



2013 - 2014

**Madera County Grand Jury
Final Report
Madera County Department of Corrections
California Law Enforcement Telecommunications System (CLETS)**

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Introduction:

Due to the events in the summer of 2013, and the subsequent media coverage, the grand jury opted to investigate the role of the Madera County Department of Corrections (DOC) in the arrest and release of a Fresno man (known as Subject throughout) from the Fresno County Jail (FCJ). During the investigation the grand jury interviewed and received documents from the law enforcement agencies involved.

Facts:

1. The original arrest was made on April 20, 2013 by the California Highway Patrol Madera for Driving Under the Influence. The Subject was released on his own recognizance from the Madera County Jail and given a date to appear which he failed to do. It was the failure to appear that created the Madera County bench warrant that is the basis of this report.
2. June 27, 2013 – The Subject was arrested by Fresno Police Department (FPD) officers and booked into the FCJ for a violation of PC 278 (child stealing) and on an outstanding arrest warrant issued by Madera County. The PC 278 charge was not filed by the Fresno District Attorney's Office. However the subject remained in custody on the warrant from Madera County.
3. June 28, 2013 - Notification of the arrest of the Subject was sent to Madera Sheriff's Office (MSO) via statewide California Law Enforcement Telecommunications System (CLETS), a legal format.
4. July 1, 2013 – Fresno Sheriff's Office (FSO) notified Madera DOC via CLETS advising of Subject's incarceration on the Madera warrant. The CLETS message also advised that Subject needed to be picked up from the FCJ by July 6, 2013 at 6:00 p.m. or he would be released.
5. July 6, 2013 - Notice sent to Madera DOC that Subject was released from custody as he was not picked up on the Madera warrant. On that same evening at 6:50 p.m., another CLETS message was sent by the FSO to the Madera DOC advising them that the Subject had been released from custody, and that the arrest warrant would have to be reactivated.
6. July 17, 2013 –Subject was arrested by the FPD on multiple new charges and the reactivated Madera County warrant after he ran into another vehicle and one person was killed. Notification was sent to the Madera DOC via CLETS referencing the reactivated warrant.

7. All communications between the FSO and the Madera DOC were sent via CLETS.
8. The Madera County grand jury has copies of all CLETS transmissions regarding the Subject.
9. The Madera DOC was in the middle of a construction project at the time of the incident and the designated CLETS terminal was also being used as a work station due to the lack of data lines in the room.
10. The law requires the CLETS terminal to be a stand-alone unit and to be monitored 24/7.
11. A CLETS message will stay on the screen after the message is recognized and can be printed. When a subsequent message is acknowledged by a keystroke the previous one erases. The message disappears from the screen and cannot be retrieved, forwarded nor responded to. A new message must be sent.
12. A representative of Madera DOC publicly stated that an investigation would be conducted regarding receipt of CLETS messages and the July 6, 2013 release of the Subject from FCJ.

Findings:

1. The Grand Jury has documentation that FSO sent the CLETS messages.
2. Madera DOC was not able to verify receipt of a CLETS from the FSO.
3. The Grand Jury found no evidence to verify that CLETS in the Madera DOC was inoperable at the time of the incident.
4. Madera DOC failed to act on three notifications sent from the FSO resulting in the Subject being released.
5. The Grand Jury found no evidence of an investigation referenced in Fact #12.

Recommendations:

The Grand Jury recommends that:

1. The CLETS terminal be placed in a secure, stand-alone area, used only for CLETS communications, and monitored 24/7.
2. The Madera DOC staff be refreshed on protocol regarding monitoring and use of CLETS.

3. The Madera DOC complete and publish their promised internal investigation.

Respondents:

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