

**2012-2013
Madera County Grand Jury
Final Report
Criminal Complaints within the
Madera County Jail**

Introduction:

Pursuant to California Penal Code Section 919(b) the Madera County Grand Jury (GJ) inquired into the condition and management of the public prisons within the county. The GJ toured the Central California Women's Facility located at 23370 Road 22, Chowchilla, CA on September 14,2012. Valley State Prison for Women (now Valley State Prison) located at 21633 Avenue 24, Chowchilla, CA on September 17,2012, and the Madera County Department of Corrections (County Jail) at 14191 Road 28, Madera, CA 93638 on October 25,2012.

During the GJ annual inspections of these institutions the GJ uncovered concerns about the lack of filing criminal complaints of crimes committed within the facilities.

Facts:

1. All three institutions refer crimes committed in their facilities to the Madera County District Attorney's Office for filing criminal complaints.
2. A Memorandum of Understanding (MOU) between the California Department of Corrections and Rehabilitation and the Office of the District Attorney currently in effect is dated January 22,2013.
3. The MOU covers the agreement to establish guidelines for:
 - a. The prosecution of serious crimes committed in the state institutions
 - b. Investigation of criminal activity
 - c. Release of inmate records to the District Attorney's Office
 - d. Notification of an inmate death or other major incidents.
4. A Deputy District Attorney is assigned to process referrals from the state penal institutions.
5. The State of California provides funding to the District Attorney's Office for the prosecution of State inmates in Madera County Superior Court.
6. The County Jail has no MOU or guidelines in effect to refer criminal cases occurring in the facility for prosecution.
7. There is no liaison between the District Attorney's Office and the County Jail.
8. The District Attorney's Office has three funded supervisory positions currently unfilled.

Findings:

1. A MOU provides the guidelines which assist the state penal institutions in referring serious crimes committed in the institution to the District Attorney's office for prosecution.
2. There is a lack of liaison and communication (feedback) between the District Attorney's Office and the County Jail.
3. The County Jail might not refer a crime to the District Attorney's Office because they perceive the DA's Office will not prosecute the case.

Recommendations:

1. Establish an MOU guideline for the prosecution of crimes occurring at the County Jail facility.

- *As of February 2013 three cases have been filed with the DA's Office. MCDC case #JR0030350 was filed 2/27/13 is set for preliminary hearing on 05/03/2013. MCDC case #JR0030916 and case #JR0030935 were filed on March 8, 2013 at the DA's office and as of April 17, 2013 we are still awaiting for the arraignment on those cases. The Madera County Department of Corrections and Madera County District Attorney's Office are still working on setting up guidelines for prosecuting crimes in the county jail. The Madera County Department of Corrections still has concerns in regards to penal code sections pertaining to State Correctional Facilities that DA office does not apply to County Correctional Facilities.*

2. Provide the County Jail with a liaison to the District Attorney's Office.

- *As of March 2013 the Madera County District Attorney's Office has assigned Deputy District Attorney Rachel Cartier to the Madera County Department of Corrections. DDA Cartier has been corresponding with the Classification Service Unit on a weekly basis pertaining to in-custody cases that have been filed and keeps an open line of communication between the Madera County District Attorney's Office and the Madera County Department of Corrections.*
- *I would like to thank the District Attorneys' Office in working closely with the Classification Services Unit and ensuring the prevention of crimes being committed in the county jail are important in keeping the jail safe for the inmates and the Correctional Staff.*


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