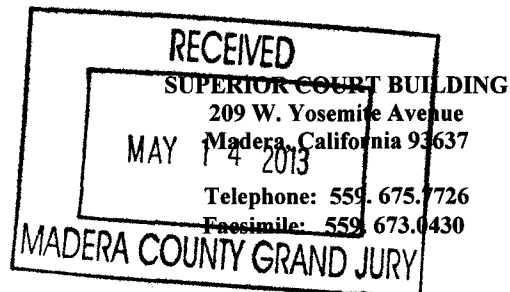
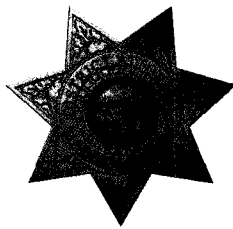


MICHAEL R. KEITZ
District Attorney



OFFICE OF THE
DISTRICT ATTORNEY

May 4, 2013

D. Lynn Jones
Presiding Judge
Madera Superior Court
209 West Yosemite Avenue
Madera, California 93637

Re: Response to the 2012-2013 Madera County Grand Jury Report
entitled: Madera County Department of Corrections Madera County Jail

Dear Judge Jones:

This letter responds, pursuant to Penal Code section 933.05(a) and (b), to the relevant findings and recommendations set forth in the 2012-2013 Grand Jury report entitled: Madera County Department of Corrections Madera County Jail.

Grand Jury Findings

6. Internal crime reports not prosecuted by the District Attorney's Office, creates a safety issue for officers and inmates.

District Attorney's Office Response:

Agree partially.

While it is true that failure to prosecute persons who commit crimes while in custody may create a safety issue for officers and other inmates; the District Attorney's Office cannot prosecute cases which have insufficient evidence to present to a jury.

Each year, the District Attorney's Office receives over 9,000 cases from over 35 law enforcement agencies. Each case submitted to the District Attorney's Office is evaluated according to the standards that are required by the United States and California Constitutions. The burden on the District Attorney's Office, as a prosecutor for the State of California, is to prove each case beyond a reasonable

doubt. It is unethical for a prosecutor to file a case in which the prosecutor does not feel sufficient evidence will exist at trial to warrant a conviction.

Cases submitted to the District Attorney's Office which fail to meet this standard are rejected for prosecution or returned to the submitting agency for further investigation, as was true of some cases submitted by the jail during the past year.

Where a law enforcement agency disputes the filing decision on a case, the agency may appeal the rejection decision of the reviewing prosecutor to the Supervising Deputy District Attorney/Assistant District Attorney. Notice of this procedure is set forth on the District Attorney Intake Form that must be submitted with each case. Further appeal is available to the District Attorney. No review of any rejected case has been sought by jail staff during the preceding year, even though regular communications occurred between the jail staff and District Attorney staff throughout the year.

Furthermore, the District Attorney's Office has a previously established procedure for reviewing significant or sensitive cases. The process involves having the investigative staff of the submitting law enforcement agency present their case to the District Attorney's Office in front of senior prosecutors who review the evidence in the case, ask probing questions, challenge the sufficiency of proof and make recommendations for further investigation. This forum is available to the County Jail, as had been discussed previously with Jail management. The jail staff did not request to use this procedure during the previous year.

Due to budgetary constraints the District Attorney's Office has been chronically short of prosecutors, investigators and clerical staff for a number of years.

A comparable county, Kings County, has three prisons. The District Attorney's Office for Kings County is staffed with a prosecutor and a dedicated investigator for each prison. On the other hand, the Madera County District Attorney's Office has one prosecutor, and no dedicated investigator for two prisons and the county jail.

Accordingly, the District Attorney's Office is without resources to take a marginal case and conduct further investigation to improve it to prosecutable standards. Should the Board of Supervisors provide the District Attorney's Office with more investigative staff to conduct investigation of in-custody offenses, then the District Attorney's Office can provide further investigative assistance to the jail.

The District Attorney has recommended to jail management that its investigative staff receive the specialized training necessary to conduct investigation of crimes committed in institutional settings and preparing a case to meet prosecutable standards.

Grand Jury Recommendations:

3. District Attorney's Office to review internal crime reports and increase the number of prosecutions.

District Attorney's Office Response:

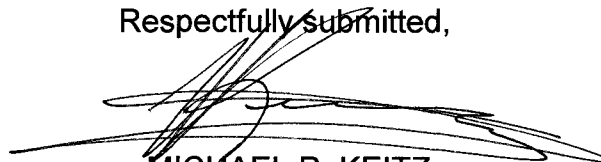
Will not be implemented.

The District Attorney has and will continue to review crime reports submitted by the jail. However, the District Attorney's Office cannot ethically file cases that cannot be proven at trial beyond a reasonable doubt just to increase prosecutions. The District Attorney's Office will again review with the jail management their investigation process, the proof necessary for conviction at trial, the availability of a pre-filing forum and the appeal process for rejected cases.

The District Attorney's Office is sympathetic to the safety concerns of the jail staff. Therefore, it will request a budget increase for additional staff to support investigation of crimes committed in the custodial environment.

I would like to thank the members of the Grand Jury for their service, commitment to improving the government of Madera County and allowing the District Attorney's Office the opportunity to explain the constitutional requirements and process for the filing of criminal charges by this office.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MICHAEL R. KEITZ', written over a horizontal line.

MICHAEL R. KEITZ
District Attorney



BOARD OF SUPERVISORS COUNTY OF MADERA

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May 7, 2013

The Honorable D. Lynn Jones
Presiding Judge
Madera, County Superior Court
209 W. Yosemite Avenue
Madera, CA 93637

Subject: Response to the 2012-13 Grand Jury Report entitled "Madera County Department of Corrections Madera County Jail."

Honorable Judge Jones:

Pursuant to California Penal Code 933.05, the Madera County Board of Supervisors submits this response to the findings and recommendations in the 2012-13 Madera county Grand Jury Report on "Madera County Department of Corrections Madera County Jail." See Attachment #1

The following are the Grand Jury's findings and recommendations and the Board of Supervisors' responses:

Finding 1:

"The Grand Jury found that the Director of Madera County Department of Corrections has no voting privileges on CCP matters directly affecting his department."

Response:

Agree with the finding per California Penal Code 933.05 (a) (1).

Finding 2:

"The Grand Jury found that the jail population is within the current design capacity. The completion of the new addition will increase the capacity of the jail."

Response:

Agree with the finding per California Penal Code 933.05 (a) (1).

Finding 3:

"The Grand Jury found that the jail provides medical services, religious observances, GED training, and soon to include Life Skills and Work Force programs."

Response:

Agree with the finding per California Penal Code 933.05 (a) (1).

Finding 4:

"The Grand Jury found that jail security, officer and inmate safety would be improved by additional correctional officer staffing and by the elimination of furloughs."

Response:

Agree with the finding per California Penal Code 933.05 (a) (1).

Finding 5:

"The Grand Jury found that inmates have access to a formal grievance procedure which addresses their concerns and complaints."

Response:

Agree with the finding per California Penal Code 933.05 (a) (1).

Finding 6:

"The Grand Jury found that internal crime reports, not prosecuted by the District Attorney's office, creates a safety issue for officers and inmates."

Response:

Agree with the finding per California Penal Code 933.05 (a) (1).

Recommendation 1:

The Grand Jury recommends that the Director of the Madera County Department of Corrections should be made a member, with voting privileges of the CCPs.

Response:

The recommendation will not be implemented. The County of Madera is one of two counties state wide that operates a Department of Corrections independent of the Sheriff's Department. The Board of Supervisors is aware of the Community Corrections Partnership Executive Committee (CCPEC) as well as many other similar legislative actions where the Director of Corrections is often overlooked. However, the Board of Supervisors has been monitoring and approving the CCPEC's annual plans and recommended budgets to ensure the impact of

Realignment on the County and, more specifically, the Jail's operations, is not adversely impacted by the Director of Corrections lack of voting privileges. The Board of Supervisors has the ultimate authority to approve or deny the CCPEC's recommended budget request and acts as an oversight for all County Departments with regard to Realignment funding. Therefore, at this time, the Board of Supervisors would not recommend taking any action unless an opportunity to easily add voting privileges for the Director of Corrections materialized or the Board's oversight of Realignment funding was no longer effective in mitigating Realignment's impact on Jail operations.

Recommendation 2:

The Grand Jury recommends that Correctional officer mandatory furloughs should be eliminated.

Response:

The recommendation has been implemented in part and also requires further analysis. Effective May 1, 2012 the mandatory furlough schedule for corrections staff was reduced by half. The County Administrative Office will continue to work with the Department of Corrections to monitor staffing needs and budget constraints.

Recommendation 3:

The Grand Jury recommends that the District Attorney's office should review internal crime reports and increase the number of prosecutions.

Response:

The Board of Supervisors cannot respond to the recommendation because it addresses matters over which the Board has no authority. Pursuant to California Penal Code 933.05 (c), when a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority.

Sincerely,



Max Rodriguez, Chairman
Madera County Board of Supervisors
Attachment