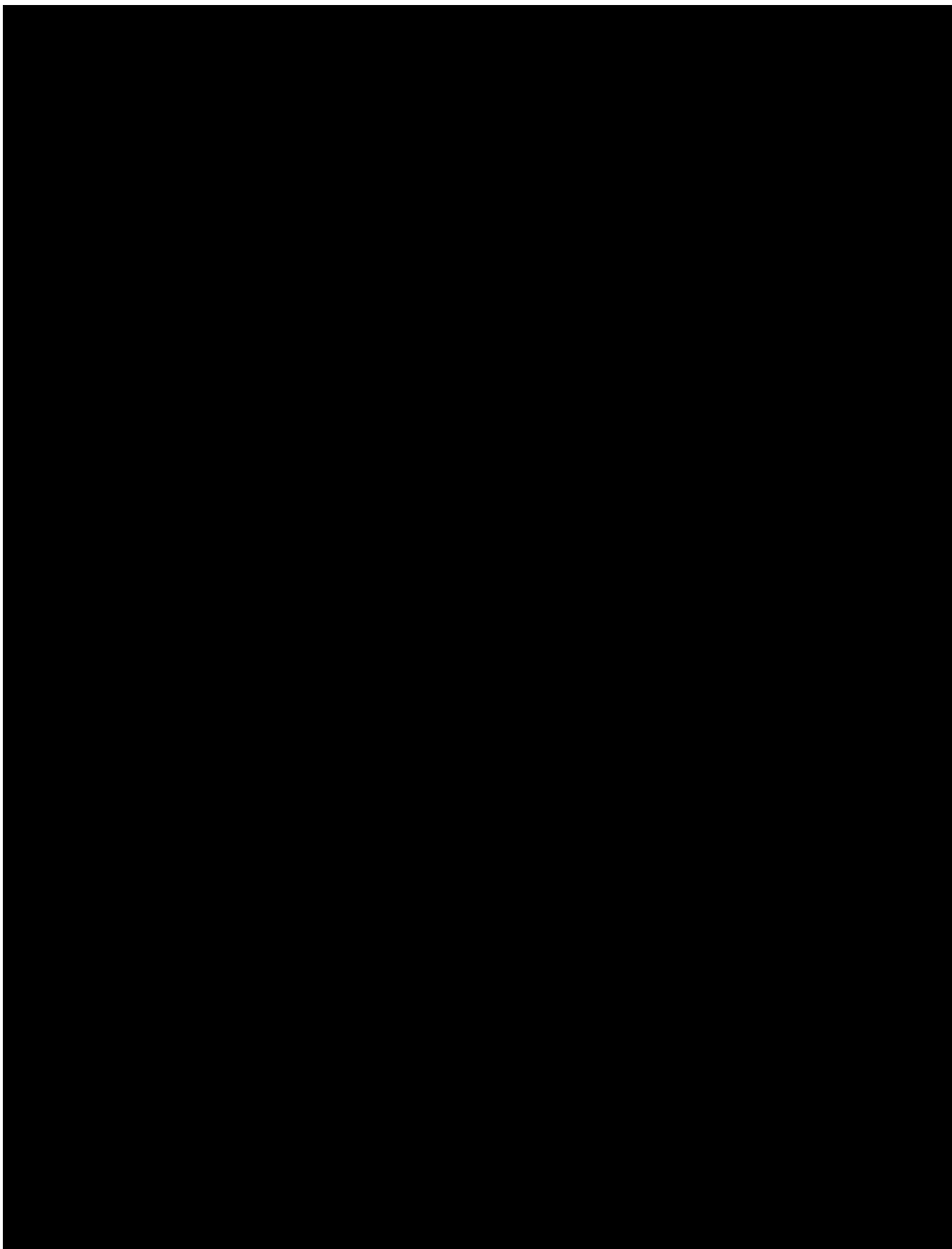
AD: No.

MS: Okay. Can you check no? And sign please. Now, I'm gonna read you *Lybarger Admonishment*. While you have the right to remain silent with the regard to any criminal investigations, you do not have the right to refuse to answer my administrative questions. This is strictly an administrative investigation. I am, therefore, now ordering you to discuss this matter with me. If you refuse to discuss this matter, your silence can be deemed insubordination and result in administrative discipline up to and including termination. Any statement you make under compulsion of the threat of such discipline cannot be used against you in a later criminal proceeding. Do you understand this statement?

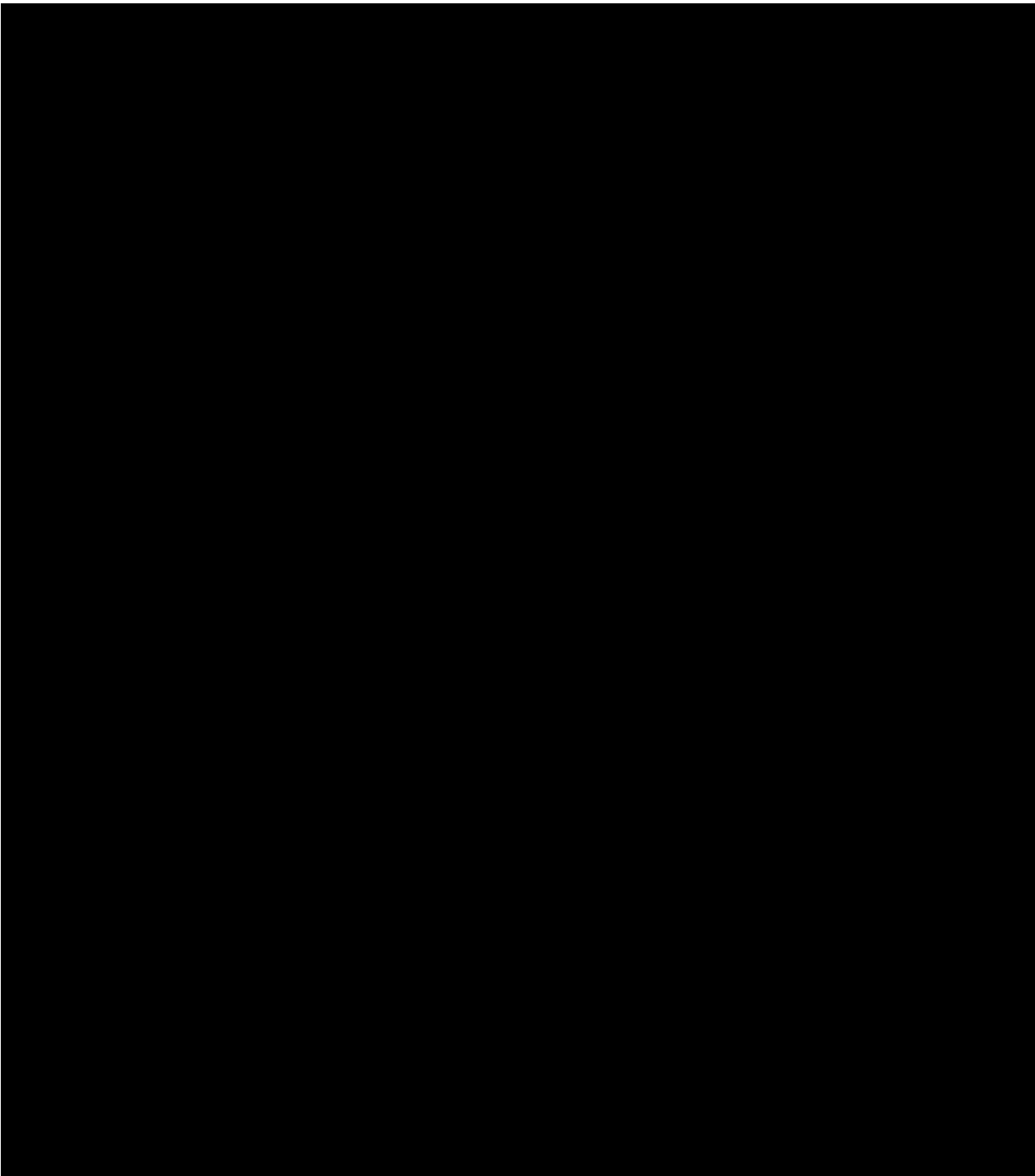
AD: Yes.

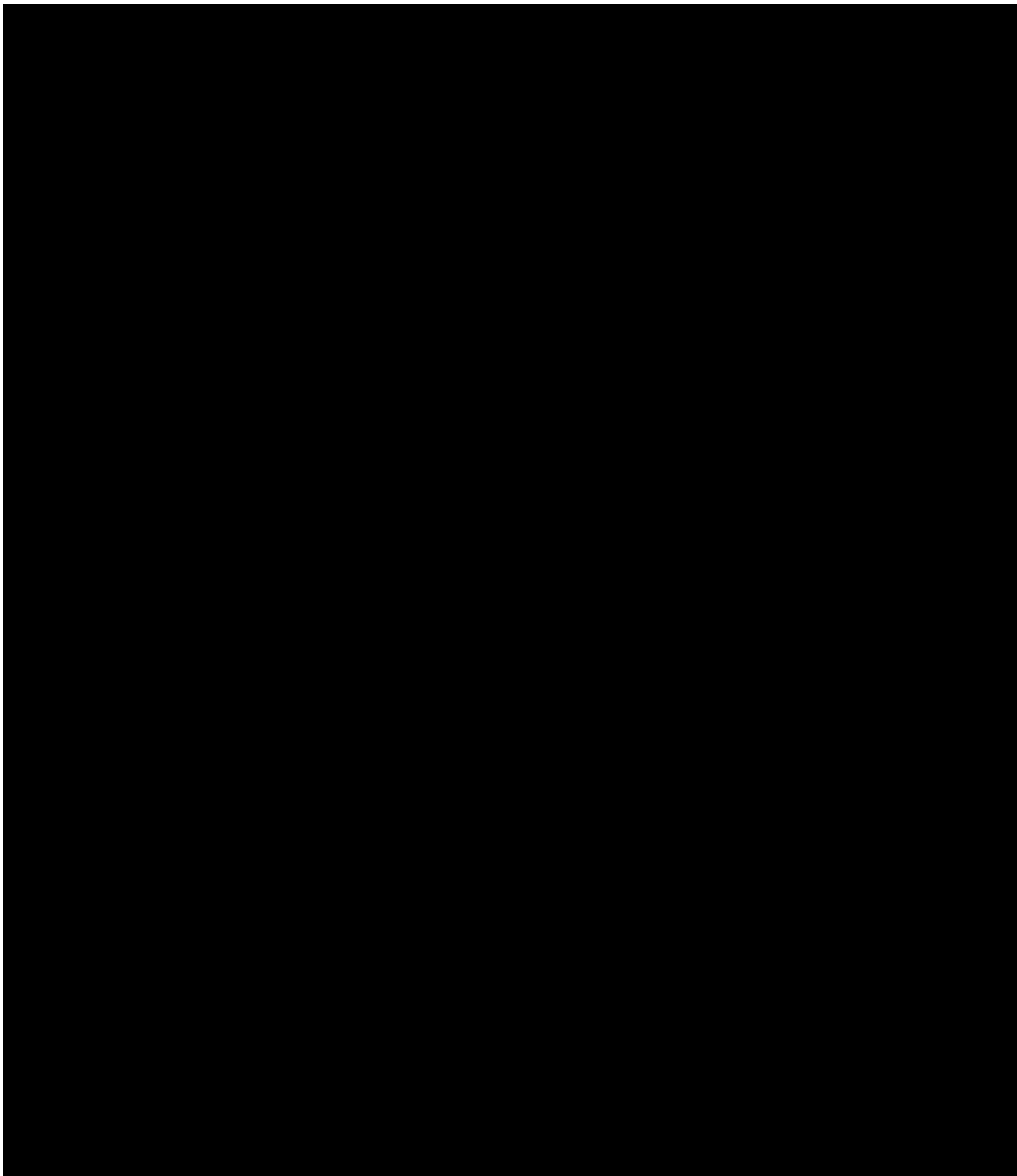


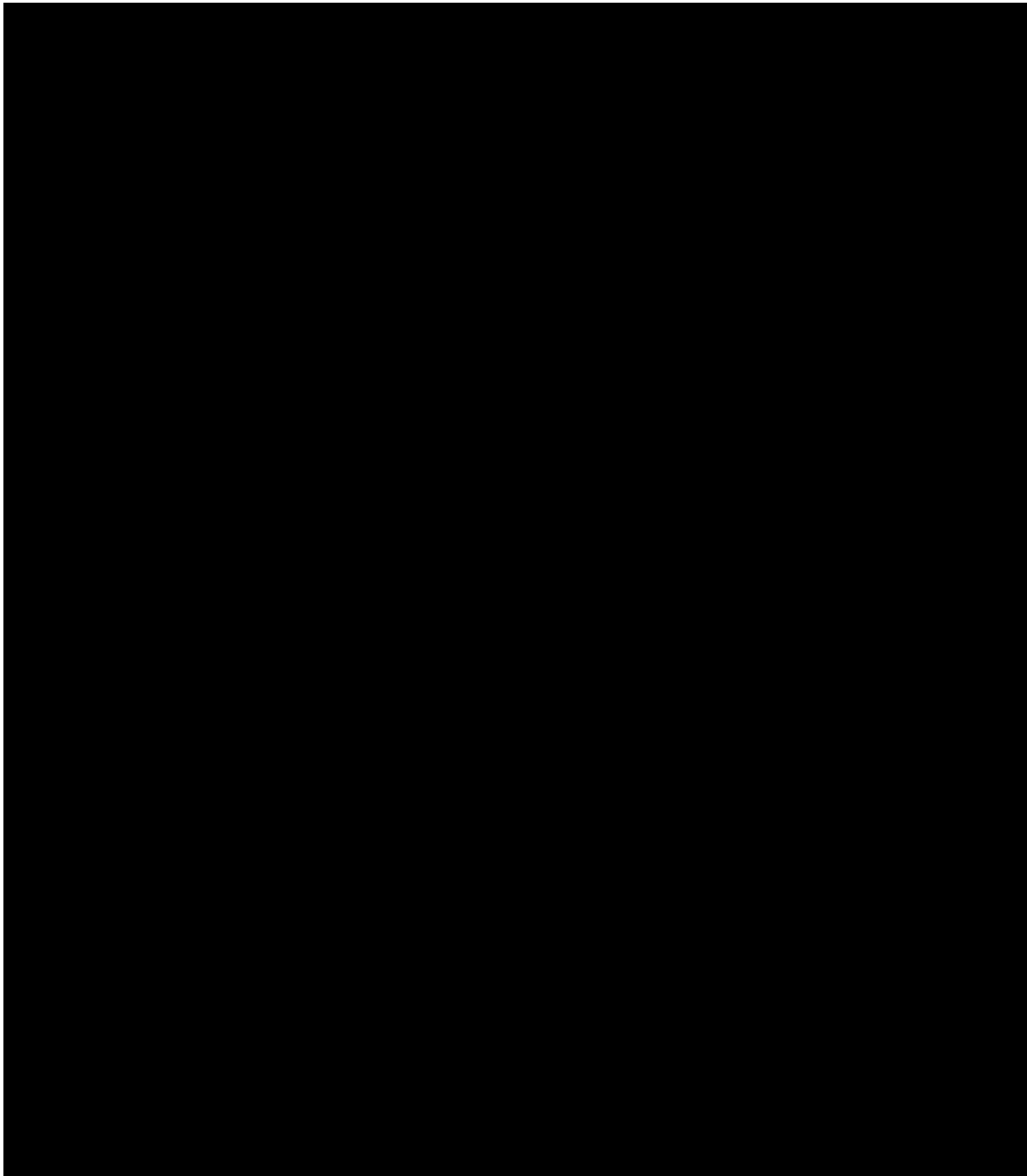


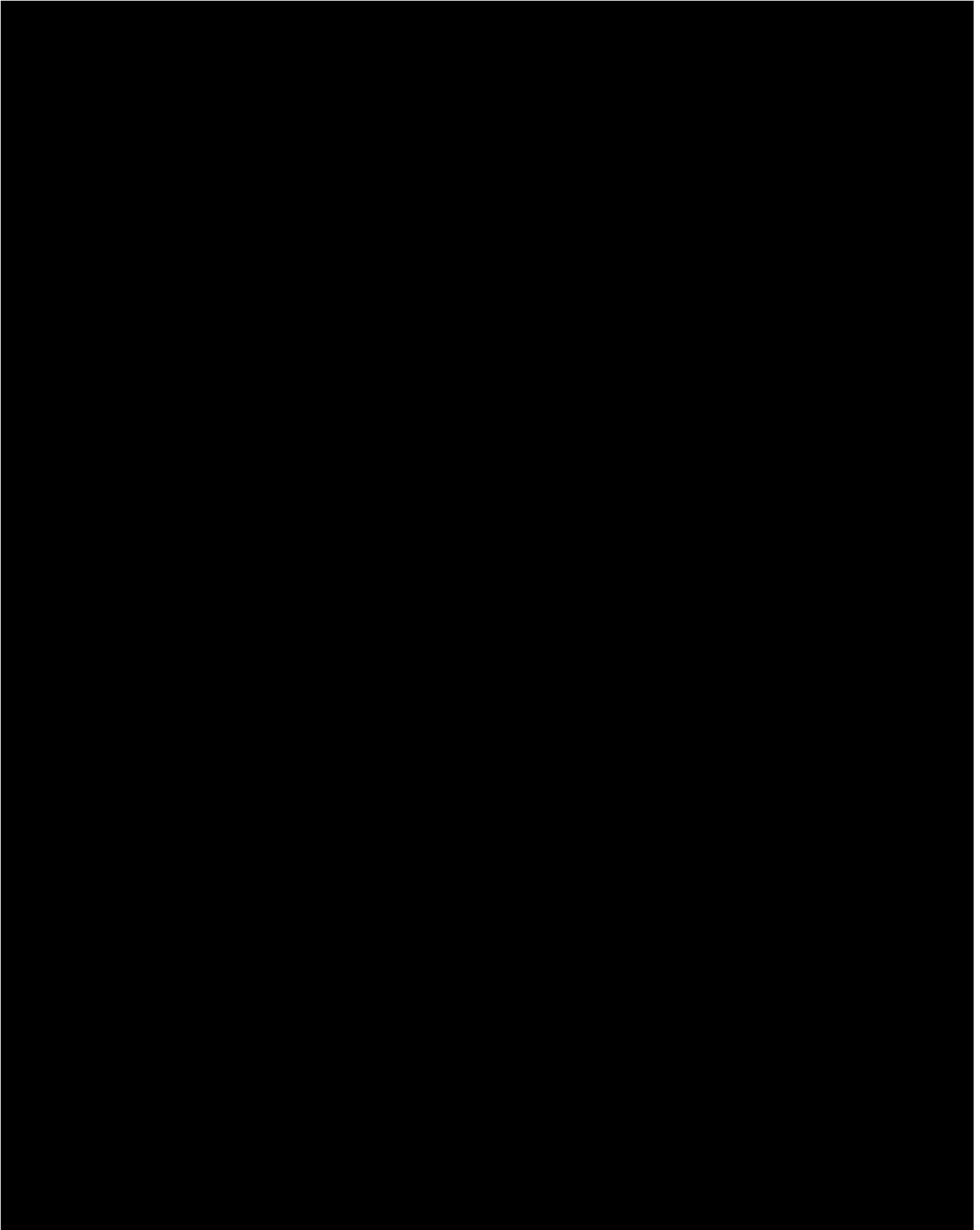


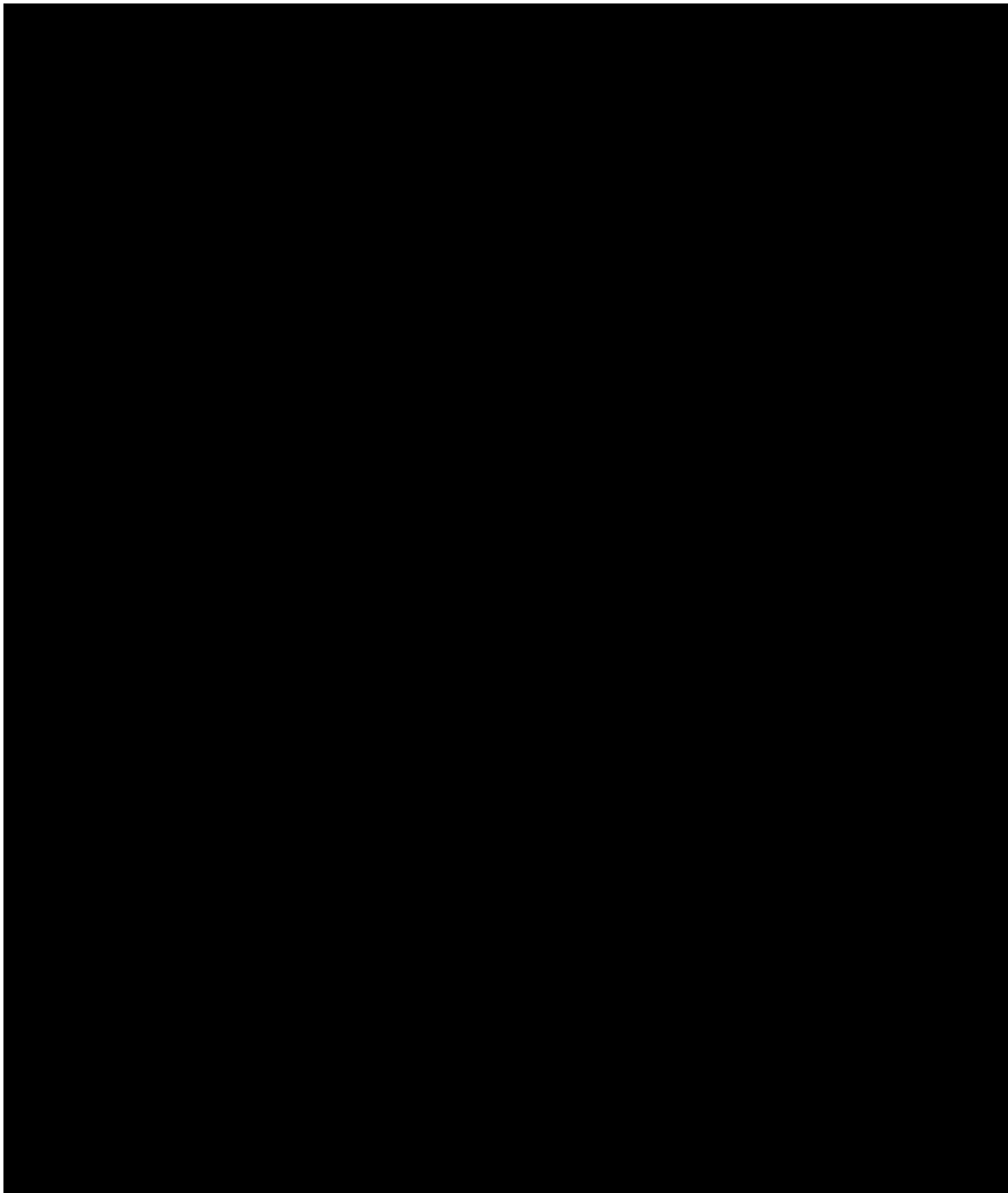
RV:

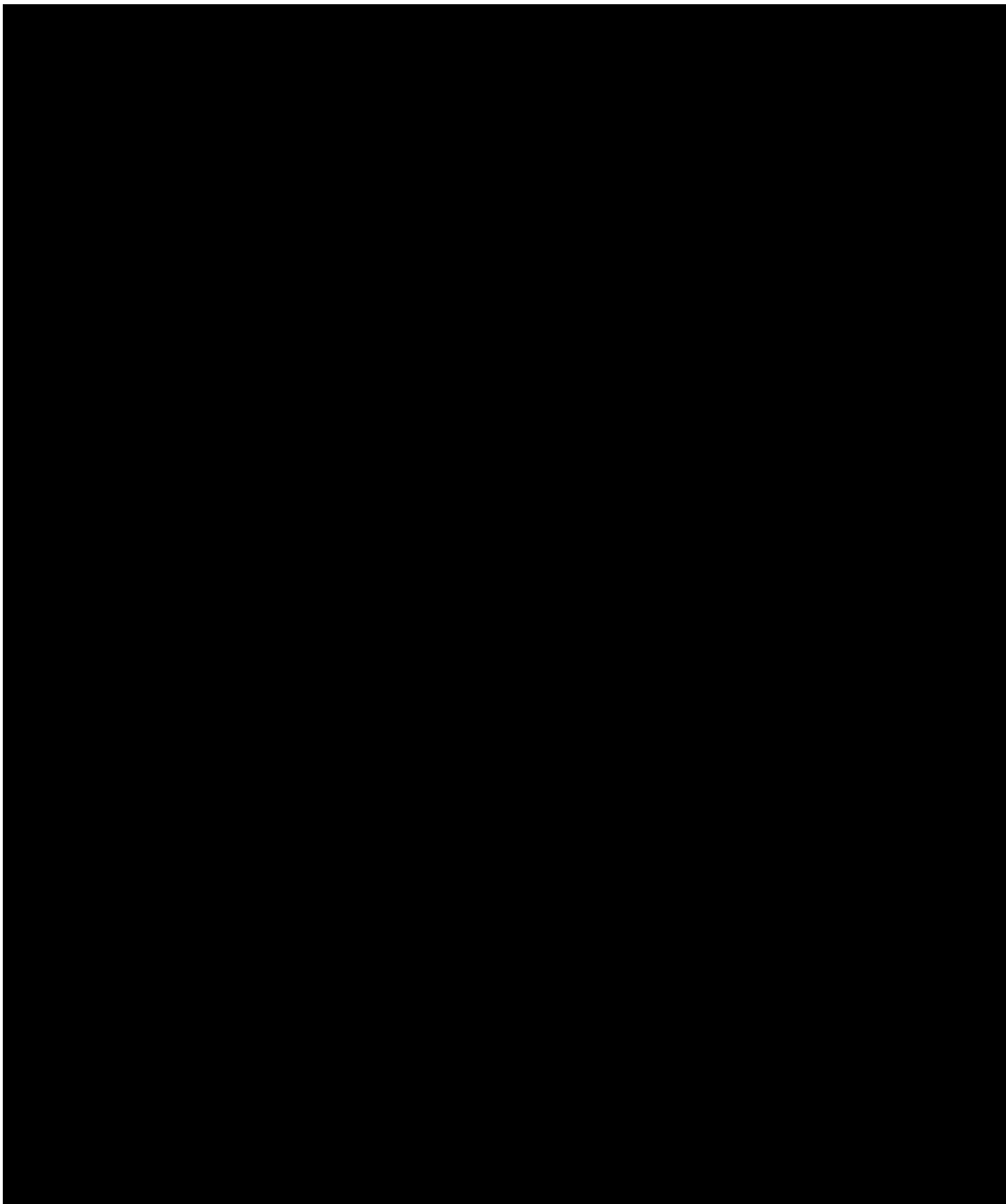


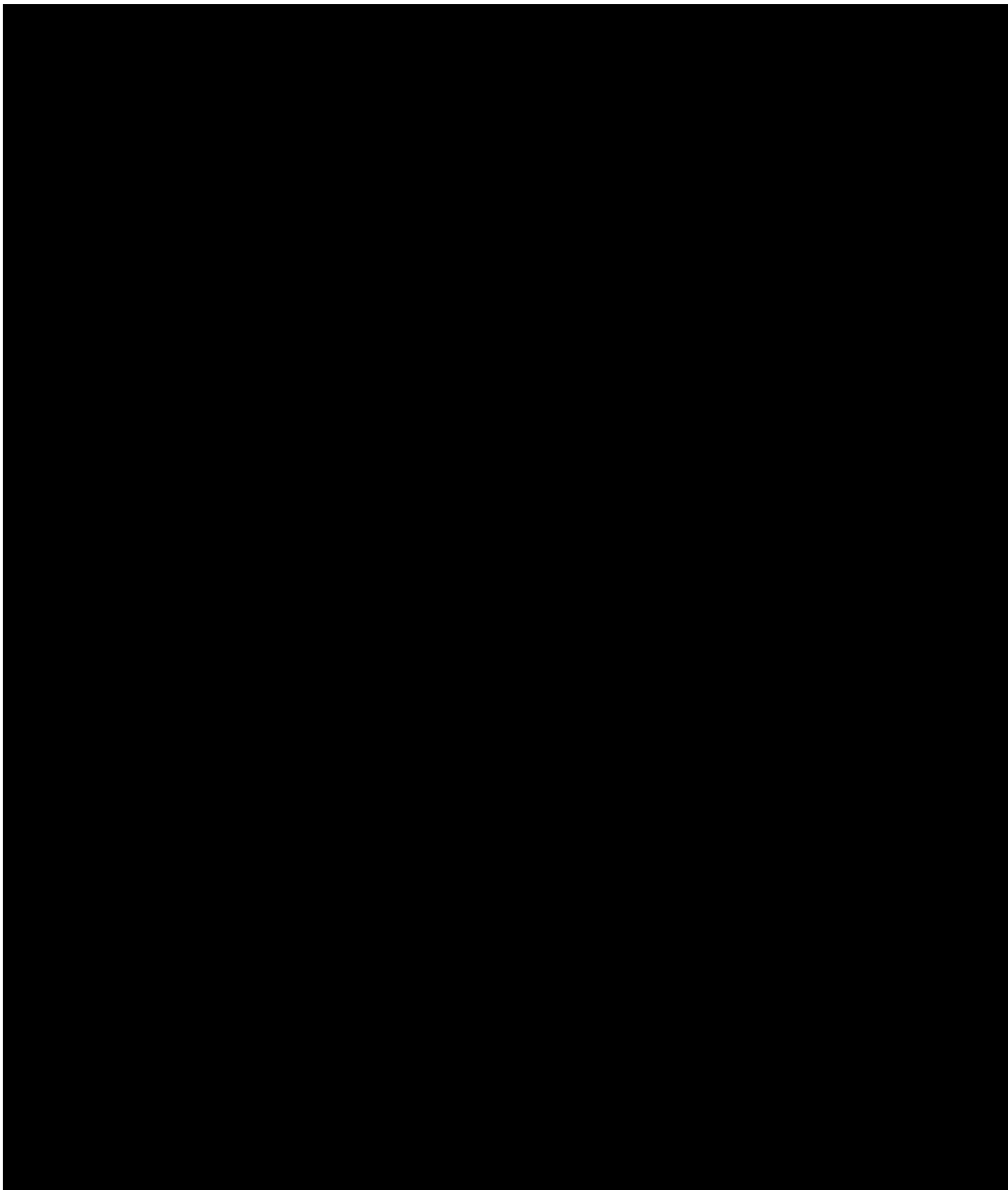


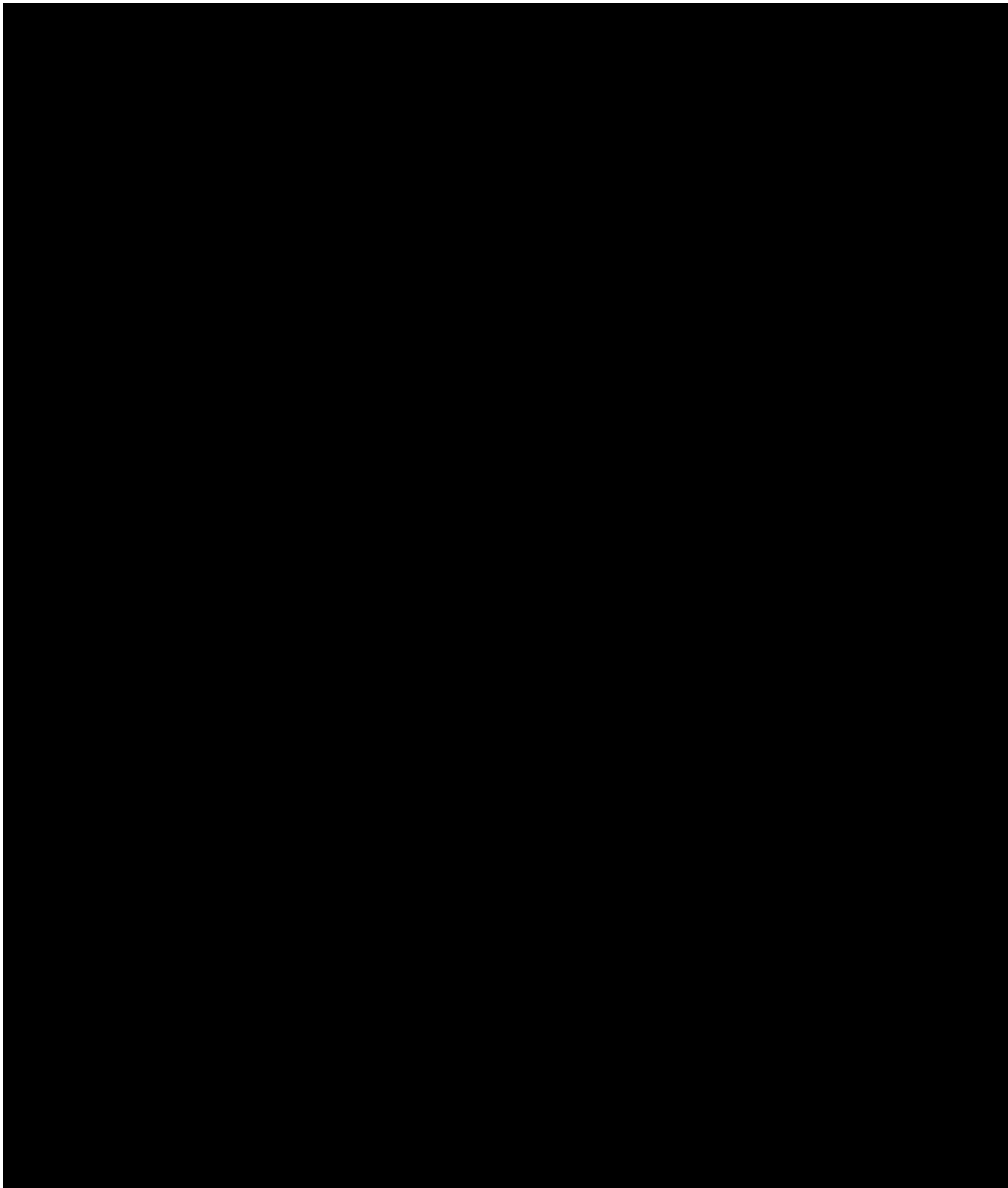


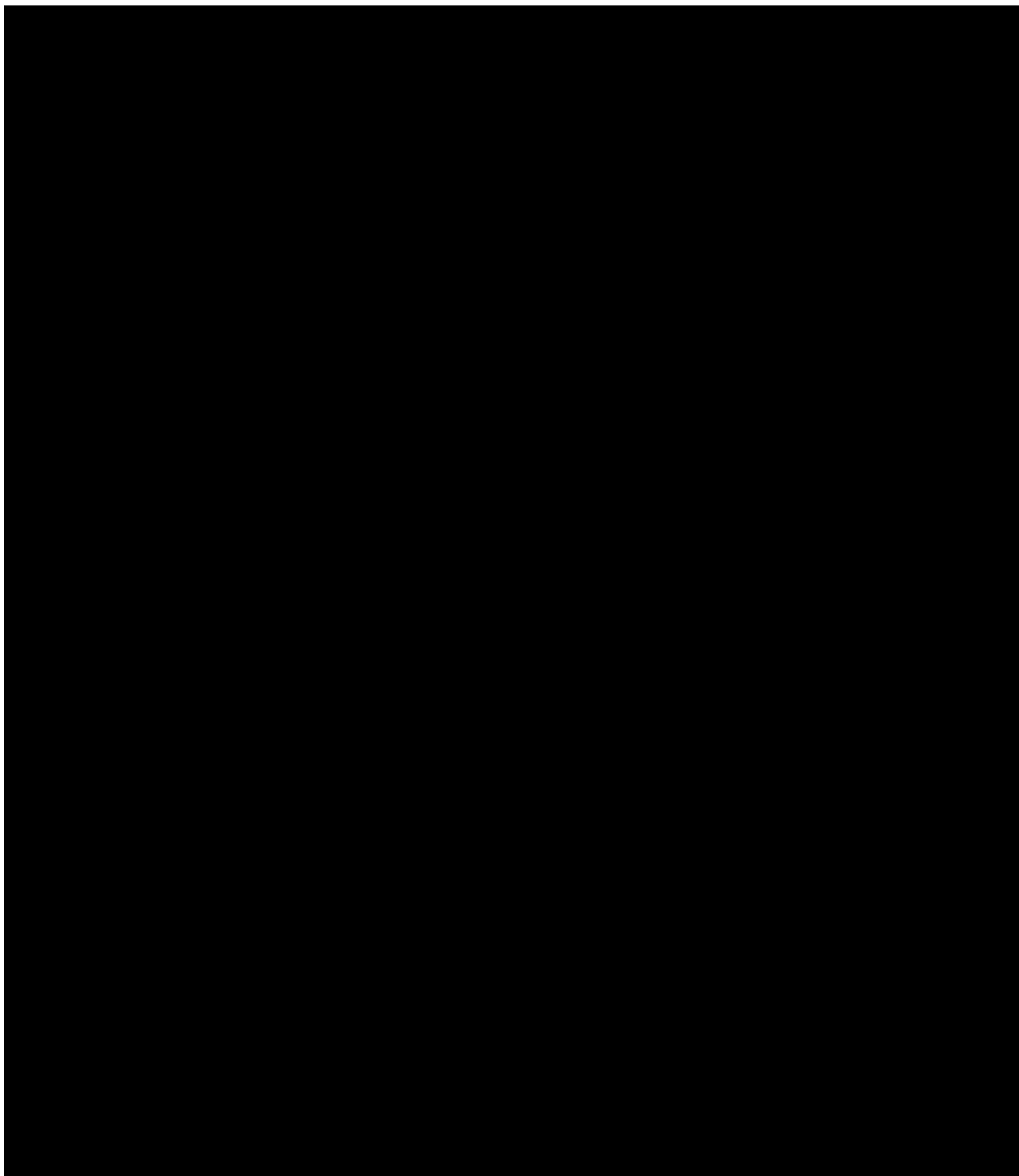


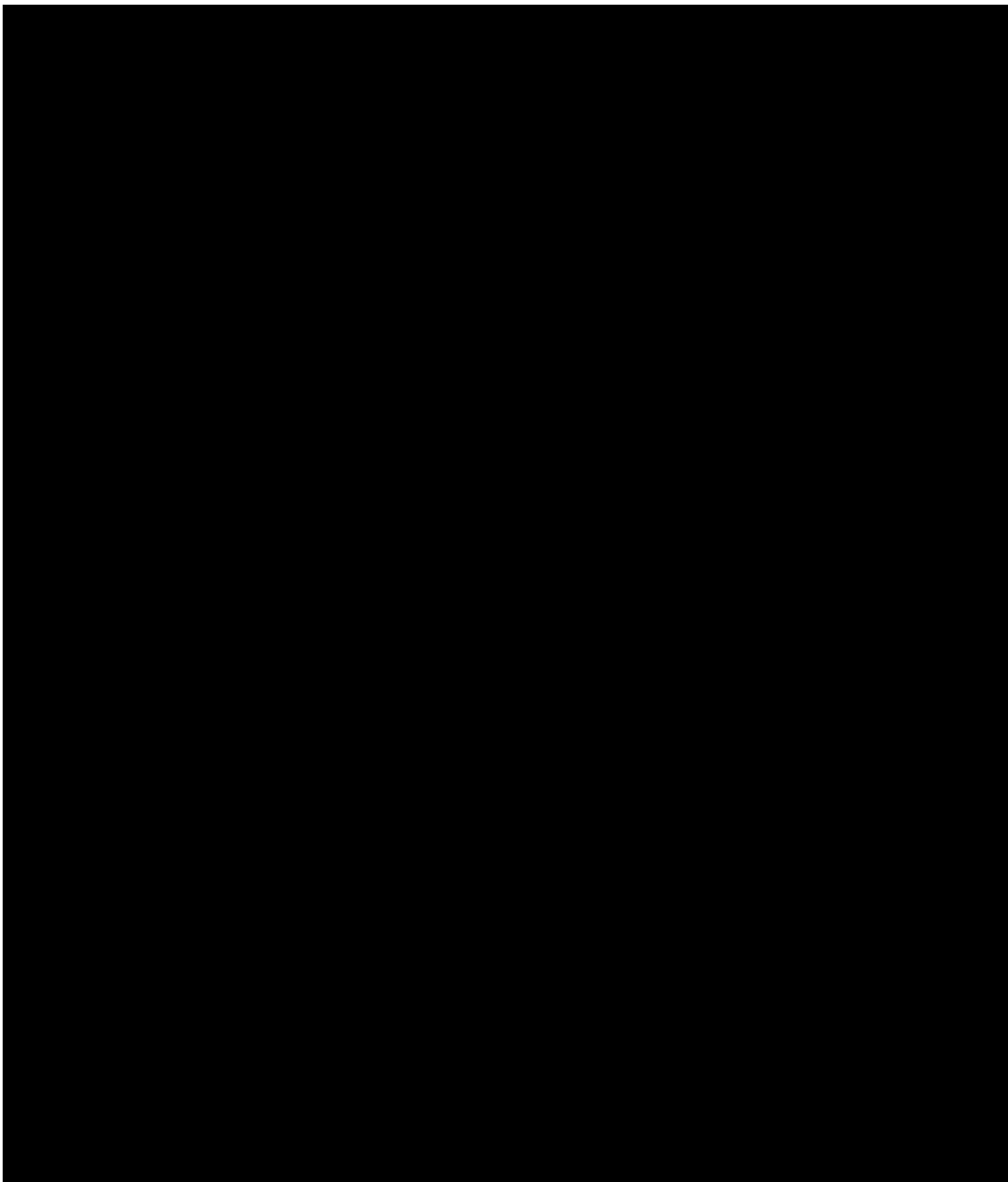


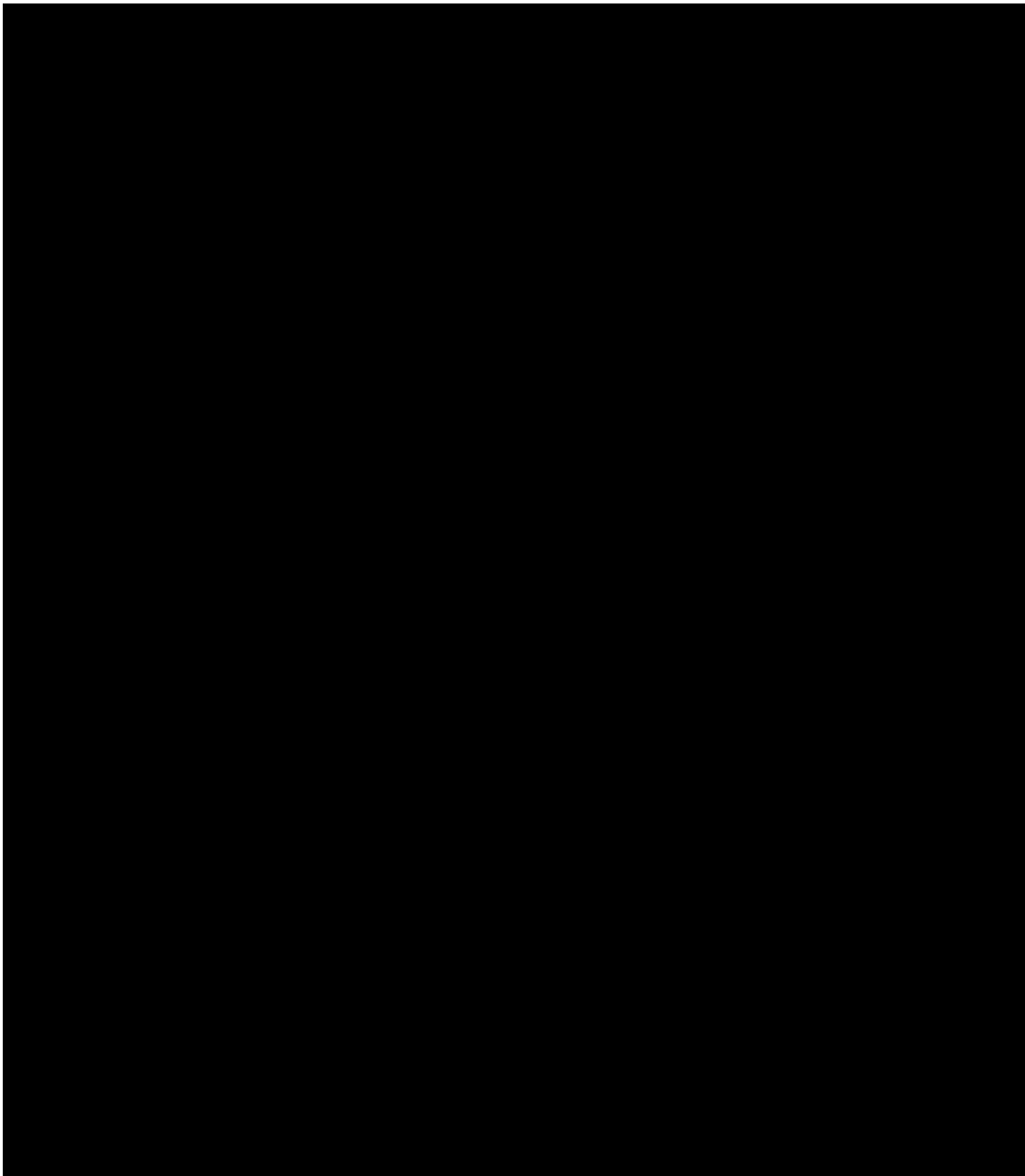


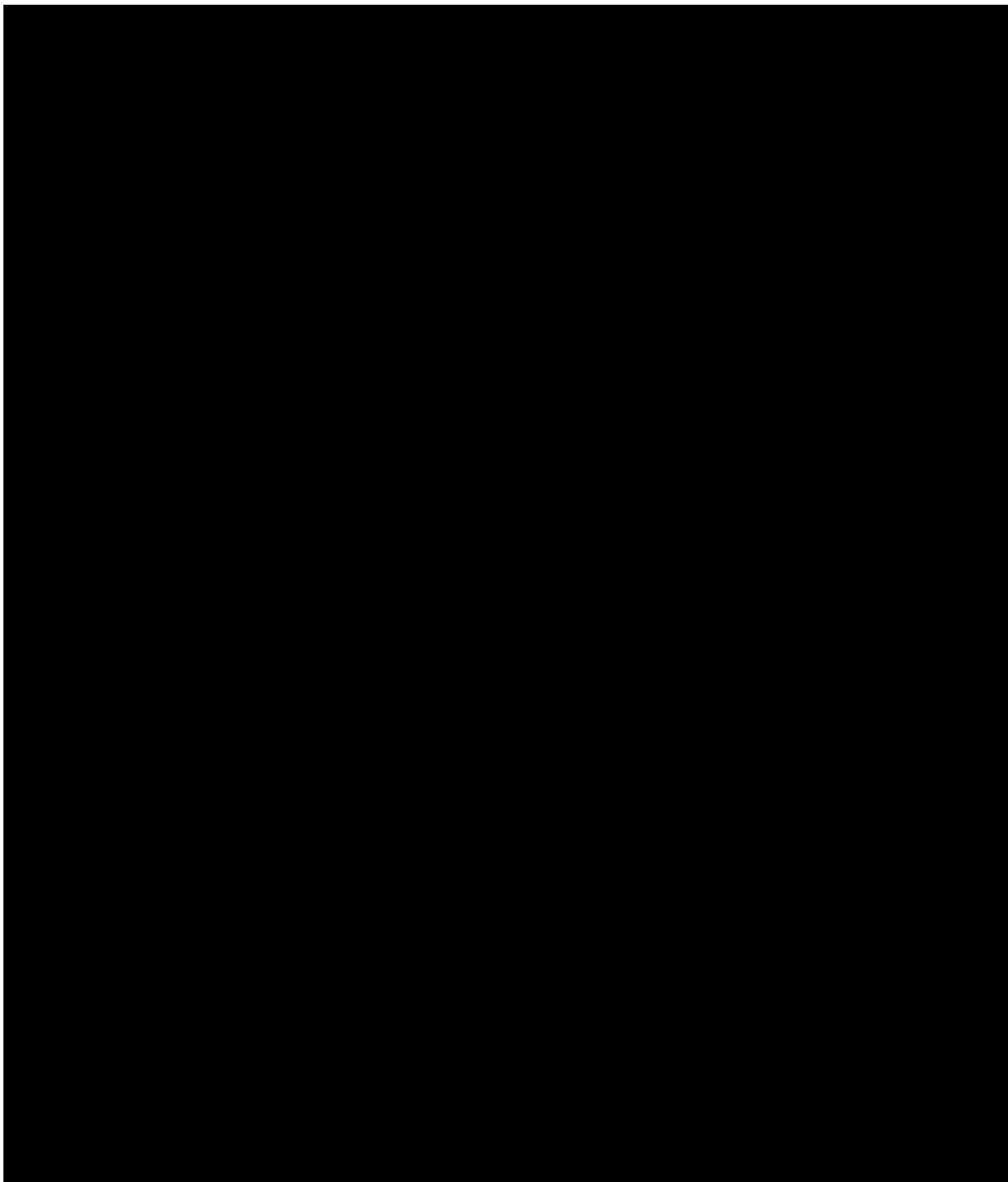


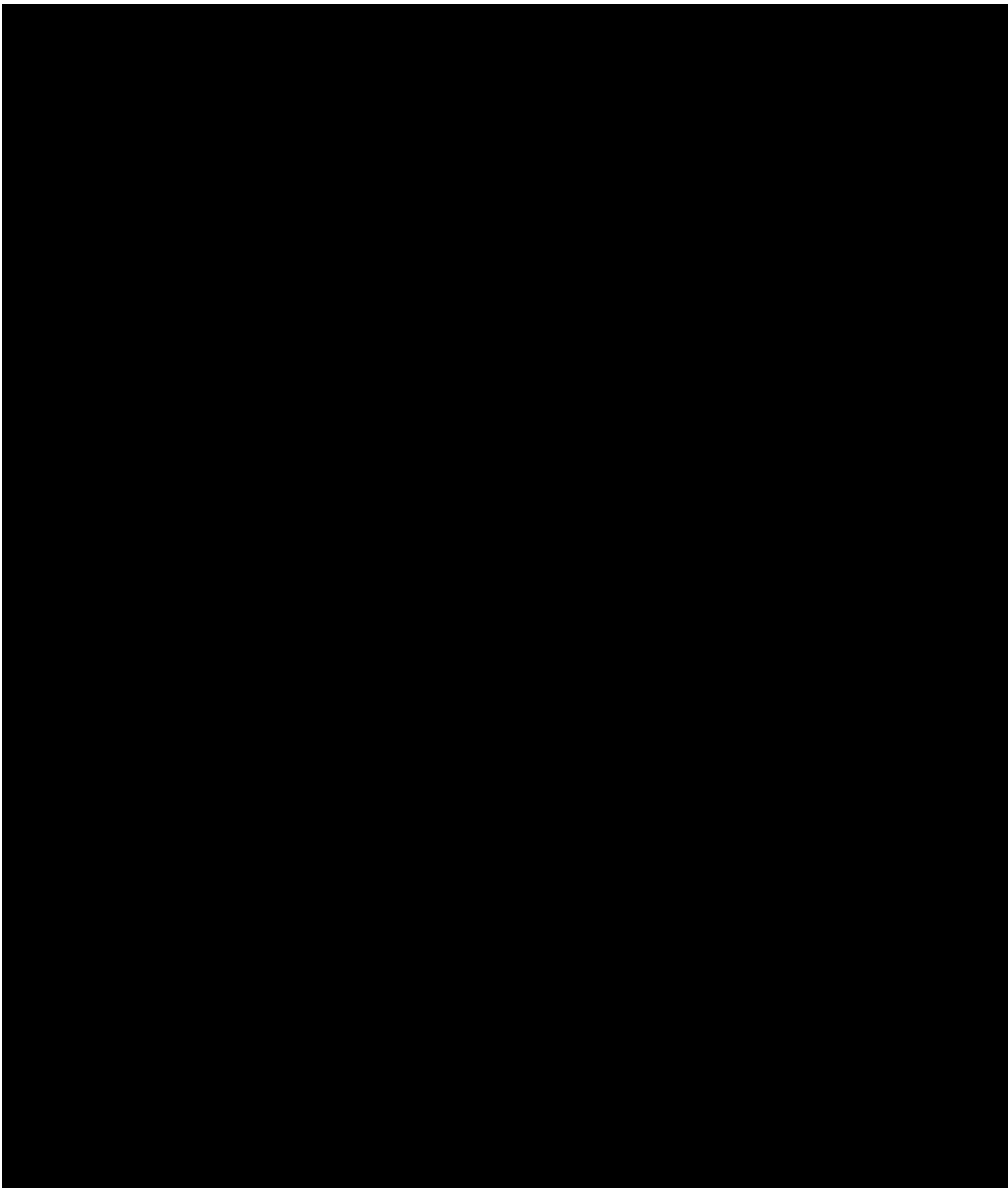


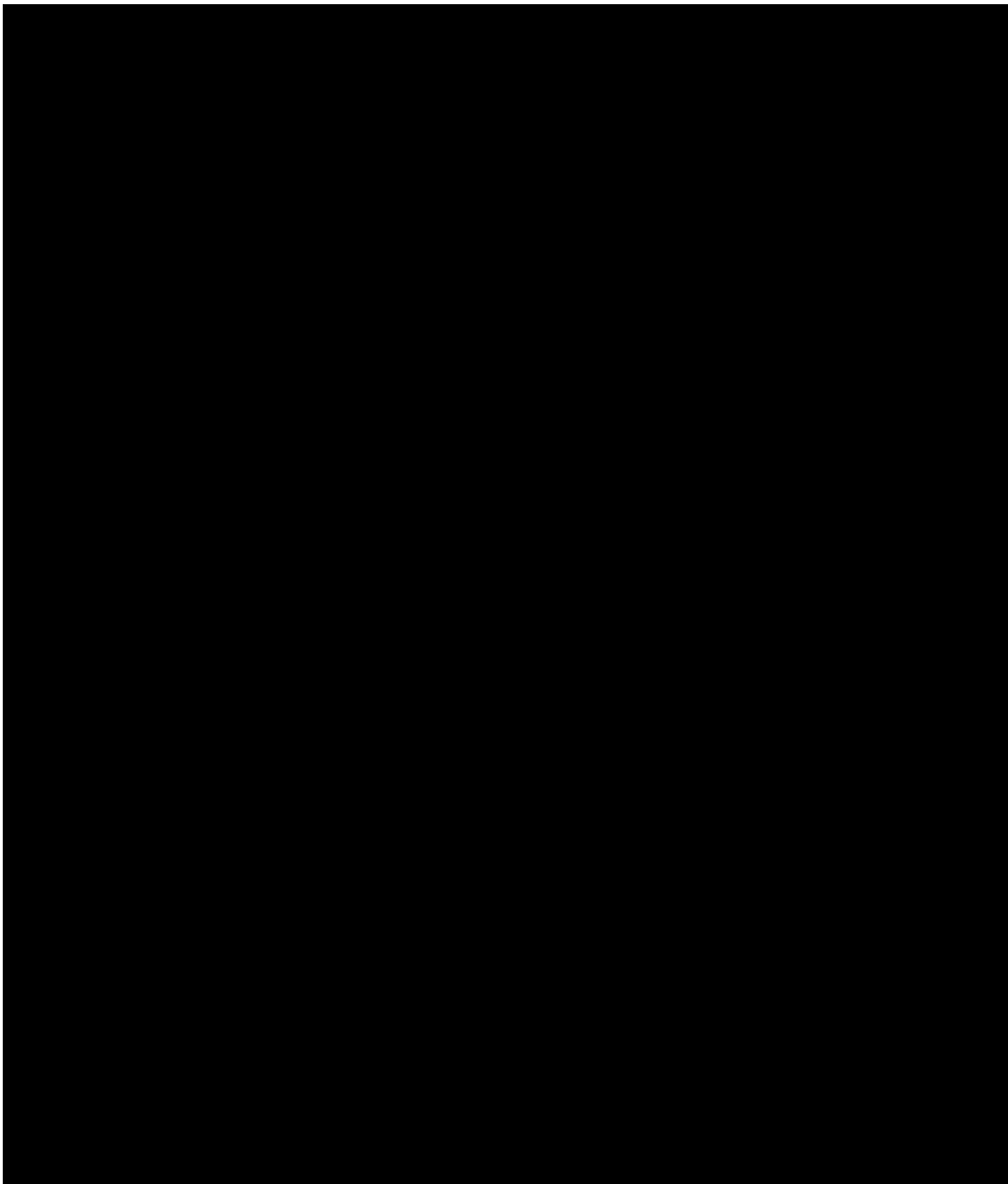


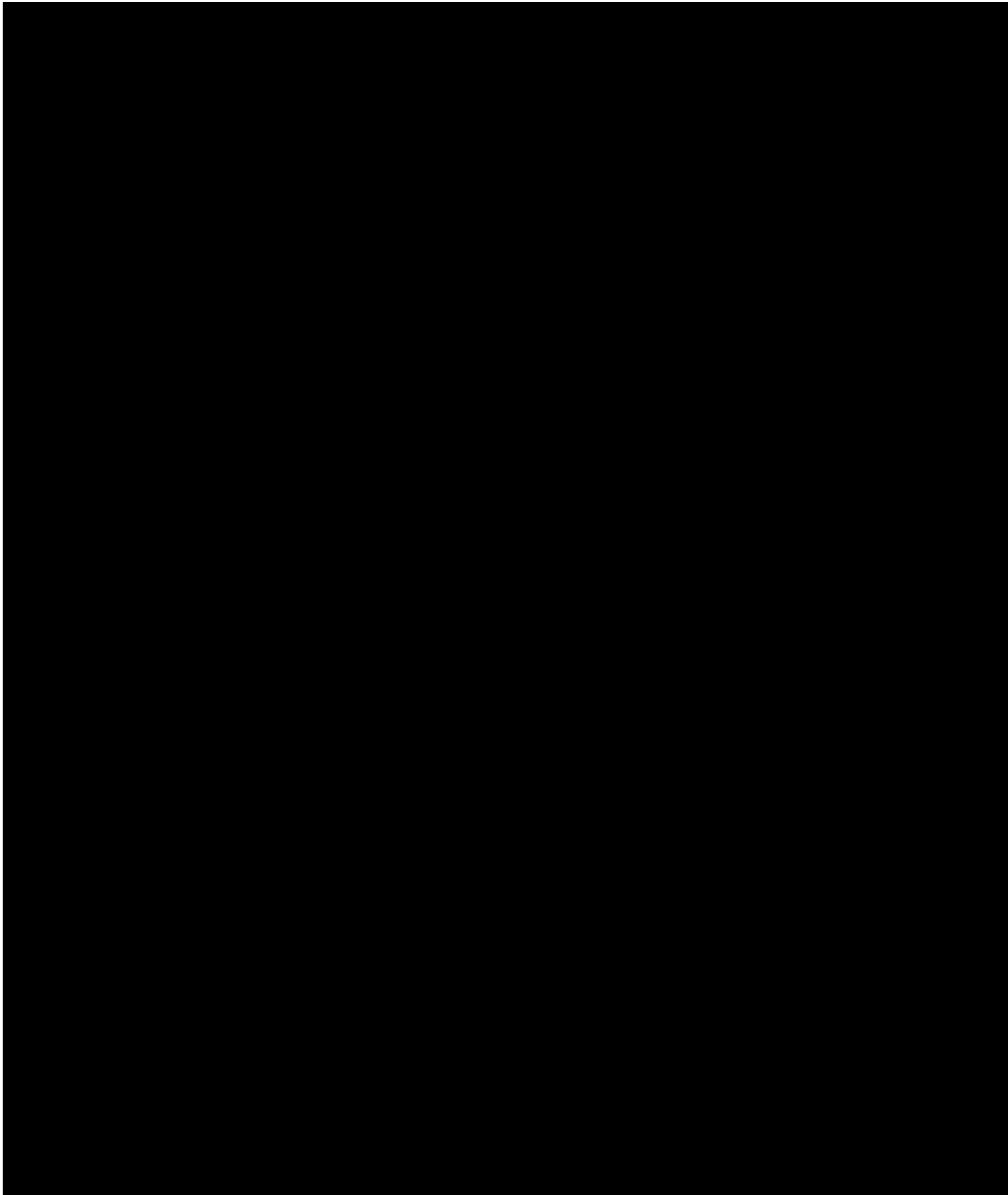


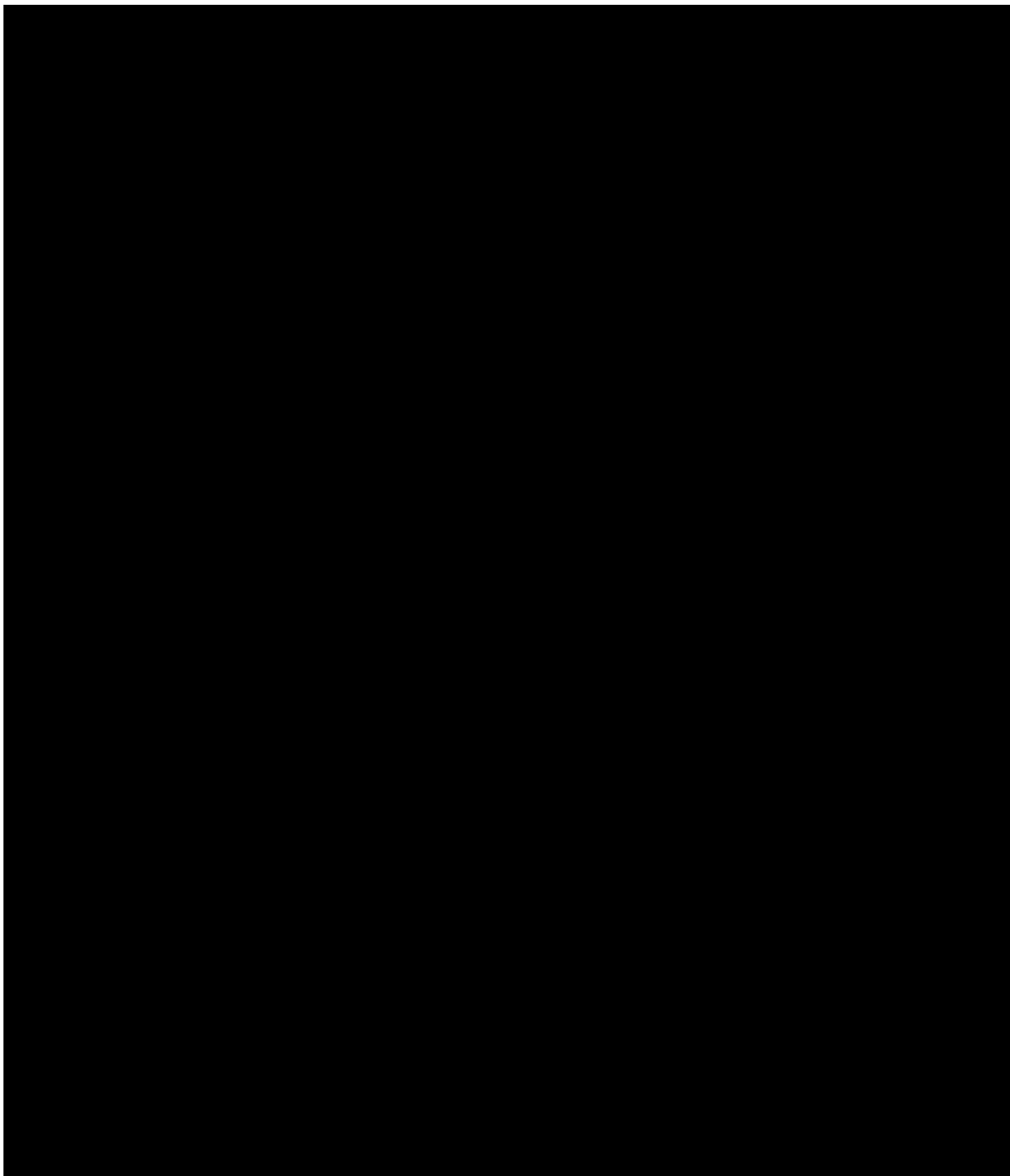


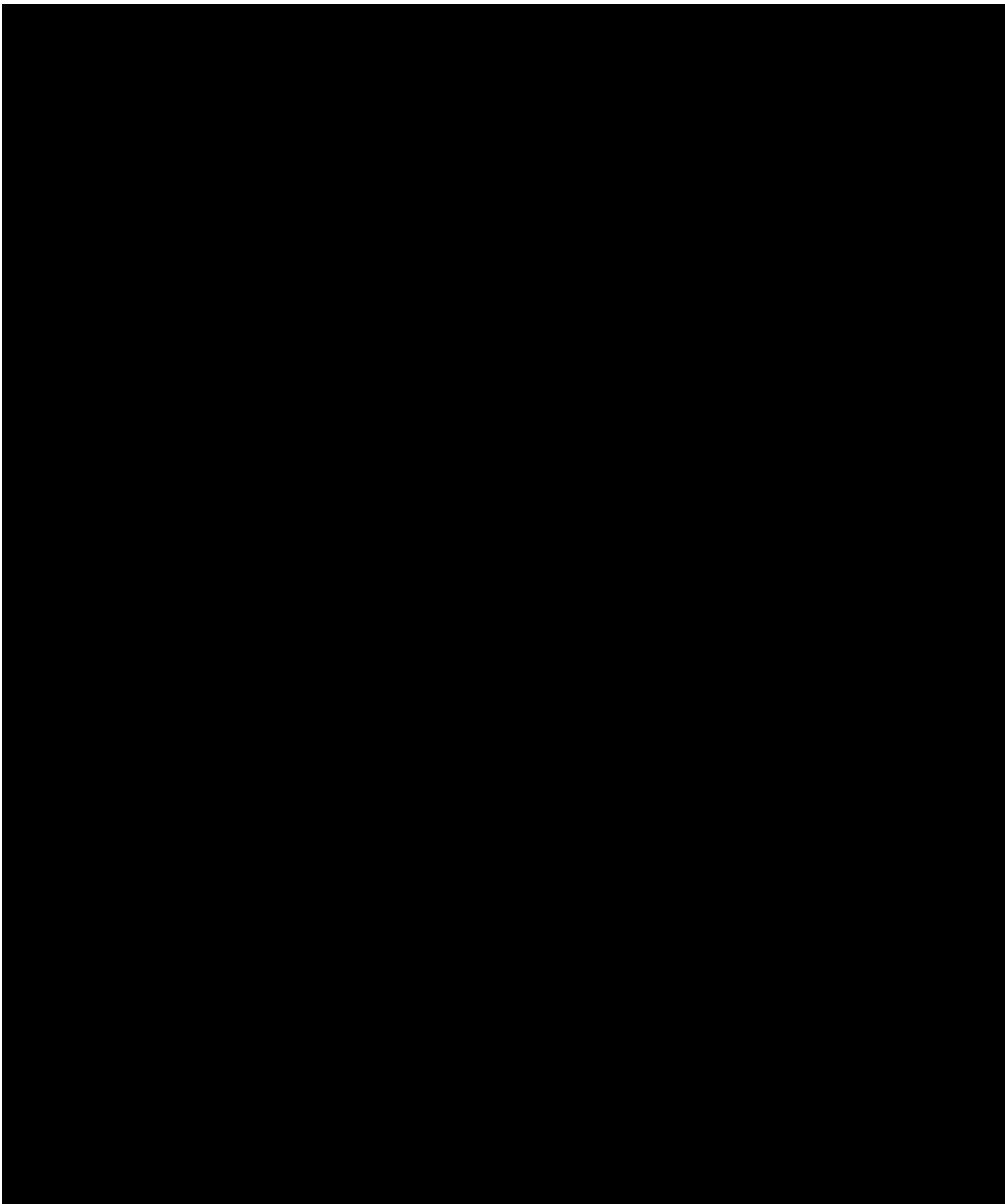


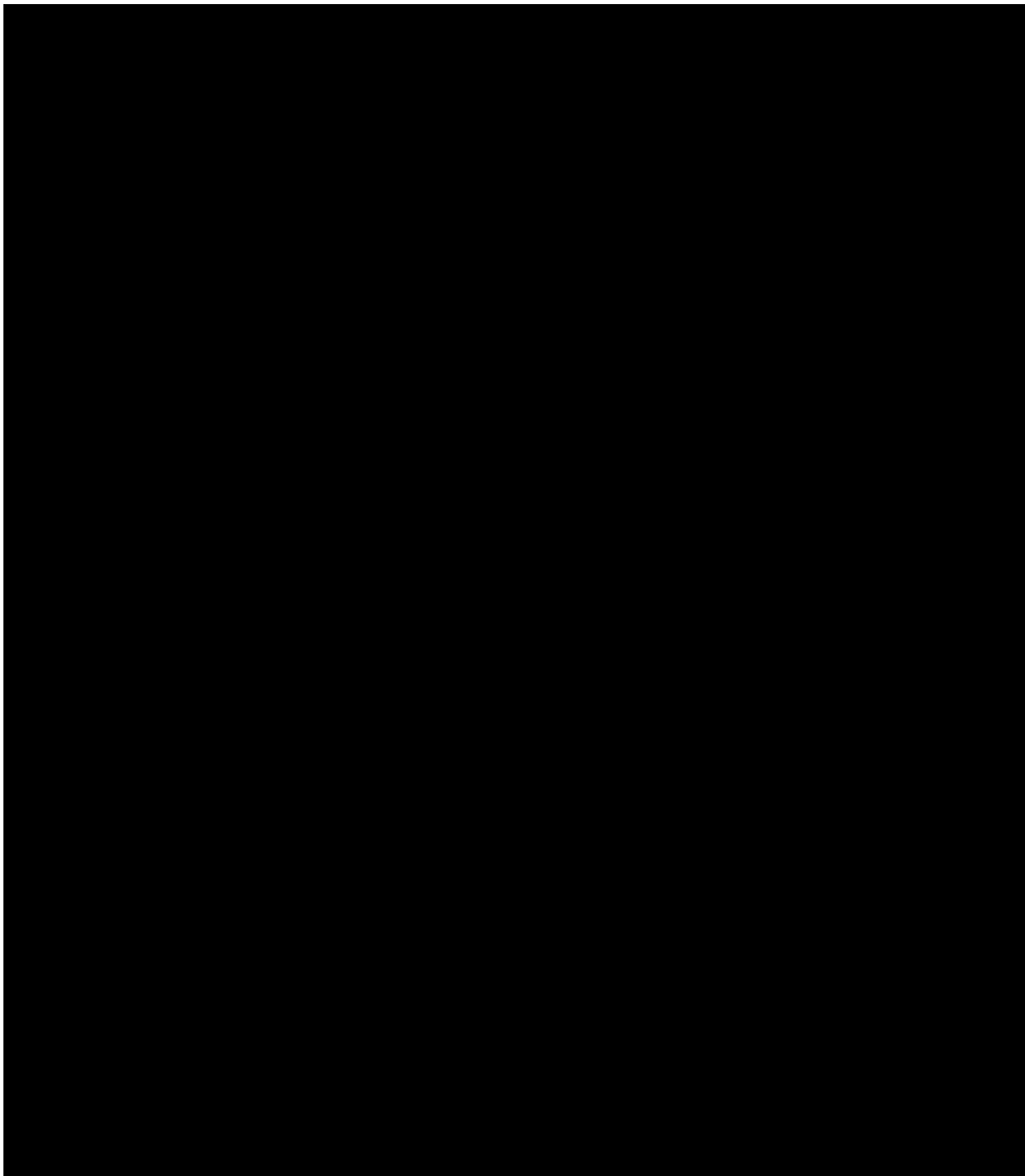




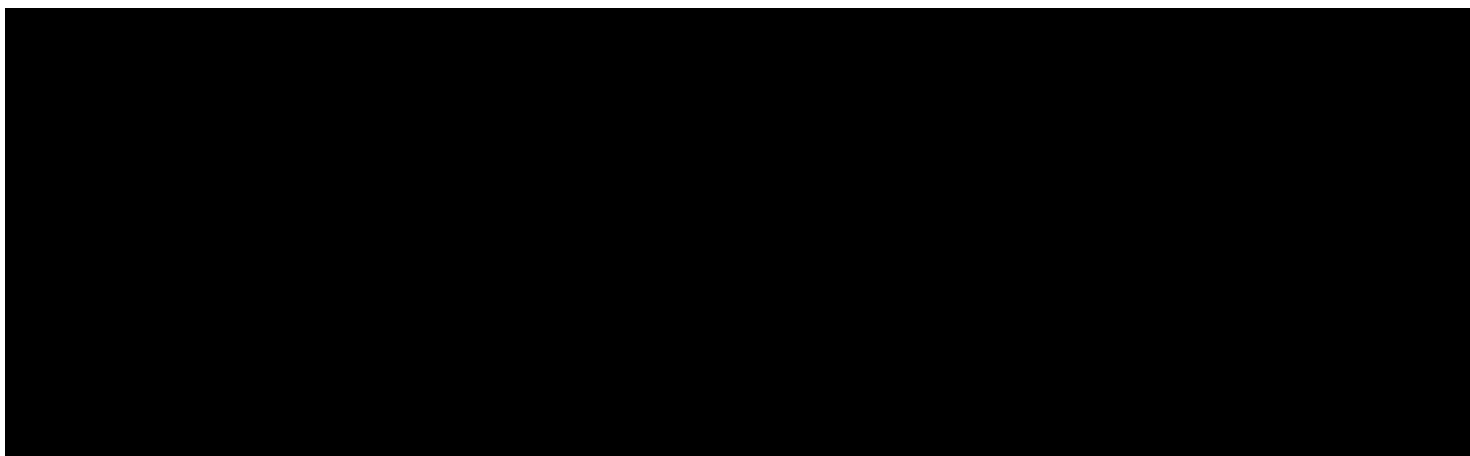








23-63: Angelica Duran Interview
(October 17, 2023)



(End of recording)

Internal Affairs Interview Report

I.A. #: 23-63
Interview of: Edgar Franco
Date: November 30, 2023
Investigator: Miguel Serrato

MS: Miguel Serrato

EF: Edgar Franco

MS: All right, we're going to be going on the record. I'm here with uh Officer Edgar Franco. Uh, it is November the 30th, 2023, and it's about 1705 hours. This is reference I.A. number 23-63. Um, Mr. Franco, uh you are being interviewed as a witness only to an administrative investigation. You are only a witness in this investigation. If at any point this changes, I will immediately stop this interview and we will reconvene at a later time. This is strictly an administrative investigation. I am, therefore, now ordering you to discuss this matter with me. You, if you refuse to discuss this matter, your silence can be deemed insubordination and result in administrative discipline up to and including termination. Any statement you make under compulsion of the threat of such discipline cannot be used against you in a later criminal proceeding. I will ask you if you need a break every fifty minutes uh, and give you one if you need it. I don't foresee this interview going fifty minutes um, but if it does, for whatever reason, or if you just need a break, just let me know, okay?

EF: Yes sir.

MS: Um, this interview is regarding a call for service where Officer Lidia Vaq....Vazquez generated on July 18th, 2023, reference checking the well-being of [REDACTED], who resides at [REDACTED] and had a restraining order against [REDACTED]. You responded to the call for service with Officer Angelica Duran who was, I believe was your field training officer at the time....

EF: Yes sir.

MS:and Officer Eduardo Hernandez. Do you remember this call for service?

EF: Yes.

MS: Can you tell me about this call for service from beginning to end?

EF: Yes uh, I had been on uh, Phase 3, of uh field training with uh, Officer Duran. Um, if I remember correctly, the call was regarding check-the-well-being, a possible violation of a restraining order. Dispatched um, had uh, I believe notified us that there was a restraining order in place. Um, to my recollection uh, we arrived at scene, um did a door knock um, at which point we contacted the um, and then we asked if, where children were, or where the uh, r.p. was and, at first, said that was upstairs. Um, and then at that point, we asked if we could check um, to do a welfare check to see if was okay, and if anybody was inside the residence. And then uh, believ... started to act um, very hesitant, didn't want to say anything further. Um, and then said "oh no, well not even here anymore," while we're at scene. Um, and then that's when we were like okay, well it's kind of now starting to raise red flags, 'cause we're there for, for check-the-well-being to make sure the well-being of the good. Um, at which point uh, tried to slam the door in our face, and I also felt that it was kind of like was trying to hide something as far as like, maybe the welfare of the child.

MS: Uh huh.

EF: So that's when uh, we stepped into the house and wanted to check just to make sure the was okay and upstairs.

MS: Okay. Um, what happened after that?

EF: Um, Officer Duran stayed and talked with the um, and then I was uh, I ended up uh, getting in contact with the r.p. and I met outside, and it turned out that was not inside the residence, that was outside with boyfriend.

MS: You say the r.p. Who, who was the actual r.p. though. Uh.....

EF: It was the, the

MS: Okay.

EF: 'Cause had been calling uh, I believe it was Crisis uh, I'm not sure. I, I, I think it was, was talking, had talked....spoken to a or Crisis Negotiation, I'm not sure.....

MS: Uh huh.

EF:um, and that generated the radio call as far as, placed her as the victim saying that had felt a certain way because the person left at the house, that was the suspect of the restraining order.

MS: Okay. Okay, so the r.p. uh, who ended up being [REDACTED] [REDACTED], the [REDACTED] uh, talk, [REDACTED] talks to a [REDACTED].

EF: Uh huh.

MS: ...the [REDACTED] end up...ends up calling, or contacting [REDACTED]uh [REDACTED] uh who generate the call for service. It goes to Lidia Vazquez, uh who reads the complaint, and then that's when Lidia Vazquez generates the call for service?

EF: Yes.

MS: Okay. So you said you met with [REDACTED]?

EF: Yes, uh...

MS: (unintelligible)?

EF:uh outside, outside, in the front of the residence.

MS: Um...

EF: I was able to call [REDACTED] on the phone.

MS: Uh, how'd you get the number?

EF: Uh, I believe uh, the [REDACTED] provided it to us.

MS: Oh, good. So tell me about that contact with [REDACTED].

EF: Um, when I was contacting [REDACTED], it just seemed that um, [REDACTED] didn't know why we were there in the first place. [REDACTED] was kind of like what's going on? So, it was more of like "hey, did you talk to somebody? Did you generate this? Did you tell them about your feelings" and stuff, and [REDACTED] was like "oh yeah, when I had spoke to uh, my [REDACTED] about this." I was like "well how's your relationship with," I guess the suspect? The d.p.? And [REDACTED] says uh, like it's really not that bad; that they just had arguments every now and then. And then, after that, we just decided like, trying to figure out what, what to do from there. Contacted a supervisor and see what way to go.

MS: Okay. Um, so when you guys, so you guys got the call for service. Um, was it sent to you guys on the MDC, the, the actual restraining order? Do you remember looking at the restraining order and, if you did, do you know when and where?

EF: I personally don't remember. Um, I didn't look at my body worn footage either.

MS: (inaudible).

EF: Um, I don't remember. All I just remember is that Dispatch said that there was a restraining order. That's the only what, 'cause I, they sent it. They sent us a call.

MS: Okay.

EF: Um, and I think once we got on scene, I'm not sure if Eddie, or Duran um, checked to see if there was verification of the restraining order. 'Cause while we were there uh, we also detained the possible d.p. I actually don't remember it quite well. Um, um, if they, if Dispatch verified the restraining order, or if they just told us about it.

MS: Okay. Um so you, you don't remember reading the restraining order or looking at the conditions of the restraining order?

EF: Not at this point right now.

MS: Okay. Uh, when you guys got there in the very beginning, all right? When you jus...you say you guys door-knocked it um, did you guys see or hear anything when you guys, before you guys knocked at the front door?

EF: Uh, like upstairs?

MS: Uh, like anywhere. Like, like did you hear like screaming, yelling, um or was it...

EF: No.

MS: just kind of a normal call for service?

EF: It was like a normal call for service.

MS: Okay. Um, so you told me tha...that you were in field training....

EF: Uh huh.

MS:with Angelica, right? You say you....

EF: Yes.

MS: What phase were you in?

EF: Uh 3.

MS: Three. Do you remember um, Day 1 here with Oxnard PD? Or Phase 1? Wha...what month did you get here?

EF: Uh....

MS: If you recall.

EF:I believe it was May or June.

MS: So you, you started uh, in May or June of 2023 in Phase 1?

EF: Yeah.

MS: Um, and then in July the 18th, on this call for service, you were in Phase 3 with Angelica?

EF: Yes.

MS: Um, who was the primary for this call for service? Was it....

EF: Myself and uh, Officer Duran.

MS: Okay. Who did most of the talking?

EF: Um, mostly Officer Duran. I tried um, to speak, to take initiative to take the call over, but I feel that she knew that, due to the circumstances that we had that she felt the, the need to take it over and should, because it was super complicated.

MS: Okay. Um, normally who.... normally who takes, uh control of a call for service?

EF: Uh, the more senior....

MS: But uh, we're, we're talking about you and Angelica, so like....

EF: Yeah.

MS: ...like during that month when you were with Angelica, and I know you're in field training um, does she do ta.....um, is she in charge of the call for service mostly, or do you take care of the call for service and, if you need help, then she'll help you out?

EF: Uh, I think it's just dependent on the circumstances. If it's something that I personally haven't dealt with before, then she would uh, assist me best way to get through it. Uh, but

referring back to this call um, it was just a lot of moving parts that um, we had to get verification with certain things and I believe she decided to take it over at that time.

MS: Okay. Um, all right. So it was something done more like on the fly?

EF: Yeah.

MS: So it wasn't like you guys talked.....

EF: No we didn't.

MS:about it beforehand.

EF: No.

MS: You guys just got there, and just how everything was evolving....

EF: Uh huh.

MS:uh she ended up taking initiative and she took the call for service, more of the primary, you were helping her out.

EF: Yeah.

MS: Uh, and then you ended....you ended up getting the phone number for [REDACTED] and you talked to [REDACTED] in the parking lot....

EF: Yes....

MS: ...in the...

EF: in the front of her.....

MS:and that's when [REDACTED] kind of just told you what was going on....

EF: Yeah.

MS: (inaudible) surprised. Okay. All right. Um, anything else that I could have missed?

EF: Um, no. We, I believe uh, just based off of the actions that we had uh, beginning, as far as like with the call that we got, the information we had at the time um, uh we felt like it was exigent to go in uh, just because of the well-being of the child. Uh, we did not hear screams. Um, and then we also notified a supervisor while at scene, and notified him of what had occurred as well.

MS: Um, you mentioned uh, the per....uh, the suspect, uh [REDACTED] [REDACTED].

EF: Uh huh.

MS: Do you remember when you guys contacted [REDACTED] ? The....only if you remember.

EF: Um, from the little parts that I remember, uh we were asking uh, who else was inside the residence, and when [REDACTED] came downstairs, and I believe Officer Hernandez said that that was [REDACTED]. So we had [REDACTED] come out and detained [REDACTED] at the time um, because [REDACTED] was named on the restraining order, I believe.

MS: And so, you first contact the [REDACTED], and then uh, [REDACTED] [REDACTED], comes out....

EF: Uh huh.

MS:you guys detain [REDACTED]

EF: Yes.

MS: ...and this is all before you guys actually make entry to the house.

EF: Yes.

MS: Okay. And then once [REDACTED] was trying to slam the door on you guys, that's when you guys made, made entry.

EF: Yes.

MS: All right. At the time you, you felt that, it was your opinion that you had exigent circumstances....

EF: Yes.

MS:to check on the welfare, welfare of the [REDACTED]

EF: Yeah.

MS: So you, you (unintelligible). Okay. Do you have anything else to add to, to the interview that I did not cover or do you think is important for me to know?

EF: Uh, no.

23-63: Edgar Franco Interview
(November 30, 2023)

MS: All right Edgar. After you leave this interview, should you recall anything that is different from the information you provided today, you are ordered to provide that information to me as soon as possible. Do you understand?

EF: Yes sir.

MS: All right. That's, that's all I have. It's about uh 1718 hours.

(End of recording)

Internal Affairs Interview Report

I.A. #: 23-63
Interview of: Eduardo Hernandez
Date: October 18, 2023
Investigator: Miguel Serrato

MS: Miguel Serrato

EH: Eduardo Hernandez

MS: All right, we're going to go on the record. Uh, I'm here with Officer Eduardo Hernandez. Uh, it's October the 18th, 2023. Uh, it's about 1750 hours. This is reference Administrative Investigation 23-63. Um, Mr. Hernandez, you are being interviewed as a witness only to an administrative investigation. You are only a witness in this investigation and, if at any point that changes, I will immediately stop this interview and we will reconvene at a later time. This is strictly an administrative investigation. I am, therefore, now ordering you to discuss this matter with me. If you refuse to discuss this matter, your silence can be deemed insubordination and result in administrative discipline up to and including termination. Any statement you make under compulsion of threat of such discipline cannot be used against you in a later criminal proceeding. Uh, I will ask you if you need a break every fifty minutes and give you one if you need it. I don't foresee this going fifty minutes but, if it does, uh, uh we'll give you a break. This um, and it....before that, if you need a break at any time, just let me know.

EH: Okay.

MS: Okay?

EH: Yep.

MS: This interview is regarding a call for service where Officer Lidia Vazquez generated on July 18th, 2023 reference checking the well-being of [REDACTED] [REDACTED], who resides at [REDACTED]

██████████ and had a restraining order against ██████████, ██████████ ██████████. You responded to the call for service along with Officer Angelica Duran and Officer Edgar Franco. Do you remember this call for service?

EH: Yes.

MS: Uh, tell me about that call for service from beginning to end.

EH: I remember the call for service was uh, something eh, in, in the realm of uh, had a restraining order against ██████████ and the ██████████ had disclosed to a ██████████ t uh, that uh, the ██████████ was, I, I believe it was uh, behavior that would violate the restraining order, it may have been sexual, I don't remember exactly what behavior the ██████████ disclosed to the ██████████ that the fa.... ██████████ was violating. Um, as we respond there, Officer Duran was on the phone with uh, Officer Vazquez to confirm that there was a restraining order on file and I believe at that time there was a restraining order on file, so we went to make contact with the um, residents at the address.

Um, I remember we knocked at the door. Uh we were uh, we were um, the ██████████ of ██████████, uh ██████████ responded, opened the door. ██████████ didn't have the door fully open, kind of had it a quarter open um, and to us, or to me anyways, it kind of seemed like ██████████ knew why we were there and maybe ██████████ was hiding something. Um, but uh, Officer uh, Duran explained to ██████████ that we were there to uh, check-the-well-being of ██████████ and the ██████████ seemed a little confused because ██████████ said ██████████ fine, and there. ██████████ eventually went to go check on ██████████ after closing the door on us, uh went to go check on ██████████, came back a short while later and said uh, "you know what? The....my ██████████ not here." And then a short time after that is when ██████████ came to the door. Uh, Officer Duran, I believe, asked ██████████ who ██████████ was or if ██████████ was ██████████ and ██████████ stated that ██████████ was. At that point in time, uh just because I felt that the, the ██████████ uh, was trying to hide uh, what was really going on, I immediately uh contacted ██████████ and placed ██████████ in my handcuffs and sat ██████████, there was this little bench nearby in the patio area, sat ██████████ there. But I explained to ██████████ uh, at least more than one time, uh that ██████████ wasn't under arrest, simply ██████████ was being detained because we were investigating uh, a matter.

Um, I ssss....stood outside with ██████████ and then, from what I remember, Officer Duran stepped inside to the living room with the ██████████ and uh, had a conversation with ██████████. I don't recall what they were talking about. Uh, I do rember....at one point in time, I think the ██████████ began to cry or sob, recanting some story about the, the ██████████ but I, I, I don't remember exactly what they were talking about.

MS: All right.

EH: Yeah.

MS: Okay. Um, when you arrived, uh at that call for service by the apartment complex, uh, as you're walking to the apartment, to the front door....

EH: Uh huh.

MS:did you, what did you see or what did you hear, if anything?

EH: That I can recall, uh I remember that we walked up to the, uh apartment complex, it was to the left, and it was the first house, I want to say, on the corner. Um, I don't remember hearing anything and I don't remember seeing anything. I don't think there was anyone outside because it's a little enclosed patio area, and there was no one there, so we just knocked at the door. I remember it was a two-story house.

MS: Okay, so uh, you, you didn't even hear anybody crying or hear anybody screaming for help or anything like that?

EH: No.

MS: Okay. Um, when you were, so you, you said th....after a while, you were talking to [REDACTED], right?

EH: Uh huh.

MS: Um, did [REDACTED], did you, did [REDACTED] tell you anything when you were contacting him?

EH: (unintelligible).

MS: When you put those handcuffs on [REDACTED] ?

EH: Uh, from what I remember, [REDACTED] didn't. [REDACTED], I remember [REDACTED] saying that, I explained to him, from what I recall, that uh, there was a restraining order on file, we were vi....or and investigating the, the possible violation of the restraining order and that's when [REDACTED] mentioned that [REDACTED] had taken uh, care of all that at court, [REDACTED] may have a copy of the restraining order in the house, uh but [REDACTED] said that [REDACTED] was allowed to be there because [REDACTED] ...I remember [REDACTED] saying that [REDACTED] didn't live at that residence for about a year while they were handling all that in court uh, but the court allowed [REDACTED] to, to now live at the residence. So [REDACTED] was saying that [REDACTED] wasn't in violation, but [REDACTED] didn't have uh, a copy, or [REDACTED] didn't know where the copy of the restraining order was to show the update, 'cause from what we knew, [REDACTED] couldn't have any contact....

MS: Uh huh.

EH:but he was saying that [REDACTED] could. Um, the di...I think I do remember [REDACTED] mentioning that [REDACTED] had a lawyer or, or wanted to call [REDACTED] lawyer, um, so I don't think we, we dove too much into, into the investigation.

MS: Uh so, so after [redacted] men....mentioned [redacted] lawyer, you, you, you didn't really question anymore.

EH: No, not when [redacted] mentioned [redacted] lawyer.

MS: Okay. Um, did [redacted] ever mention anything about [redacted] uh, about [redacted] [redacted], the

EH: Uh, I think [redacted] did. I think [redacted] did mention [redacted] and just that, from what I can recall, that there were allegations, um but at.... that all that handled in court, which is why [redacted] was saying that [redacted] was now allowed to live there with uh, the whole family because it got handled in court and they were just allegations.

MS: Um, and during this time, when [redacted] was telling you all this, where was Angelica and Franco?

EH: Uh, Officer Duran and, and Franco were...I want to say Officer Duran for sure was inside the living room with the [redacted], and I think Officer Franco either went in between both of us, or I think he was outside with me for the majority of the time. I remember him eventually leading me out to the street on, on [redacted] A little later in the investigation, did I think speak with the [redacted] of uh, [redacted], but I think for the most part, I think Franco was outside of the patio area with me.

MS: When you, when you guys first contacted the [redacted] um [redacted]....

EH: Uh huh.

MS:um, [redacted]'s [redacted] name?

EH: Uh, I don't remember [redacted] name but, from the report [redacted] [redacted], [redacted] yeah that looks like it's

MS: So [redacted], when [redacted] first came to the front door, uh what was her demeanor?

EH: Uh, from what I can remember, kind of like, like what are we doing there? Like why are we there? And, and to me, it, it was cooperative in the sense that [redacted] was talking to us, but uncooperative in the sense that [redacted] didn't want to let us into the house, uh from what I can recall, and didn't have the door fully open. I remember [redacted] you know, having [redacted] head out the door and uh, us not being able to see completely into the living room. Um, and then yeah, [redacted] shut the door on us when [redacted] went to go check on [redacted] daughter and came back out and, again, just had the door slightly ajar to where we can just see [redacted]. Uh, and nothing really further into that, so....kind of almost seemed to me like [redacted] was hiding something, like, like [redacted] knew that, right off the bat, like my first thought was

knew that the [REDACTED] was in violation so [REDACTED] was trying to hide [REDACTED] is what I, is what I thought at that point in time.

MS: Okay. Um, how did um, if you know, or if you recall, how, how did Angelica and Franco end up in, in the home?

EH: That I don't recall (unintelligible). I don't know if sh...Angelica asked to go inside or asked if it was okay to go inside and speak with um, the, the [REDACTED] Um, knowing Angelica, I'm sure that's what she did, but I don't recall if they just stepped in or walked in or, or, I don't think they barged in to (unintelligible), but I don't know if they just walked in and kind of had a conversation there, or, or if they asked if they could walk in.

MS: So is it fair to say that when (unintelligible), you were dealing with [REDACTED] [REDACTED].

EH: Yes.

MS: So you, you weren't really, you, you're....

EH: Wasn't, yeah. I wasn't too sure and I didn't pay attention to how the entry was made.

MS: Got it. Um, so we're, we're talking about this protective order or restraining order.

EH: Uh huh.

MS: Uh you said you, you were with Angelica when she called Lidia?

EH: Uh huh.

MS: Uh, and she said there was a restraining order on file. Uh, the conditions, do you remember them talking about the conditions of the restraining order?

EH: I do remember the....them speaking about it. It wasn't 'til after, when we were talking to [REDACTED] that [REDACTED] was mentioning that [REDACTED] could be there, that we had them, 'cause usually Dispatch would put the copy of the restraining order on, on the call. And for whatever reason, maybe it just went over all of our heads, we should have all caught it, but when we went to the call, the, the, the uh, restraining order uh, conditions weren't on the call. I guess we just assumed that there was a restraining order on file and [REDACTED] couldn't be there; 'cause I think that's how the call came out. So it wasn't until later in the investigation uh, that we had Dispatch put the conditions of the call on the call itself and I was able to look it up on the phone and see that there wasn't anything there that said [REDACTED] couldn't be there. I think [REDACTED] was saying [REDACTED] could be there as long as [REDACTED] had peaceful contact, didn't harass [REDACTED] or demean [REDACTED] or anything like that.

MS: Okay, so when you finally saw that on the, on your phone that [REDACTED] could be there, was this already afterwards, after Angeli....was, were already inside the house?

EH: Yeah.

MS: Uh, so this is maybe towards the middle and the end of the investigation?

EH: Yeah, probably towards the middle. Uh, yeah, definitely not at the beginning, it was towards the middle when, when even theuh, I can remember , now that I remember uh, kind of mentioning that there was, that, that was allowed to be there, and that they fixed it all in court, and then, I think at one point got a copy of, of the order, um, that I think showed that could be there but it wasn't filed with the court, or it wasn't updated with the courts. Um, yeah, now that I remember, I, I remember bringing out some, some papers, so that it was towards the middle / end of the investigation.

MS: That paperwork sh....uh who did show that paperwork to?

EH: Uh, Duran.

MS: Duran?

EH: Yeah.

MS: Okay. And so you were primarily with [REDACTED].

EH: Yeah, I was outside and I remember having some papers and showing it to Officer Duran, from what I can recall.

MS: Did you ever enter the, the apartment?

EH: Uh, towards the end, yes.

MS: At the, at the very end...

EH: Uh huh.

MS: Okay. Um, (unintelligible). Do you have anything else to add to the interview that I did not cover or do you think is important to, or for me to know?

EH: Uh, not, not that I can think of.

MS: Um, when you entered the, the apartment, was that uh, (unintelligible) Sergeant Miranda?

EH: Sergeant Miranda was there and he had the....I think he was making sure that uh, [REDACTED] was grabbing her belongings 'cause was going to go with So he went upstairs and then that's when either [REDACTED]'s s or [REDACTED]'s arrived at the

scene and were trying to be a little con....confrontational. And they were trying to walk into the, into the house. "Hey, hold up. You guys wait outside, sergeant's up there, he's still doing his thing."

MS: Okay, so this is at the end when, when [REDACTED] was go....getting her belongings so could go with

EH: Yeah.

MS: Okay. Okay, that's everything I have. So, after you leave this interview, should you recall anything that is different from the information you provided today, uh yo....you are ordered to provide that information to me as soon as possible.

EH: Okay.

MS: Do you understand that?

EH: Yes.

MS: Um, all right Eddie, that's it. Um....

EH: (inaudible).

MS:we are concluding uh, this interview. We're concluding this interview. It's six, 1804 hours.

(End of recording)

Internal Affairs Interview Report

I.A. #: 23-63
Interview of: Jaime Miranda
Date: September 19, 2023
Investigator: Miguel Serrato

MS: Miguel Serrato

JM: Jaime Miranda

MS: Okay, we're going on the record. I'm here with Sergeant uh, Jaime Miranda. It's September the 19th, 2023, and it's about 1735 hours, and uh, I'm Sergeant [REDACTED] Serrato. Uh, Sergeant Miranda, you are being interviewed as a witness only to an administrative investigation. You are only a witness in this investigation and, if at any point that changes, I will immediately stop this interview and we will reconvene at a later time. This is strictly an administrative investigation. I am, therefore, now ordering you to discuss this matter with me. If you refuse to discuss this matter, your silence can be deemed insubordination and result in an administrative discipline up to and including termination. Any statement you make under compulsion of threat of such discipline cannot be used against you in a later criminal proceeding. I will ask you if you need a break every fifty minutes, uh and give you one if you need it. I don't foresee this going....

JM: (inaudible).

MS:fifty minutes, but if it does, or you need an interview, just let me know. Um, this interview is regarding a call for service where Officer Lidia Vazquez generated on July 18th, 2023, reference checking the well-being of [REDACTED] [REDACTED], who resides at [REDACTED] [REDACTED] in the city of Oxnard. Officer Angelica Duran ended up responding to the call for service with Officer Edgar Franco and Officer Eduardo Hernandez. During that call,

Officer Duran asked for a sergeant and you responded. Do you remember this call for service?

JM: I do.

MS: All right. Uh, tell me about this call for service from beginning to end, what you recall.

JM: Okay. So, she asked for a Sam unit so I responded. When I got there, um Eddie, Eddie Hernandez was out on the front porch. The _____ or the _____, or the, the _____ on the front porch um, Eddie's standing next to _____ in cuffs. Angie came out to talk to me while her partner, I think, stayed inside with the _____ who was in the liv....on the living room couch. Angie came out, we muted our body cams, and she basically gave me a rundown as to what she had so far at that point.

From what I remember her explaining to me was that it was a violation of a restraining order, that the _____ was the restrained person, and the _____ was the protected person. The _____ was supposedly living in the house and _____ had been living in the house for some time, and there was a third party that had called, which I later found it out it came through, I think likethe, the _____ had called about....the _____ had disclosed to _____ that _____ was now living, had been living at the house, and there was a restraining order. The _____ had called as a mandated reporter to _____

I think relayed that to us, which Lidia Vazquez took the call. Lidia Vazquez generated the call of, which was a check-the-well-being, and that's why we ended up at the house. So I understood that at that point. Um, Angelica told me there was a restraining order, they had put it in the CAD notes. She had looked at it and it did show that it was an active restraining order with the _____ being the restrained person and the _____ being the protected person.

So, at that point, the assumption was that _____ was not supposed to be there, but _____ had been living there with the _____. So she had gone, made contact at the door, tried to find out if _____, basically checking the well-being _____, asked if _____ was there. _____ seemed to be kind of evasive with her is what she told me....

MS: Uh huh.

JM:and they didn't want to allow them to come in and check on the _____ and make sure _____ was all right and there was some, there was some evasiveness there. The _____ tried to shut the door on them, or something like that is, from what I remember. Angelica said that sh....they went hands on. They basically detained _____. Oh, I think _____ came out. _____ was in the background, and she's like _____. And _____ like "yeah." So she's like, I have a violation in progress of the restraining order 'cause _____ not supposed to be there, was her assumption, so they detained _____, they detained _____. _____ gets detained for 148 basically for getting in the way 'cause _____ not letting them come in the house. _____ said _____ detains _____ puts _____ in cuffs, puts _____ on the couch. They detained

the [redacted], put [redacted] in cuffs, they sit [redacted] on the front porch. She starts to try to figure out what's going on exactly um, and that's when she asked for a Sam unit.

From what I remember when I got there, I think she already had uncuffed the [redacted]. The [redacted] had kind of calmed down. [redacted] was crying and stuff, but [redacted] had calmed down, so they had removed the cuffs from [redacted]. Um, so I got there. The [redacted] trying to explain to me that this restraining order like went away, like it had been done and over with. And I looked at the CAD notes and I saw no, the restraining order's there. It shows that it's valid. Um, so at that point, the assumption was we did have a violation of a restraining order. So we had asked the [redacted] "is it okay if we just go check on your [redacted]" goes "I don't know if she's her or not." Uh well "is it okay if we go up and check and, and you can come with us." So [redacted] says "yeah."

So [redacted] escorts us upstairs, we go check the [redacted] room, [redacted] not there. So we asked [redacted] "can you get ahold of [redacted] by phone so we can talk to [redacted] and find out if [redacted] okay?" [redacted] able to get ahold of [redacted]. We talked to [redacted] over the phone. [redacted] says "hey, I'm right here across the street with my [redacted]." So at that point, we go out, made contact, and it was me and Officer Franco that went out. Officer Franco interviewed [redacted]. [redacted] basically explained to him the story of what happened, that [redacted] had disclosed this to [redacted]. [redacted] was aware that there was a restraining order but [redacted] didn't know what had happened with the restraining order, [redacted] had just mentioned it to [redacted] and then that's what got this whole thing going, right? The whole call for service getting generated.

So, as we're talking about it, um the [redacted] kept talking about how [redacted] didn't remember there ever be....or [redacted] believed that there was a modification made to the restraining order that allowed [redacted] to, it wasn't a move-out order, it was just, [redacted] couldn't harass [redacted], stuff like that. So, we start reading through the restraining order that was put on the CAD notes. As I'm reading through it, I, I don't see anything about a move-out order, stay away order, there was nothing like that; it was just "do not harass, annoy, abuse, assault" whatever. So basically it was like [redacted] they can live together, but [redacted] has to just leave alone.

So once we figured all that out, I called Scott Aaron just to run the whole thing by him. Actually I take that back. I think it was before I even figured out that there was no stay-out order or move-out order, I had called Scott Aaron and had explained to him what was going on, and the consensus was that we were just going to document this. If [redacted] has been living there for months, and [redacted] been fine, if [redacted] could just go stay with somebody in the meantime while [redacted] goes and tries to get an emergency court hearing so they can modify this uh, restraining order to allow them to live together, then we were going to do that.

So th...uh, the [redacted] was like yeah, "I've been liv... on....on and off with my [redacted]. I can go stay with my [redacted]." So like everybody was okay with that; [redacted] was okay with that, [redacted] move in with the [redacted] and that was pretty much the end of

it. That's when we went back to explain to [redacted] this is what we're probably going to do. We're going to have your [redacted] stay with [redacted]. In the meantime, you need to go back to court and the [redacted] kept saying "I don't know. I don't have a copy of it. I can't find it, but I know there was a modification made to it." That's when I started reading through it and I saw there was no stay-out, or move-out order or stay-away order. So I was like uh, okay, I think, I don't think there's a violation here because he should, there's nothing says that they can't live together on the restraining order.

So once we determine all of that stuff, then the decision was made, okay we're just going to document it. We still explain to [redacted] like "you still need to go to the courthouse and get clarification and verify that it's okay for [redacted] to be living with [redacted]

MS: Uh huh.

JM: ".....with this restraining order being in place um, and if you want to have [redacted] stay so there's no more problems tonight, if you want to have [redacted] stay with [redacted] then [redacted] can go stay with [redacted]." So that was basically the end of it. They were upset um, they were sub.....upset about, obviously [redacted] got handcuffed and everything. Uh, Angelica had told [redacted] initially like [redacted] was going to arrest her for 148, and [redacted] kept not letting [redacted] in the house and that's the only reason why Angelica told me she cuffed [redacted] um and [redacted] detained [redacted] for 148 at that point. Um, but that was the end of it.

So ultimately, once we figured out that there was no actual violation of the restraining order, it was more like cool, let's just document. We'll just document, we'll cross, cross report it to [redacted] so they know what's going on. [redacted], we advised [redacted] you need to go back to court, get clarification on this restraining order, and then that's pretty much going to be the end of it. So, ultimately that's how it ended. Um, we didn't end up doing anything with [redacted] I think we just uncuffed [redacted] and let [redacted] go. Um, but again he had been detained or....originally because they believed [redacted] was vi... [redacted] was actively violating the restraining order. So....

MS: Okay.

JM: ...that was pretty much the gist of the call and what happened.

MS: So in the protective order, um you, you noticed that it, it, its had no, no harass, no, no, you know, whatever, sexual assault....

JM: Right.

MS:everything else. Uh, but they did say in the stay order that they can actually communicate with one another?

- JM: It, it did, like specific....I don't remember it stating that, but at, it was basic....it just said that [redacted] couldn't basically annoy or harass [redacted] and all that. So, it sounded to me, from reading it, it sounded like they were okay to be around each other....
- MS: Right.
- JM:as long as [redacted] was [redacted] was not messing with [redacted] or giving [redacted] a hard time, yelling at whatever the case may be. [redacted] just, [redacted] had to be nice to [redacted] basically according to the restraining order. But I didn't see anywhere in there that said that [redacted] couldn't be around [redacted] that [redacted] had to move out of the house, I didn't see nothing like that. And that was, once we realized that, we're like, well we don't even had a violation at this point; we don't have anything.
- MS: And this wasn't until, at the end when you were talking to [redacted], when you were trying to get everything clarified, and the [redacted] told you that, like hey there's, there was a, a clarification on this restraining order.
- JM: Yeah.
- MS: And that's when you read through it again and noticed that....(unintelligible).
- JM: 'Cause [redacted] kept trying to pull up emails that [redacted] had on [redacted] phone. [redacted] goes "I know there was a modification, there was m....there was amendment done to it..." [redacted] kept trying to explain it to me. It didn't make sense, what [redacted] was explaining....
- MS: Uh huh.
- JM:and I'm like well we only have, there's only one restraining order on file. [redacted] kept saying "there's a new one. There's a new one on...." and there's one on file, it's from like 2020, and it's still valid. So, we went back and forth with this thing. So finally I just started reading the whole thing line by line. As I'm reading it line by line, that's when I realized I don't see anything about a stay-away order or a move-out order. So then I'm like, that's when I told Angelica "hey, I don't, I don't think we have a violation at this point, 'cause there's nothing that says that [redacted] can't, [redacted] can't uh, or [redacted] can't live there." So I think, and then that's, that, [redacted] like "yeah," that's what I, I knew there was some kind of like specifics about it, but [redacted] couldn't say for sure.
- MS: Uh huh.
- JM: So, that was already after everybody, everything had happened. I already had talked to Scott Aaron, every....like basically everything had settled down. We were just going to have [redacted] go stay with [redacted]
- MS: Uh huh.

JM:and we were going to, we were going to cite [REDACTED] for the violation of restraining order. But that's when I, when I'm explaining all to [REDACTED], [REDACTED] keeps talking about this amendment, amendment, and that's when I start reading it, and I realize there's no stay-away order. So I'm like, we don't have anything. So, at that point, I was like we, we can't take any kind of arrest action at, that point, we're just going to document it.

MS: Okay. So, in summary, Angelica gets dispatched to this check-the-well-being call. Um, during the middle of it, [REDACTED] asked for a Sam unit....

JM: Right.

MS: ...and you arrive. You guys have a private conversation. She tells you that uh, [REDACTED] is outside, that there's a restraining order against the [REDACTED], and that [REDACTED] trying to check-the-well-being of the victim in this case; I guess it's uh....

JM: Like a

MS:uh, it's a [REDACTED] um let me see (unintelligible), [REDACTED]....

JM: Uh huh.

MS:[REDACTED] [REDACTED]. So [REDACTED] and [REDACTED] need... [REDACTED] wanted to check on her well-being, but the [REDACTED] was prohibiting [REDACTED] from, from going to go check on [REDACTED] well-being.

JM: Uh huh.

MS: Um, during this time, Angelica, you weren't there at that time, but Angelica handcuffs [REDACTED] sits [REDACTED] down inside of the house, and that's when you show up. When you come in inside of the house, [REDACTED] was already handcuffed, or not.

JM: ...I think [REDACTED] already had uncuffed [REDACTED].

MS: Uncuffed [REDACTED], but [REDACTED] was inside of the house.

JM: Yeah.

MS: And then you asked for consent "hey, are you okay if we uh, if we go check on [REDACTED] well-being?"

JM: Yeah.

MS: You guys did it, [REDACTED] wasn't there. You guys end up calling [REDACTED] and then make contact with [REDACTED] and [REDACTED] just explained to you what you explained to me....

JM: Yeah.

MS:and it wasn't towards the end when [redacted] was adamant that there was no violation....

JM: Right.

MS: ...that you read through it carefully, and you noticed that there wasn't any violation and you guys just decided to document everything....

JM: Correct.

MS:and everybody went on their way.

JM: That's correct.

MS: So, the, the [redacted] stayed, [redacted] stayed, and the [redacted], went with [redacted].

JM: (inaudible), yeah.

MS: Okay. Um, did you speak to anybody else for this call for service?

JM: Uh not....not, not really like directly. Uh, an [redacted] and [redacted] showed up while we were there. They got kind of animated. They were kind of trying to interject themselves. I heard....when I was upstairs, 'cause uh, when Angelica basically uh, I'm sorry, not Angelica. I'm sorry, what's the [redacted] name? [redacted]?

MS: [redacted] [redacted].

JM: When [redacted] wanted to go, well we decided [redacted] was going to go to [redacted] like "can I grab a few things from my room?" So I went upstairs with [redacted] to grab belongings.

MS: Uh huh.

JM: Um, while [redacted] grabbing her belongings, I hear some kind of argument at the front door. Basically the, the [redacted] showed up, they were trying to force their way in the house and kind of interject themselves. So Eddie was bas.....telling them "hey, just hold on. We're just trying to get, have the [redacted] grab [redacted] s...belongings so we can get out of here and then you guys can come in and whatever." Um, so there was some kind of like bickering. So we go downstairs, and they're all irate and they're pissed off because they're like saying that there's no restraining order, there's no this, there's no....they're arguing everything, they say we're doing everything wrong. Um, so uh we basically tried to explain to them "look, we've already worked this all out with the [redacted] but you guys have no involvement in this. We're going to deal with it," so I, I heard Eddie explain all that to them. When we went out, we're waiting for [redacted] uh the [redacted] stood by while

we waited for the, but I didn't have an....really any interact.... was just like, was just quiet; did say much to me. So....

MS: Okay. Uh, do you have anything else to add to the interview that I did not cover or that you think is important for me to know?

JM: No, th...I mean that's pretty much the gist of it. Um, I could tell the family was upset about what happened. I knew they were probably going to complain, so I immediately came back to the station to brief Rocky on it....

MS: Uh huh.

JM:uh so I just gave him a whole rundown on everything that happened right after that happened just in case it, they were probably going to call and complain. Um, so I gave him basic...the, the rundown, wh...what occurred, what we had done, and everything like that so....

MS: Okay. Um, so after you leave this interview, should you recall anything that is different from the information you provided today, you are now ordered to provide that information to me as soon as possible.

JM: Okay.

MS: You understand that?

JM: Yeah.

MS: I am ordering you not to discuss any portion of this investigation with any other department employee other than me. If the subject officer of this investigation contacts you, advise her you are not able to speak with them and contact me immediately. Do you understand?

JM: Yeah.

MS: Um, all right. This concludes my uh interview with uh Sergeant Jaime Miranda. Uh and it's about 1750 hours.

(End of recording)

Internal Affairs Interview Report

I.A. #: 23-63
Interview of: Scott Aaron
Date: September 6, 2023
Investigator: Miguel Serrato

MS: Miguel Serrato

SA: Scott Aaron

MS: Okay. It's the Sep.....September the 6th, 2023, at about 0830 hours. This is reference IA# 23-63. Uh, present during this interview is Sergeant Scott Aaron, uh, and myself, Sergeant Miguel Serrato. Good morning Mr. Aaron. All right. All right, Mr. Aaron, you are being interviewed as a witness only to an administrative investigation. You are only a witness in this investigation and if at any point that changes, I will immediately stop this interview and we will reconvene at a later time. This is strictly an administrative investigation. I am, therefore, now ordering you to discuss this matter with me. If you refuse to discuss this matter, your silence can be deemed insubordination and result in administrative discipline up to and including termination. Any statement you make under compulsion of the threat of such discipline cannot be used against you in a later criminal proceeding. Uh, this shouldn't take more than 50 minutes, but if so, I will ask you if you need a break every 50 minutes and give you one if you need it. This interview is regarding a call for service where Officer Lidia Vazquez generated on July 18th, 2023, reference checking the well-being of [REDACTED] [REDACTED], who resides at [REDACTED] [REDACTED] [REDACTED]. Do you remember this call for service that was generated?

SA: Yes.

MS: Tell me about that call for service from beginning to end.

SA: Uh, I was working as a Supervisor for the Family Protection Unit. Um, I was notified by Lidia Vazquez uh, that there was a referral that had come in from uh, regarding a , uh who had disclosed to that found out that there was a restraining order against , um, and that there had been a prior history of sexual abuse um, and the r may uh, or may not be letting the, uh, the suspect in that referral uh, live at the residence. Um, Lidia asked me uh, about that and uh, because there was vague information there was no clear indication whether there was a, a restraining order violation or not.

Uh, I told Lidia to uh, contact Dispatch and have a patrol officer respond uh, determine what, what the circumstances are. Um, at that point, um, I didn't hear anything back, uh from that. Uh, after the call for service was placed, um, I did receive later on in the evening a call from Jaime, uh, Miranda, who was the sergeant, or acting sergeant at the time, I can't remember which it was, uh, where he told me that um, there were some issues with the restraining order um, and forgive me that, but thi...this is not documented, this is a, a phone call that like I frequently get um, out of the blue where they're asking me questions um, and I'm trying to help guide the patrol supervisor uh through, uh, through the call for service, uh, but there were some issues with the restraining order. Um, I suggested um, that uh, a citation may uh, be applicable since it wasn't a domestic violence restraining order and it was more of a civil, or a, a civil or criminal protective order, I can't remember which it was at this point. Um, so it, I had given him options on uh, dispositions and told him that he could possibly cite the out um, and after that uh, we hung up and uh, I didn't get a call back. I didn't hear anything uh back on this uh, this issue, um until uh, it came across my desk coming over here to uh Professional Standards.

MS: Okay. Did uh, detective, or actually Sergeant Miranda, uh tell you anything about the entry?

SA: I, no, there was nothing about an entry.

MS: Okay. Uh, did you speak to anyone else besides Lidia or uh Sergeant Jaime Miranda...

SA: No.

MS: ...about this case? Uh, do you have anything else to add to the interview that I did not cover or do you think is important for me to know?

SA: Only that uh, I didn't I... as I...I directed Lidia to make the phone call. Um, I didn't uh, dive into and directly tell her to um, uh, check for the restraining order or, or verify the validity. I just had her create a call for service...

MS: Copy that.

SA: ...so.

23-63: Scott Aaron Interview
(September 6, 2023)

MS: After you, after you leave this interview, should you recall anything that is different from the information you provided today, you are ordered to provide that information to me as soon as possible. Do you understand that?

SA: Yes.

MS: I am ordering you not to discuss any portion of this investigation with any other department employee other than me. Um, if the subject officer of the investigation contacts you, advise him or her you are not able to speak with them and contact me immediately. Do you understand?

SA: Yes.

MS: Uh, this con....concludes my interview with Sergeant Scott Aaron. Um.....

(End of recording)

Internal Affairs Interview Report

I.A. #: 23-63

Interview of: Lidia Vazquez

Date: August 30, 2023

Investigator: Miguel Serrato

MG: Miguel Serrato

LV: Lidia Vazquez

MG: All right, we're going to go on the record. Uh, it's August the 30th, 2023, being a Wednesday at about 1115 hours. Uh, this is reference uh I.A. number 23-63. I'm here with Officer Lidia Vazquez and I'm uh Sergeant Miguel Serrato. Um, Lidia uh you are being interviewed as a witness only to an administrative investigation. Uh, you are only a witness in this investigation and if at any point that changes, I will immediately stop the interview and we will reconvene at a later time. This is strictly an administrative investigation. I am, therefore, now ordering you to discuss this matter with me. If you refuse to discuss this matter, your silence can be deemed insubordination and result in an administrative discipline up to and including termination. Any statement you make under compulsion of the threat of such discipline cannot be used against you in a later criminal proceeding. Do you understand it that I explained it to you so far Lidia?

LV: I do.

MG: Okay. So, uh, I will ask you if you need a break every 50 minutes. Uh, I don't think this interview will take over 50 minutes, but if it does, then I'll, I'll give you an opportunity if you need a break...

LV: Okay.

MG: ...or anything like that. Um, any questions so far?

LV: No.

MG: You good?

LV: Mmhmm.

MG: All right. So, this interview is regarding call for service that you generated on July the 18th 2023, reference checking the well-being of [REDACTED] [REDACTED], who re....resides at [REDACTED] [REDACTED] Do you remember this call for service that you generated?

LV: Yes.

MG: Um, so having that in mind, tell me about that call for service from beginning to end, everything that you remember.

LV: Okay. Uh, on that particular date I was still working for the Family Protection Unit. Um, I was tasked with working the referrals that were coming in. I came across a referral involving um, all three of these individuals, um where it stated the victim and....uh [REDACTED] had been sexually assaulted by [REDACTED] and that there was an actual uh restraining order against [REDACTED]. Um, there was also in the narrative uh a mention of [REDACTED] living with them. Um, [REDACTED] having allowed him to live there for quite some time now um, and that's why I generated that uh call for service.

MG: Okay. So, when you say that that information that you got, how did you get that information? Did somebody call you? Or was it on a...

LV: ...it was on a referral.....

MG: On a referral?

LV: ...that was sent to the Family Protection Unit so I was working that queue.

MG: Okay. Got it. Okay, so once you saw it, uhh you decided to generate a call for service?

LV: Yes um...

MG: Did you talk to anybody else?

LV: Yes, I spoke with Sergeant Aaron Scott, who was the sergeant of the unit at the time...

MG: Mmhmm.

LV: ...and I also called Records to verify that the restraining order was still valid and in the system.

MG: Okay. So you did call Records?

LV: Yes.

MG: Okay. Um, so what did s....what did uh Sergeant Aaron tell you, tell you.....

LV: He's the one that directed me to do the check the well-being call.

MG: Call for service? Okay...

LV: Yeah.

MG: You called Records and you confirmed there was a restraining order?

LV: Correct.

MG: Uh, did they tell you about the conditions?

LV: No, we did not go into the conditions. They just, um, we just went into being the restrained party and being the protected party.

MG: Okay. Got it. Um, you remember who in Records you spoke to?

LV: I don't.

MG: Okay. And this is just over the phone...

LV: Yeah.

MG: ...and you're like yeah, um, the protected party uh and the DP...

LV: Correct.

MG: ...but uh, you guys didn't go into the conditions.

LV: No, we did not.

MG: Okay. Um, so, you called 911 to generate the call for service?

LV: Yes.

MG: Uh, briefly tell me about that. What, what did you tell Dispatch?

- LV: I asked them to generate a check the well-being call. I gave them the victim's name, the uh supposed uh suspect's name, and I explained to them that there was a restraining order in place.
- MG: Okay. Um, once you pl....once you placed that 911 call and you generated the call for service, uh, did any of the officers that responded to the residence contact you?
- LV: Yes.
- MG: Uh, how did they contact you? And, and tell me about that.
- LV: Um, I was con...I don't remember the exact time, but um, Officer Angelica Duran contacted me via telephone.
- MG: Okay.
- LV: ...um, to ask me about the call. She, through what I gathered from the notes that she was reading, it was very vague. So, I explained to her, hey I received a referral. This is what the referral states, and that's why I generated the check the well-being 'cause not supposed to be living in the home per the restraining order. At least, that's what I had gathered from the referral um and I had told her that I double checked with uh Records to make sure that the restraining order was still there and they confirmed it.
- MG: Okay, so per the referral, wasn't supposed to be there? And then per Records, it was just an active you know court order restraining order...
- LV: Correct.
- MG: ...with no conditions?
- LV: Correct. So in the referral, it stated that the victim had disclosed to whoever the reporting party was that there was a restraining order for . I don't believe it specifically mentioned that was not supposed to be living there but, based on my training and experience, I know that restraining orders are usually to prevent suspects from coming in contact with whoever the protected person is.
- MG: Okay.
- LV: So, that's where I gathered not supposed to be there.
- MG: Uh, so tell me more about the uh contact with Angelica.
- LV: Uh, that was, uh so that was our first contact. I basically gave her the rundown of what I read in the referral, the call that I generated and that I checked with Records, and

that was it. Then I received another call from her at, I want to say it was closer to 7:00 or 8:00 P.M...

MG: Mmhm.

LV: ...um, with the outcome of what, basically the outcome of the call.

MG: Got it. What'd she say? Tell me about that.

LV: She explained to me that um it, the restraining order actually didn't have any stipulations on it. Um, so initially when they were working the call, um, they also were under the impression that [REDACTED] was not supposed to be in the residence....

MG: (inaudible).

LV: ...because there's a active restraining order...

MG: Okay.

LV: ...and once...I don't know how their investigation evolved or anything but they ended up finding out that there was, the stipulations had been removed. Uh, I guess they uh victim [REDACTED] had gone to court or [REDACTED] or something of that sort and they agreed that it was fine with [REDACTED] living there so that stipulation had been removed um which, that was not....I, I didn't ask about that, I didn't know about that, and I, I don't think Records had anything in the system about that either.

MG: Okay. Umm, do you have anything else to add to this interview that I did not cover or do you think is important for me to know?

LV: No.

MG: Okay. After you leave this interview, should you recall anything that is different from the information you provided today, you are ordered to provide that information to me as soon as possible. Do you understand that Lidia?

LV: Yes.

MG: Uh, I am now ordering you not to discuss any portion of this investigation with any other uh department employee other than me. If the subject officer of this investigation contacts you, advise him or her you are not able to speak with them and contact me immediately of what occurred. Do you understand that Lidia?

LV: Yes.

23-63: Lidia Vazquez Interview
(August 30, 2023)

MG: Okay. Uh, so it's about 1125 hours and I'm concluding and finishing uh my interview with Officer Lidia Vazquez. Thank you, Lidia.

(End of recording)



Police Department

Jason Benites, Chief of Police

Date: July 20, 2023

To: Rocky Marquez, Commander

From: Thomas Rawlings, Sergeant

Subject: Call for service 23-51337

On 7/18/2023, at approximately 17:13 hours, officers were dispatched to [REDACTED] [REDACTED] [REDACTED] to check the well-being of [REDACTED] [REDACTED] [REDACTED] [REDACTED] had revealed to therapist that [REDACTED] had discovered that there was a restraining order against [REDACTED] [REDACTED] [REDACTED] and [REDACTED] was the protected person. The [REDACTED] made a report with [REDACTED] as a mandated reporter. The Family Protective Unit received the report and generated a call for service.

Officer Eduardo Hernandez, Officer Angelica Duran, and Officer Edgar Franco responded to the residence. The call narrative notes stated to check the well-being of a [REDACTED] living at this location. The notes stated that the [REDACTED] had a restraining order against [REDACTED]. The notes also stated to call Officer L. Vasquez for more details. The call notes stated that [REDACTED] was clear with a served criminal order and the protected person was [REDACTED]. The criminal protective order was also added to the call notes. The criminal protective order does not have stay away terms for [REDACTED] and [REDACTED].

I reviewed the call for service, body worn camera footage of the incident, and incident report. The following is a summary of the incident.

Officer Duran contacted Officer L. Vasquez who generated the call for service. Officer Vasquez informed Officer Duran that a report had been made to [REDACTED]. The report stated that [REDACTED] [REDACTED] was the protected person in a criminal protective order and the restrained party in the criminal protective order was her [REDACTED] [REDACTED]. The criminal protective order was a result of an allegation of [REDACTED].

Officer Duran, Officer Franco, and Officer Hernandez respond to the location and when they knock on the door a female who identifies herself as a [REDACTED] answers the door. Officer Duran asks if [REDACTED] is home and [REDACTED] goes into the house to check and returns and states that [REDACTED] is not home. [REDACTED] identifies herself as [REDACTED]'s [REDACTED] and asks the officers what is going on. The officers are vague about the reason they responded to the residence. [REDACTED] states that [REDACTED] does not want to answer any [REDACTED].

questions and the contact becomes verbally confrontational. A subject exits the residence and identifies himself as [REDACTED]. [REDACTED] is detained in handcuffs outside of the residence but is advised [REDACTED] is not under arrest and only detained. [REDACTED] who is later identified as [REDACTED] goes back into the residence. As the door starts to close, Officer Duran pushes the front door open. Officer Duran advises [REDACTED] that she needs to check for [REDACTED]. [REDACTED] tells Officer Duran that she does not have permission to enter [REDACTED] residence and asks if she has a warrant. Officer Duran tells [REDACTED] that if [REDACTED] refuses to comply with officers orders [REDACTED] will be arrested for interfering with a police investigation. Officer Duran asks [REDACTED] if [REDACTED] is refusing to comply with a lawful order and [REDACTED] responds yes. Officer Duran makes entry into the residence to affect a misdemeanor arrest. Officer Duran handcuffs [REDACTED] and brings [REDACTED] back outside of the residence and request a supervisor respond to the scene. Officer Franco steps into the residence.

Officer Duran asks [REDACTED] if [REDACTED] would prefer to go inside and [REDACTED] stated that [REDACTED] would like to go inside. Officer Duran reads [REDACTED] her Miranda rights and begins speaking with [REDACTED]. Officer Duran removes the handcuffs from [REDACTED] and continues her investigation. Sergeant Miranda arrives on scene and [REDACTED] leads officers to [REDACTED]'s room. It is discovered that [REDACTED] is not at the residence. Officers read the criminal protective order and see that it does not have stay away orders for [REDACTED] and [REDACTED]. Officers make contact with [REDACTED] who was staying at [REDACTED] house. After determining that [REDACTED] did not need police assistance at this time, officers and [REDACTED] make arrangements for [REDACTED] to stay at her [REDACTED] residence.

After reviewing the incident, the following issues were identified:

- The criminal protective order was not reviewed thoroughly enough to see that it did not contain a stay away order for [REDACTED] and [REDACTED].
- When the call for service was generated, it should have contained a comment that the criminal protective order did not contain a stay away order.
- During the initial incident, Officer Duran was the primary contact officer despite having a trainee who was in the advanced stages of the Field Training Program.
- During the incident, [REDACTED] exits the residence, and the facts don't support that a warrantless entry into the residence under the exigency exemption is proper.
- A detention in handcuffs or de facto arrest for refusing to allow a search of the residence does not appear to be proper.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

CHILD(REN) NAME(S)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

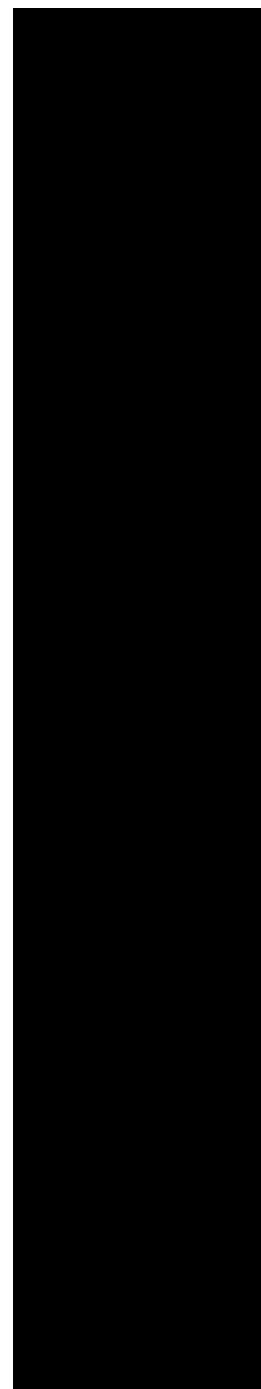
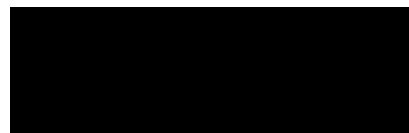
[REDACTED]

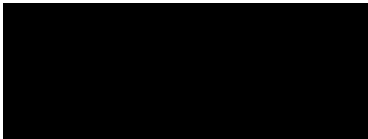
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

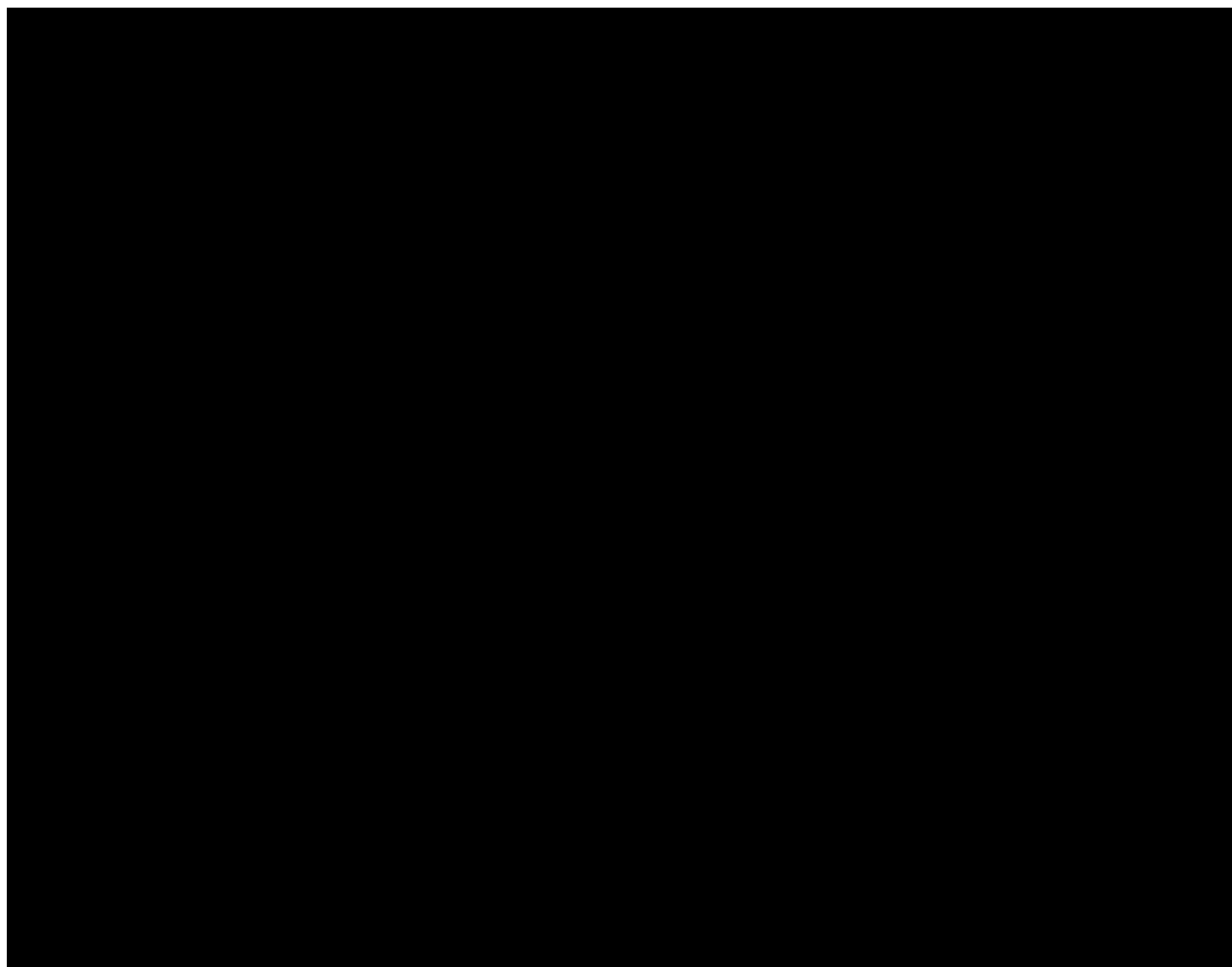




Page 10 of 10

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Oxnard Police Department

Detail

Print Date/Time: 08/23/2023 12:03
Login ID: ps\miguel.serrato
Case Number: 2023-00051337

ORI Number: Oxnard Police Department
CA0560400

Case Details:

Case Number:	2023-00051337	Incident Type:	
Location:	OXNARD, CA	Occured From:	07/18/2023 17:13
		Occured Thru:	07/18/2023 17:13
		Reported Date:	07/18/2023 17:13 Tuesday
Reporting Officer ID:	5431-Duran	Status:	CLOSED
		Status Date:	07/19/2023
		Disposition:	SUSPENDED
		Disposition Date:	08/14/2023
Assigned Bureau:	FAMILY PROTECTION		

Case Assignments:

Assigned Officer	Assignment Date/Time	Assignment Type	Assigned By Officer	Due Date/Time
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Associated Cases

Status

Assisting ORIs

Role

Modus Operandi

Solvability Factors

Weight

19 - DIGITAL RECORDING	1.000
01 - DETECTIVE FOLLOW-UP NEEDED	1.000
14 - SUSPECT: NAMED	1.000

Total: 3.000

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CA0560400	90Y	SUSPICIOUS CIRCUMSTANCE	SUSPICIOUS CIRCUMSTANCE	1

Oxnard Police Department

Detail

Print Date/Time: 08/23/2023 12:04
Login ID: ps\miguel.serrato
Case Number: 2023-00051337

ORI Number: Oxnard Police Department
 CA0560400

Offense # 1

Group/ORI: CA0560400 **Crime Code:** 90Y **Statute:** SUSPICIO
US
CIRCUMST
ANCE **Counts:** 1 **Attempt/ Commit Code:** COMPLETE
D

Description: SUSPICIOUS
CIRCUMSTANCE **Offense Date:** 07/18/2023

NCIC Code: **Scene Code:** Residence/Single
Family Home **Bias/Motivation:** None

Offense Status: Arson Code: Gang Related: # of Adults: Property Damage Amt.: Domestic Circumstance: Accosting Situation: Gambling Motivated: Prior Inv - Offender: Special Circumstances:	Status Date: Domestic Code: Aiding/Abetting: # of Juveniles: Abandoned Structure: Carjacking: Hate Bias Indicator: Order of Protection: Anit-reproductive rights crime: Precipitating Event:	Occupancy Code: Child Abuse: Sub-Code: IBR Seq. No: 1 Household Status: Premise Code: Prior Inv - Victim: Cargo Theft:
--	---	---

Offender Suspected of Using

Alcohol: No
Drugs: No
Computer: No
**Aggravated Assault/ Homicide
Circumstances #1:**
**Aggravated Assault/
Homicide Remarks #1:**
**Justifiable Homicide
Circumstances :**

Victim Suspected of Using

Alcohol:
Drugs:
Computer:
**Aggravated Assault/ Homicide
Circumstances #2:**
**Aggravated Assault/
Homicide Remarks #2:**

Larceny Type:

Method of Entry :
of Premises Entered :
Method of Exit :
How Left Scene:

Method of Entry Type:
Point of Entry:
Method of Exit Type:
Point of Exit:
Direction of Travel:

Counterfeit Type: **Counterfeit Status:** **Counterfeit Amount:**

Evidence Collected **Criminal Activity** **Tools Used** **Security Systems**

None/Unknown

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
INVOLVED PARTY	1						
PARENT/GUA RDIAN	1						
SUSPECT	1						
VICTIM	1						

Oxnard Police Department

Detail

Print Date/Time: 08/23/2023 12:04
Login ID: ps[REDACTED].serrato
Case Number: 2023-00051337

ORI Number: Oxnard Police Department
CA0560400

Subject # 1-INVOLVED PARTY

Primary: No

Name: [REDACTED]

Address: [REDACTED]

Primary Phone: [REDACTED]

Resident Type: [REDACTED]

Disposition: [REDACTED]

Related Offenses

Race: [REDACTED]

Height: [REDACTED]

Eyes: [REDACTED]

SSN: [REDACTED]

Resident Status: [REDACTED]

Date: [REDACTED]

Related Weapons

Victim/Offender Relationship

Transported By: [REDACTED]

Domestic Violence: [REDACTED]

Condition: [REDACTED]

Extent of Injury: [REDACTED]

Domestic Violence Referrals: [REDACTED]

Medical Treatment: [REDACTED]

Hospital: [REDACTED]

Federal Agencies Involved: [REDACTED]

Missing Person Information

Related Weapons

Victim/Offender Relationship

Transported By: [REDACTED]

Domestic Violence: [REDACTED]

Condition: [REDACTED]

Extent of Injury: [REDACTED]

Domestic Violence Referrals: [REDACTED]

Medical Treatment: [REDACTED]

Hospital: [REDACTED]

Federal Agencies Involved: [REDACTED]

Missing Person Information

Oxnard Police Department

Detail

Print Date/Time: 08/23/2023 12:04
Login ID: ps\miguel.serrato
Case Number: 2023-00051337

ORI Number: Oxnard Police Department
CA0560400



CA0560400 90Y SUSPICIOUS CIRCUMSTANCE SUSPICIOUS CIRCUMSTANCE

Related Weapons

Victim/Offender Relationship

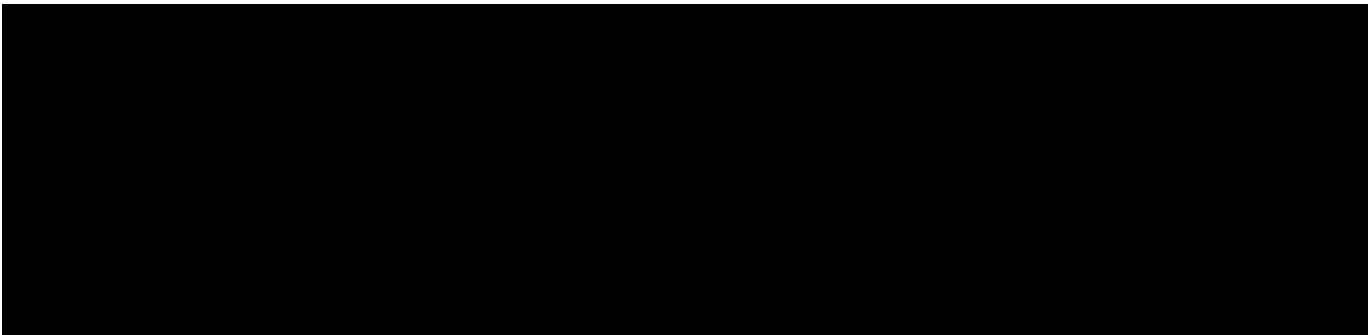
No.	Type	Name	Relationship
1	SUSPECT	[REDACTED]	[REDACTED]

Transported By:
Domestic Violence:
Condition:

Extent of Injury:
Domestic Violence Referrals:
Medical Treatment:

Hospital:
Federal Agencies Involved:

Missing Person Information



06

CA0560400 90Y SUSPICIOUS CIRCUMSTANCE SUSPICIOUS CIRCUMSTANCE

Related Weapons

Victim/Offender Relationship

Transported By:
Domestic Violence:
Condition:

Extent of Injury:
Domestic Violence Referrals:
Medical Treatment:

Hospital:
Federal Agencies Involved:

Missing Person Information

Arrests

Oxnard Police Department

Detail

Print Date/Time: 08/23/2023 12:04
Login ID: ps\miguel.serrato
Case Number: 2023-00051337

ORI Number: Oxnard Police Department
CA0560400

Arrest No.	Name	Address	Date/Time	Type	Age
------------	------	---------	-----------	------	-----

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
------	------	------	------	-------	-------------	---------	----------

Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
-----	------	--------------	------	------	-------	-------	---------------	-------

07/18/2023 : 20:42:36 ps\edgar.franco Narrative: COURT ORDER IN PLACE BUT THERE IS
****NO STAY AWAY TERMS****

RPT TAKEN REFERENCE CIRCUMSTANCES THIS DATE AND CPS TO BE NOTIFIED.

[REDACTED] WILL BE STAYING WITH [REDACTED] [REDACTED] [REDACTED]

07/18/2023 : 19:01:54 ps\sara.arno [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

[REDACTED]
[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]



Oxnard Police Department

CASE REPORT

251 South C St
Oxnard, CA 93030

CASE# 2023-00051337

EVENT	REPORTED DATE/TIME 07/18/2023 17:13	OCCURRED INCIDENT TYPE	
	OCCURRED FROM DATE/TIME 07/18/2023 17:13	OCCURRED THRU DATE/TIME 07/18/2023 17:13	

OFFENSES	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT
	01 SUSPICIOUS CIRCUMSTANCE SUSPICIOUS CIRCUMSTANCE	1	COMPLETED

SUMMARY	REFERRAL GENERATED A CALL FOR SERVICE REFERENCE A WELFARE CHECK OF YEAR OLD THE CIRCUMSTANCES ADVISED POSSIBLE VIOLATION OF COURT ORDER, AS V IS PROTECTED PARTY AND S IS RESTRAINED PARTY WHO HAS BEEN RESIDING AT RESIDENCE. OFFICERS MADE CONTACT WITH ALL PARTIES BUT FOUND ORDER IN PLACE HAD NO STAY AWAY CONDITIONS. RPT AND REPORT COMPLETED.
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SUBJECT			
	INJURIES		

SUBJECT			
	INJURIES		

REPORTING OFFICER 5431 Duran	DATE 07/18/2023	REVIEWED BY
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Oxnard Police Department

CASE REPORT

251 South C St
Oxnard, CA 93030

CASE# 2023-00051337

ADDITIONAL SUBJECTS

SUBJECT	<div></div>	
SUBJECT	<div></div>	
INJURIES		

SUBJECT	JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				
	DOB		AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)		
	RACE		SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE		PRIMARY PHONE		PHONE #2		PHONE #3
	BUSINESS NAME		ADDRESS (STREET, CITY, STATE, ZIP)				PHONE
	INJURIES						

REPORTING OFFICER	DATE	REVIEWED BY
5431 Duran	07/18/2023	



Oxnard Police Department

CASE REPORT

251 South C St
Oxnard, CA 93030

CASE# 2023-00051337

NARRATIVE

On July 18, 2023 at approximately 1850 hours, I was working uniformed patrol in a marked black and white police vehicle in the city of Oxnard with my partner, Officer Franco. We were dispatched to a welfare check and possible court order violation at [REDACTED] in the city of Oxnard, county of Ventura.

Dispatch provided that the female was identified as [REDACTED] who had a restraining order against [REDACTED] and the [REDACTED] of [REDACTED] has been letting the suspect stay at the residence periodically. The [REDACTED] was identified as [REDACTED]. Dispatch further advised to contact the reporting party who was an officer at the Oxnard Police Department.

I then made phone contact with Officer Lidia Vazquez, who advised a [REDACTED] referral was received with the Family Protection Unit in reference to conducting a welfare check. Officer Vazquez provided that a [REDACTED] of [REDACTED] had relayed that during a [REDACTED] session, [REDACTED] notified her that there was a court order preventing [REDACTED] from being at the residence [REDACTED] currently resides at with [REDACTED]. Lidia stated the courts had issued a protective order due to allegations of [REDACTED]. After being notified of the circumstances by the [REDACTED] referral, she called the Oxnard Police Dispatch Center to have officers conduct a welfare check.

Upon arrival, myself, Officer Franco, along with assisting Officer Ed Hernandez, arrived on scene. As we knocked at the residence front door, a female opened the door and we notified her we were responding to a welfare check and needed to speak with [REDACTED]. The female stated [REDACTED] was possibly inside the residence and proceeded to enter inside the residence and close the door behind her. The front door opened and [REDACTED] arrived and stated that [REDACTED] was no longer at the residence. At this point in time, [REDACTED] confirmed to be the [REDACTED] to [REDACTED] stated she was not aware of what was going on and did not want to answer officers' questions.

At this point, we advised [REDACTED] that officers were going to conduct a welfare check of the children and conduct a safety sweep to verify that [REDACTED] was not in need of police assistance inside the residence. [REDACTED] indicated that she was not going to allow entry to officers as she closed the front door. The entry door opened, and there was a [REDACTED] subject who later found to be [REDACTED]. At this point, Officer Hernandez assisted by detaining [REDACTED], as I advised [REDACTED] that we needed to go inside the residence to check the residence.

[REDACTED] stated that she was not going to allow any officers inside the residence as she stood in front of the entry door. I advised her that she was delaying officers from conducting their lawful duties in conducting a welfare check of [REDACTED] and any minor children and was liable for arrest of penal code 148. [REDACTED] again stated that she was not going to allow officers inside and was not going to answer any further questions. I asked her again if she was going to refuse a lawful

REPORTING OFFICER

5431 Duran

DATE

07/18/2023

REVIEWED BY



Oxnard Police Department

CASE REPORT

251 South C St
Oxnard, CA 93030

CASE# 2023-00051337

NARRATIVE (continuation)

order, to which she stated yes. At this point I put her in handcuffs. [REDACTED] then proceeded to advise me to contact her [REDACTED] identified as [REDACTED] with a phone number of [REDACTED] [REDACTED], to respond for [REDACTED] at the residence. A safety sweep was conducted with myself and Officer Franco of the residence and learned that [REDACTED] was not present at the residence and the [REDACTED] were present upstairs.

As emotions were de-escalating, I asked [REDACTED] if she'd be willing to speak to me inside the residence away from [REDACTED] to which she stated yes. As [REDACTED] was calming down, I released the handcuffs and read her the *Miranda* rights utilizing my department-issued *Miranda* card. I asked [REDACTED] if she had any idea why officers were present at the residence, and she stated yes. She indicated something to the effect of having an argument with her daughter [REDACTED] and that [REDACTED] was having another tantrum to the level of having law enforcement respond. [REDACTED] provided that she was, in fact, aware of a criminal protective order that was valid by the Ventura County Superior Court (reference court case number [REDACTED]) which was issued by Ventura County Superior Court on February 1, 2021 with an expiration date of February 1, 2024 which was served in court. In the order, [REDACTED] was named as the restrained party and [REDACTED] as the protected party. [REDACTED] provided that as far as she was aware, she had requested to remove the stay away order on the court issued order. She stated as far as she was aware, the court order was dropped.

We asked if she had any proof or any hard copy of the court order, to which she stated possibly on her cell phone. Officers had requested a supervisor on scene to assist with the investigation. Sergeant Miranda arrived and was updated on the circumstances. While I was speaking with [REDACTED] and Sergeant Miranda present, it was learned that an amended court order was possibly done by the courts. My partner, Officer Franco, was tasked with making phone contact with [REDACTED] For further to his contact with [REDACTED] refer to his case supplement report under this case number.

After learning of the circumstances of the court order and the amended order, we advised [REDACTED] to assist in preventing another incident of this nature, to have a hard copy and seek clarification by the courts since she had relayed that [REDACTED] had agreed to remove the stay away term condition. [REDACTED] further added that [REDACTED] has been at the residence with [REDACTED] with no issues or complaints. [REDACTED] was advised that the entire incident was going to be documented and [REDACTED] was going to be informed of our findings as they were the referring agency.

Officer Hernandez advised that [REDACTED] did not wish to speak on the matter and remained quiet during his initial contact. After learning of the circumstances, I made contact with [REDACTED] and advised that the criminal protective order was still effective and no stay away order was in place at this time. I advised him that the entire contact of today's incident would be documented and submitted for review. A business card was provided for [REDACTED] with this

REPORTING OFFICER

5431 Duran

DATE

07/18/2023

REVIEWED BY



Oxnard Police Department

CASE REPORT

251 South C St
Oxnard, CA 93030

CASE# 2023-00051337

NARRATIVE (continuation)

case report number.

Officer Franco and Sergeant Miranda were able to make physical contact with [REDACTED] who advised [REDACTED] wished to collect some items from the residence and would be able to stay with her [REDACTED]. Sergeant Miranda was able to make contact with [REDACTED] who confirmed she would be willing to have [REDACTED] stay with her at her residence located at [REDACTED]

[REDACTED] was notified of our findings. I sent an Axon Citizens evidence link to [REDACTED] to upload the photograph document she had on her phone.

My contact with all parties was digitally recorded utilizing my department issued body worn camera which was later uploaded to the evidence.com Oxnard Police database.

[REDACTED]

REPORTING OFFICER

5431 Duran

DATE

07/18/2023

REVIEWED BY

<p>CITY OF</p> <h1 style="margin: 0;">OXNARD</h1> <p style="text-align: right; font-size: small;">CALIFORNIA</p>	<h2 style="margin: 0;">Oxnard Police Department</h2> <h3 style="margin: 0;">CASE SUPPLEMENT REPORT</h3> <p style="margin: 0; font-size: small;">251 South C St Oxnard, CA 93030</p>	<p style="margin: 0; font-size: small;">CASE# 2023-00051337</p>
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EVENT	REPORTED DATE/TIME 07/18/2023 20:40	OCCURRED INCIDENT TYPE		
	OCCURRED FROM DATE/TIME	OCCURRED THRU DATE/TIME	LOCATION OF OCCURRENCE	

OFFENSES	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT

SUMMARY	<p style="font-size: 1.2em; margin: 0;">See Original Report</p>
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SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)				
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)			
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE	PRIMARY PHONE		PHONE #2	PHONE #3	
	BUSINESS NAME	ADDRESS (STREET, CITY, STATE, ZIP)				PHONE
	INJURIES					

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)				
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)			
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE	PRIMARY PHONE		PHONE #2	PHONE #3	
	BUSINESS NAME	ADDRESS (STREET, CITY, STATE, ZIP)				PHONE
	INJURIES					

REPORTING OFFICER 5737 Franco	DATE 07/18/2023	REVIEWED BY
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Oxnard Police Department

CASE SUPPLEMENT REPORT

251 South C St
Oxnard, CA 93030

CASE# 2023-00051337

NARRATIVE

On 07/18/2023 at approximately 1713 hours, while working full uniformed patrol in a marked black and white police vehicle in the city of Oxnard, myself and my partner, Officer A. Duran, responded to 633 South "B" Street reference a check the wellbeing and a violation of restraining order.

Upon arrival. myself and my partner contacted the [redacted] at the residence. who was identified as [redacted] advised that the [redacted] was inside the residence and officers advised [redacted] that officers needed to verify the wellbeing of her [redacted] Officers attempted to contact [redacted] however, it came to be that [redacted] was not in the residence.

At this time, I was assigned to contact [redacted] via cell phone to see if [redacted] was anywhere near the residence. I called [redacted] via telephone and spoke with [redacted] stated she was outside of the residence parked in a vehicle with [redacted].

I met with [redacted] and asked [redacted] to clarify what was happening in regards to the restraining order. It was brought to light that [redacted] had spoken to a [redacted] on 07/17/2023 and during the contact, [redacted] advised that [redacted] just asked [redacted] what was the outcome of the restraining order and if [redacted] was charged with any crime. [redacted] did not request to speak to the [redacted] due to [redacted] being in fear of [redacted] safety. [redacted] just wanted to get knowledge of the incident.

I asked [redacted] if [redacted] had any negative contact with [redacted] and [redacted] advised there was no contact. [redacted] never stated [redacted] was in fear or that [redacted] did not feel comfortable with [redacted] being there.

It should be noted [redacted] stated [redacted] would willingly go with [redacted], identified as [redacted], who could be contacted at [redacted] would willingly go with [redacted] until the court order was taken care of.

This incident was captured on my Axon body-worn camera and was later uploaded into evidence.com.

REPORTING OFFICER

5737 Franco

DATE

07/18/2023

REVIEWED BY



Police Department

Jason Benites, Chief of Police

Date: September 20, 2023
To: Angelica Duran, Police Officer
From: Miguel Serrato, Sergeant
Subject: ADMINISTRATIVE INVESTIGATION / 23-63

This is notice that the Oxnard Police Department is currently conducting an administrative investigation, which lists you as the subject.

On July 18, 2023, at 1850 hours, Officer Franco, Officer Eduardo Hernandez, and yourself responded to a call for service at [REDACTED] in the City of Oxnard reference checking the well-being of [REDACTED] who had a restraining order against her [REDACTED] ne [REDACTED] 01 [REDACTED] [REDACTED] was letting [REDACTED] stay at the residence periodically.

Upon arrival, Officer Hernandez rang the doorbell to the residence. A female answered the door who was identified as [REDACTED]. You asked to speak to [REDACTED] and [REDACTED] went inside the house and moments later came out of the house, closed the front door, and told you and the officers that [REDACTED] wasn't home. A male subject, identified as [REDACTED] walked out of the home. [REDACTED] was detained and placed into handcuffs.

[REDACTED] walked back inside her home and told you that you couldn't come inside her house. Officer Franco and you then entered the home and handcuffed [REDACTED] to check if [REDACTED] was inside.

Possible violations of the following Department policy sections are alleged as follows:

DEPARTMENT POLICY 340.3.5(u): Exceeding lawful peace officer powers by unreasonable, unlawful, or excessive conduct.

DEPARTMENT POLICY 340.3.5(c): Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or instructions of supervisors without a reasonable and bona fide excuse.

Please review this investigation notification regarding your rights prior to this interview. If you have any questions prior to the interview, please feel free to contact me at any time. Your cooperation regarding this matter is greatly appreciated.

1. The interview shall be conducted during reasonable hours. If you are off duty, you will be compensated for that time in accordance with regular department procedures.

2. If a supervisor other than me will be in charge of the investigation, you will be notified who that person will be. For this case, I will be in charge of the investigation. I will be contacting you to arrange a date and time for an interview. If any other officers will be present during the interview, they will be identified for you prior to the interview. You will not be interviewed by more than two investigators at a time.

3. You shall be notified about the nature of the investigation prior to the interview. If possible, the nature of the investigation will be included in this notice.

4. The interview may be recorded. You have the right to bring your own recording device and record any and all aspects of the interview. You will have access to the tape/s prior to any subsequent interviews or further proceedings. You will be entitled to all reports and/or complaints made by investigators or other persons except those that are deemed to be confidential. No notes or reports that are deemed to be confidential by the department will be entered into your Personnel file.

5. You will not be subject to a visit by the media without your expressed consent. Neither your home address nor a photograph of you will be given to the media without your expressed consent.

6. You have the right to be represented by a representative of your choice who may be present at all times during the interview. This representative shall not be a person subject to the same investigation. Any non-criminal communications between you and your representative is privileged. Your representative shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any non-criminal information received from you.

7. No offensive or threatening language, promises or other inducements will be used to induce you to answer questions. However, failure to answer questions or to answer truthfully shall be deemed to be an act of insubordination.

8. If prior to or during the interrogation it is deemed that you may be charged with a criminal offense you shall be immediately informed of your constitutional rights.

You are advised that your rights are fully outlined in the Public Safety Officers' Procedural Bill of Rights Act, Government Code sections 3300-3311. If you have any questions prior to the interview, please do not hesitate to call this office or that of the supervisor assigned to this matter.

Received by:

 #51131

Date: 9-20-23

Served by:

 #5102

Date: 9-20-23