

# West Bank Homeowners Association

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February 5, 2004

Supervisor Roy Wilson, Fourth District  
Riverside County Supervisor  
4080 Lemon St. 5th Floor  
Riverside, California 92501

RE: Colorado River Disputed Area  
Response from County Counsel

Dear Supervisor Wilson:

In our letter of January 26, 2004, we stated that Riverside County Counsel had not responded to our request for a clarification of the Sheriff's policy regarding attempted evictions by the Colorado River Indian Tribes ("CRIT"), and threat of illegal seizure of personal property in the Disputed area. We are happy to report that we have been contacted by County Counsel representative Principal Deputy Bob Pepper.<sup>1</sup> Unfortunately, County Counsel still refuses to answer the basic question that you put to Sheriff Bob Doyle; **"Could you please develop a policy which clearly states Sheriff's Department policy with regard to any attempts by CRIT to evict residents in the disputed area without a court order?"**

Mr. Pepper, in conversations with myself and West Bank counsel, has stated repeatedly that the Sheriff will enforce all criminal laws in the event of an eviction attempt by CRIT. However, he refused to comment on whether confiscation of personal property by CRIT would be allowed, he refused to comment on whether CRIT must obtain an eviction order from a court, he refused to comment on our document describing our understanding of criminal law (Law Enforcement Guideline), and he refused to provide County Counsel's interpretation of criminal law for our situation. Indeed, despite the known history of illegal evictions in the Disputed area, Mr. Pepper refuses to even view a CRIT eviction attempt **without a court order** as being criminal in nature, and appears to believe that evictions of residents and seizure of personal property without any sort of legal process constitutes a mere civil dispute.<sup>2</sup> **In short, the statement "the Sheriff will enforce criminal law" is meaningless unless the County defines criminal law for attempts by CRIT to evict residents in the Disputed area.**

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<sup>1</sup> Mr. Pepper contacted myself on January 29, 2004. After a lengthy conversation, Mr. Pepper stated that he would contact West Bank counsel. On February 2, 2003 Mr. Pepper contacted Steven Imhoof of Hewitt & O'Neil. Mr. Pepper and Mr. Imhoof discussed this matter on February 4, 2004.

<sup>2</sup> In late October of 2000, CRIT took steps to permanently remove the remaining residents of the Red Rooster park, including some individuals who had used the site for more than 30 years. CRIT began the process by posting 7-day notices to vacate on resident trailers, notices which stated the residents were all **criminally trespassing**. CRIT never obtained a court order (from either tribal court or federal court) to legally support this eviction action. After the time period elapsed, CRIT entered onto the Red Rooster property, unilaterally deemed the residents to be **criminal trespassers** and contacted the Riverside County Sheriff's Department ("RCSD"). Upon RCSD's arrival CRIT informed police personnel that CRIT wanted permanent removal of any residents that did not leave voluntarily, and, if necessary, CRIT would make a citizen's arrest for **criminal trespass**. Many Red Rooster individuals feared that they would be arrested by RCSD if they did not immediately vacate their residences. This fear resulted in Red Rooster being quickly vacated by its residents. Unfortunately, some residents had insufficient time to remove most of their personal property, including trailers, furniture, and other personal effects. CRIT blocked access to the site soon after the residents vacated, and CRIT may have burned much of the abandoned property. Based on Mr. Pepper's analysis, it would appear that he would view this event as being a "civil dispute."

The County's position appears to be "the Sheriff will tell you if you're a criminal when he knocks on your door, not before. If your landlord, rather than following any legal process to lawfully evict you, bulldozes your house and confiscates your personal property, it's a civil matter, not a criminal act."

This position by County Counsel is obviously unacceptable. The West Bank residents and your constituents deserve an appropriate response from the Sheriff to our request, and to your request. We asked for a "clear" policy. The response provided by Mr. Pepper, to the extent it can even be characterized as a response, is anything but clear.

We very much appreciate your efforts to assist us with the Sheriff and County Counsel. However, we remain in desperate need of your assistance again. The West Bank Homeowners Association is again asking you to intervene on our behalf. We would very much appreciate any effort on your part to implore the Sheriff and County Counsel to respond to our requests for a **clear** statement of policy.

As the February 23 date of the announcement by the U.S. Supreme Court nears, **time is critical.**

Sincerely,

Roger L. French  
President

cc: William Katzenstein, County Counsel  
Robert Pepper, Principal Deputy County Counsel  
Bob Doyle, Sheriff