

1 File No. F-16-00397
2 **STEPHEN S. CARLTON**
3 DISTRICT ATTORNEY
4 Shasta County
5 1355 West Street
6 Redding, CA 96001
7 (530) 245-6300
8 *shastada@co.shasta.ca.us*

9 Attorney for Plaintiff

FILED

JAN 26 2016

CLERK OF THE SUPERIOR COURT
BY: B. HECKER, DEPUTY CLERK

10 **IN THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SHASTA**
11 **Redding Branch**

12 THE PEOPLE OF THE STATE OF CALIFORNIA
13 Plaintiff,

14 vs.

15 EARL ALLEN BOEK,

16 Defendant(s)

No. 16-00397

COMPLAINT-CRIMINAL
Felony

Next Court Date: 02/19/2016

17 DA # F-16-00397
18 REDDING POLICE DEPARTMENT 161061

19 The District Attorney of Shasta County, by and through the undersigned Deputy District
20 Attorney, on information and belief, complains and accuses defendant(s) of having committed, in
21 the County of Shasta, State of California, the crime(s) of:

22 **COUNT 1**

23 **ILLEGAL USE OF TEAR GAS, in violation of Section 22810(g)(1) of the Penal Code, a**
24 **Felony.**

25 Defendant (s)

26 **EARL ALLEN BOEK,**

27 On or about the 5th day of January, 2016, did willfully and unlawfully use tear gas weapon, not in
28 self defense, in violation of Penal Code Section 22810(g)(1).

29 
30 BENJAMIN L. HANNA
31 Deputy District Attorney

32 Subscribed and sworn on January 20, 2016

33 Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense
34 counsel provide discovery to the people as required by Penal Code Section 1054.3.

35 BLH/bm

HOLDING ORDER

It appearing to me that the offense(s) in the within complaint has/have been committed, and that there is sufficient cause to believe that the defendant(s)

EARL ALLEN BOEK,

is guilty thereof.

The defendant(s)

EARL ALLEN BOEK,

having waived preliminary hearing to the offense(s) set forth in this complaint,

Exceptions/Additions/Conditions:

I order that the defendant be held to answer to same. In my capacity as Judge of the Superior Court, I deem the within complaint to be an Information and order it filed in the Superior Court.

I order that the defendant be held to answer to same. An Information is to be filed by the District Attorney's Office within the statutory time limit for defendant's arraignment on said Information.

Date: _____ Dept. _____

Judge of the Superior Court
Sitting as Magistrate

1G-1061

Synopsis ☒ See PC Form

Misdemeanor Non-Release – 853.6(i) PC

- ☐ (1) The person arrested was so intoxicated that he or she could have been a danger to himself or herself or to others.
- ☐ (2) The person arrested required medical examination or medical care or was otherwise unable to care for his or her own safety.
- ☐ (3) The person was arrested under one or more of the circumstances listed in Sections 40302 and 40303 of the Vehicle Code.
- ☐ (4) There were one or more outstanding arrest warrants for the person.
- ☐ (5) The person could not provide satisfactory evidence of personal identification.
- ☐ (6) The prosecution of the offense or offenses for which the person was arrested, or the prosecution of any other offense or offenses, would be jeopardized by immediate release of the person arrested.
- ☐ (7) There was a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by release of the person arrested.
- ☐ (8) The person arrested demanded to be taken before a magistrate or refused to sign the notice to appear.
- ☐ (9) There is reason to believe that the person would not appear at the time and place specified in the notice. The basis for this determination shall be specifically stated.
- ☐ (10) The person was subject to Section 1270.1.

Report # 16-1061

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I. INVESTIGATIVE NARRATIVE:

On January 5, 2016, at 17:37 hours, V/HAGLAN called the Redding Police Department to report he had been assaulted with "bear" spray at his residence. I initially contacted V/HAGLAN via telephone and he provided the following statement.

V/HAGLAN stated he was driving home and as he drove through the intersection of White River Drive and Redwood Boulevard, his tires lost traction due to the standing water on the roadway from the rain. As he turned to drive home, he noticed a white Crown Victoria following him with a yellow light flashing in the dashboard. He said it appeared the vehicle was trying to pull him over.

V/HAGLAN said he was familiar with the Crown Victoria and the driver, even though he did not know him by name. He stated the driver was usually parked at the same intersection and often tried to pull people over. He would also see the vehicle driving through the neighborhood. On one other occasion he said the driver of the same Crown Victoria had followed him to his house.

V/HAGLAN said he did not stop and drove to his residence. The Crown Victoria passed his residence and then made a U-turn toward his house, driving partially up onto his lawn. He asked the driver what he was doing and the driver responded by asking him if he was trying to get his attention by the way he was driving. V/HAGLAN told the driver he was not a cop and he needed to leave. He said the driver was confrontational and was acting like he was a cop and admonishing him about his driving. V/HAGLAN told him to get off his property and then saw the driver extend his hand out of the driver side window. The driver was holding a canister of "bear" spray and directed a burst of spray toward his face. V/HAGLAN said he was about 10 feet away and felt some of the spray hit his face and eyes, followed by a burning sensation. He said he told the driver he was going to call the police and the driver left at that time.

V/HAGLAN described the driver as a heavy set male with baseball hat and beard. Based on the vehicle description and description of the male, I recognized the suspect as a person who had been reported by various citizen's in the neighborhood as a suspicious vehicle and from one occasion where he reported locating a female walking in the area while he was on "citizen patrol." I contacted SHASCOM and research indicated D/BOEK was the person who had been contacted in a white, Crown Victoria

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OFFICER PROVENCIO, Jacob	RANK OFR	SERIAL NUMBER 102	APPROVED BY H 312	DATE 1/6/16	TYPED BY 102	REPORT NUMBER 16-1061
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in the area. I also obtained the license plate of 6EUC959 from prior contacts.

I checked the last address on file for D/BOEK and his vehicle was not present. While checking the neighborhood, I located the Crown Victoria in the parking lot of D/BOEK's listed physical address. I could see a yellow light sitting in the dash of the vehicle.

I knocked on the door and asked D/BOEK to step outside and speak to me. He complied and brought out a jacket and pair of boots with him. I asked D/BOEK to tell me what happened and he provided me with the following statement, without asking for any further details.

D/BOEK asked me if I knew who he was. He identified himself as the captain of the Nextdoor Citizen Patrol and stated he had just picked up his "LLC" permit from the city that day. He told me he was on Citizen Neighborhood Patrol in the area. He said he had been paid gas money from the neighbors to patrol the area because whenever he called the Redding Police Department no one ever showed up. He began listed several instances when he had called the police with no response and claimed his actions had prevented the crimes from taking place. He stated he called when a female was almost abducted by two males and there was no response. He said there was an instance when he found a female in a dumpster and there was no response. He said he would watch the intersection by his residence and drive around with his yellow light so people would know he was not looking to burglarize anything. He said he would also shine his light into the green belt areas because when "you guys" kicked the homeless out of their camps, they had all moved into backyards and sheds in the area. He said it had become really bad when Chief PAOLETTI had failed to get the sales tax.

I asked D/BOEK specifically what had happened earlier. He stated he was monitoring the intersection because just about everyone ran the stop sign and RPD never was around to stop the cars. He said whenever he sat near the intersection, the vehicles would come to a safe stop at the intersection. He said he saw the victim drive through the intersection at about 60 MPH. I asked him how he estimated the speed and he said he just knew. He knew what 25 MPH looked like and what 55 MPH looked like and he knew the victim was going to kill an animal or a person and was possibly drunk, "like last time."

D/BOEK said the difference between him and the Neighborhood Watch was that he would take action and that was why all the widows in the neighborhood appreciated him so much and why 15 neighborhoods used his services and three more wanted to the following day. D/BOEK said he

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PROVENCIO, Jacob	OFR	102	H 312	1/6/16	102	16-1061

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<p>could not believe I was there to take him to jail and not to thank him for doing a job the police could not do and cleaning up the neighborhood. He said he had been told multiple times that the criminals knew not to come "dirty" into Mount Vista. When he asked why, he was told it was because he was on patrol in the area.</p> <p>I redirect D/BOEK to the incident that night and he said he followed the victim's vehicle to find out where he lived, so he could report the incident to the police. (The incident was never reported to SHASCOM by D/BOEK.) He admitted he had made a U-turn and pulled up onto the victim's lawn. He said the victim immediately became hostile and called him a [REDACTED]. He said the victim was about "6 feet" away from the driver's door window and was telling him to leave. He said he felt the victim "might" attack him, so he pulled out his canister of pepper spray. He said he just wanted to scare the victim so he directed the spray in his direction. D/BOEK said if he had really wanted to, he could have soaked the victim. D/BOEK claimed he used the spray in self-defense, but admitted the victim never attempted to assault him.</p> <p>I explained to D/BOEK that he could not place himself in a situation where he then would claim self-defense. I explained that D/BOEK was the one who had followed the victim onto the victim's own property. D/BOEK said he did not expect me to understand or appreciate how dangerous his job was.</p> <p>I had requested Officer VEILLEAUX #135 contact V/HAGLAN and bring him to the location for a field show up. I explained to D/BOEK that he was not under arrest; however, I was going to have a witness come by to possibly identify him. He said he knew the witness would identify him because he had been having problems with him for years. He said the victim was obviously some time of criminal because every one else appreciated his patrols. He said he had personally closed down five grow houses because he was "bad for business." He said he was the one who got the credit and not the police, because the police could not do their job.</p> <p>I allowed D/BOEK to put shoes on after he consented to a pat search for weapons. He asked me to search his jacket and when I did I located a set of keys with a pepper spray canister on them. I asked him if that was the canister he had used that night and he said it was not. He said the one he had used was in his bag in the Crown Victoria. I asked him if I could get it later and he said I could. He showed me the key to open the Crown Victoria.</p> <p>While I waited for Officer VEILLEAUX to arrive, I contacted Sgt. SMYRNOS #312 and advised him of the facts and my actions to that point.</p>						OPEN <input type="checkbox"/>
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PROVENCIO, Jacob	OFR	102	312	1/6/16	102	16-1061

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I escorted d/BOEK to my patrol car and asked him to have a seat in the back and he complied. A few minutes later Officer VEILLEAUX arrived with V/HAGLAN. I spoke with V/HAGLAN and gave him the field show up admonition. I returned to my vehicle and asked D/BOEK to step out and face Officer VEILLEAUX's patrol vehicle. After a few moments I resecured D/BOEK in my patrol car and returned to speak with V/HAGLAN.

V/HAGLAN positively identified D/BOEK as the person who had followed him to his residence with the flashing yellow light, drove onto his lawn and then sprayed him with the pepper spray. He further added that while D/BOEK was in the Crown Victoria in his yard, he was hitting the gas and brake as if he were provoking V/HAGLAN. V/HAGLAN stated he wanted to press charges and was willing to sign a citizen's arrest form. I had V/HAGLAN read and sign the Citizen's Arrest Statement section of a face page.

I returned to my patrol car and confirmed the pepper spray was supposed to be in the Crown Victoria. D/BOEK asked me to located his backpack and bring it with him because of the cash inside. I explained he would get the cash back in a debit card. I explained I was not planning on taking his car and he requested I find his duffel bag and a folder of paperwork and give it to the other gentleman in the residence.

I photographed the Crown Victoria and yellow light and attempted to locate the backpack with the pepper spray and folder without success. I advised D/BOEK I could not find the items and he said he might have taken them inside. I spoke with the unidentified male at the scene and he walked into the residence and invited me in. He looked around and said he could not find the items either.

I returned to my vehicle and asked D/BOEK if there was anywhere else the items might be and he told me to just take him to jail. I placed him in handcuffs in front of him, due to the difficulty he had getting in and out of the car and his stated knee and leg injuries.

I began transporting D/BOEK to the Shasta County Jail and Officer VEILLEAUX advised me via radio that the backpack had been located. I returned to the location and the unidentified male confirmed he had D/BOEK's duffel bag. In the side pocket was a 13.0 ounce canister of Sabre Red Home Defense Pepper Spray. I took possession of the canister.

While en route to the jail, D/BOEK explained to me that he had almost stopped to see Chief PAOLETTI that day when he picked up his paperwork. He said he wanted to know why the Chief had lied about getting cameras.

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He talked almost non-stop, but I could not hear much of what he said. He listed how many generations his family had been in Shasta County, how a relative had founded Northstate Security, how he had been asked to run Northstate Security, how he had been asked to work in law enforcement, and how he had a top secret security clearance.

At the jail, D/BOEK wanted to know how to spell my name so he could "get it right" on social media.

While at the jail, I warned D/BOEK not to approach the victim, follow the victim home, drive by the victim's residence with his light activated or anything else that might be considered intimidating a witness. D/BOEK basically said he was going to do whatever he wanted.

D/BOEK was booked into the Shasta County Jail on the listed charge.

II. CASE STATUS:

Closed by arrest. Forward a copy of this report to the Shasta County District Attorney's office for prosecution of D/BOEK on the listed charge.

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