



# BOARD OF SUPERVISORS COUNTY OF MADERA

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September 16, 2014



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

**Subject: Response to the 2013-14 Grand Jury Report entitled "Madera County Department of Corrections California Law Enforcement Telecommunications System (CLETS)."**

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 2013-14 Madera County Grand Jury Report entitled, "Madera County Department of Corrections California Law Enforcement Telecommunications System (CLETS)." See Attachment #1.

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

Finding 1:

The Grand Jury has documentation that FSO sent the CLETS messages.

Response:

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

Finding 2:

Madera DOC was not able to verify receipt of a CLETS from the FSO.

Response:

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

Finding 3:

The Grand Jury found no evidence to verify that CLETS in the Madera DOC was inoperable at the time of the incident.

Response:

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

Finding 4:

Madera DOC failed to act on three notifications sent from the FSO resulting in the Subject being released.

Response:

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

Finding 5:

The Grand Jury found no evidence of an investigation referenced in Fact # 12.

Response:

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

Recommendation 1:

The CLETS terminal be placed in a secure, stand-alone area, used only for CLETS communications and monitored 24/7.

Response:

The recommendation has been implemented. In a separate response, the Madera County Director of Corrections responded to Recommendation 1 and stated:

*"With the completion of construction and renovation in the Intake/Booking and Records area—the CLETS terminals have been relocated back to their pre-construction locations and are once again secure, stand alone terminals. The Intake/Booking CLETS terminal is still monitored by correctional staff 24/7—and the Records CLETS terminal is monitored Monday through Friday, from 04:00 am to 7:00 pm."*

Recommendation 2:

The Madera DOC staff be refreshed on protocol regarding monitoring and use of CLETS.

Response:

The recommendation has been implemented. In a separate response, the Madera County Director of Corrections responded to Recommendation 2 and stated:

*Correctional and Records staff are required to receive four (4) hours of CLETS training every other year. This training has already been initiated for FY 2014-2015.*

Recommendation 3:

The Madera DOC complete and publish their promised internal investigation.

Response:

The recommendation has been implemented with respect to the recommendation that the DOC complete its internal investigation. With respect to the recommendation that the internal investigation be published, the recommendation will not be implemented because it is not warranted or is not reasonable.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Wheeler".

Tom Wheeler, Chairman  
Madera County Board of Supervisors  
Attachments



**Madera County**  
**Department of Corrections**

Manuel Perez  
Director of Corrections  
maperez@madera-county.com



**DATE:** July 30, 2014  
**TO:** Madera County Grand Jury  
**FROM:** Chief Manuel Perez *[Signature]*  
**RE:** Response to Grand Jury Report, Dated May 22, 2014  
**SUBJ:** California Law Enforcement Telecommunications System (CLETS)

**BACKGROUND SUMMARY:**

On April 20, 2013 at 23:38 hours, the California Highway Patrol, Madera Division, arrested Walter Levon McDaniel for VC 23152(a), Driving Under the Influence of Alcohol; VC 23152(b), Driving Under the Influence of Alcohol with a Blood Alcohol Content >.08; and VC 14601.1(a), Driving on a Suspended License. On that same day at approximately 23:26 hours, he was booked into the Madera County Department of Corrections on those charges.

On April 21, 2013 at approximately 05:27 hours, he was released on a citation to appear in Madera Superior Court on May 20, 2013 at 13:30 hours. On May 20, 2013, McDaniel failed to appear in court and warrant MCR046377 was issued for his arrest.

On April 24, 2013, CHP officer Paul Curtain submitted a request to the Madera County DOC records department, requesting Booking Sheet and Booking Photograph of Walter Levon McDaniel for investigative reasons.

On June 27, 2013, McDaniel was arrested by the Fresno Police Department for violations of Child Stealing (PC 278) and was booked into the Fresno County Jail, along with the outstanding Madera County bench warrant MCR046377.

On July 1, 2013, McDaniel was transported to Fresno Superior Court by Fresno County Sheriff's transportation personnel. In this court hearing the Fresno County District Attorney's Office chose not to file on the local PC 278 charge, leaving him in their custody with only the pending Madera County warrant.

On July 1, 2013, the Fresno County Sheriff's Department sent a teletype to California Law Enforcement Telecommunication System (CLETS) mnemonics MPB (DOC's Intake CLETS terminal Identifier) and MPC (DOC's Records CLETS terminal identifier), advising that McDaniel had been arrested on our Madera County Superior Court warrant MCR046377 for charges of VC 23152(a), Driving Under the Influence of Alcohol; VC 10851(a), Stolen Vehicle; PC 496D(a), Attempting to Receive or Buy Stolen Property; and

PC 273A, Willful Harm or Injury to Child. The CLETS teletype sent from Fresno also advised us that the Subject McDaniel would need to be picked up from the Fresno County Jail (FCJ) by July 6, 2013 at 6:00 p.m.

On July 6, 2013 at approximately 18:50 hours, a CLETS teletype was sent from the FCJ to Madera DOC advising that Subject had been released from custody and that the arrest warrant would have to be reactivated.

On July 17, 2013, Subject McDaniel was fleeing from Fresno police in a stolen car when he ran a stop sign and struck and killed the driver of the vehicle, Mr. Ernest Grant. McDaniel was arrested by the Fresno Police Department on multiple new charges, including the reactivated Madera County warrant. A CLETS teletype was sent to the Madera County DOC advising that Subject had been rearrested on the reactivated Madera warrant.

After his arrest, it was being reported that Mr. McDaniel had been arrested several times over the previous eight (8) months and noted his release from the Fresno County Jail on July 6, 2013 after he had failed to be picked up on the outstanding Madera County Warrant #MCR046377.

#### **CONCLUSION:**

Since July of 2011, the Madera County Department of Corrections has been involved in Phase I of our \$30 Million Assembly Bill 900 Jail construction project. When in full operation, the Department has the following Intake/Booking computer terminals and CLETS terminals available to watch commander and correctional staff:

- Three (3) booking terminals located in booking area
- One stand-alone (1) CLETS terminal located in booking area; one (1) stand-alone CLETS terminal located in Records
- One (1) computer terminal located in the Watch Commanders office; one (1) computer terminal located in the Assistant Watch Commanders office

During FULL OPERATION, the Intake/Booking computers are specifically used for, but not limited to, the following correctional tasks:

- Booking new arrestees
- Reviewing and preparing inmates for release
- Entering security checks of inmates housed in Intake safety and sobering cells
- Conducting inmate head counts
- Writing incident reports
- And other duties necessary to the operation of the facility.

During FULL OPERATION, the Watch Commander and Assistant Watch Commander's computers are specifically used for, but not limited to, the following correctional tasks:

- Conducting and verifying inmate head counts in the facility
- Reviewing and preparing incident reports
- Completing staffing reports
- Entering security and perimeter checks
- Monitoring facility's CCTV system
- And other duties necessary to the operation of the facility

During FULL OPERATION, the CLETS terminal is a secured, stand-alone system that is maintained in the Intake/Booking area and Records department. These units are monitored 24/7 by correctional staff and/or records staff and specifically used for:

- Running new arrestees for criminal history, wants and warrants
- Sending and receiving of teletype abstracts between law enforcement agencies statewide and nationally.

Throughout the dates noted in the summary of this report, construction and renovation was being done to our Intake/Booking area—as well as our new Records area. Our physical Intake/Booking area and holding cell area had been reduced to approximately one-third of its FULL OPERATIONAL size. This required us to relocate inmate booking stations to our Video Arraignment Room and Assistant Watch Commanders office, including the Intake/Booking CLETS terminal. All Records staff and equipment had to be temporarily relocated to the new Administration training room until completion of construction and renovation in the new records area, including Records CLETS terminal.

A CLETS system is to be monitored 24/7 by correctional and/or records staff and are to be stand-alone systems—used for CLETS purposes only. However, due to the excessive number of bookings and court orders that were being processed during the construction and renovation of these areas, both of these terminals were being used to book and release inmates, as well as process minutes orders and other records management tasks.

On July 17, 2013, and after the local media reported this unfortunate event that had occurred in Fresno, the Madera County Department of Corrections reviewed our CLETS processes as to why we had no hard copy of the teletypes that FCJ that was claiming to have sent regarding McDaniel's release on the Madera county warrant eleven (11) days earlier.

We contacted Lt. Patrick Majeski at the Madera County Sheriff's Office and asked if he could confirm that our CLETS System mnemonics MPB and MPC had been "pinged" or had successfully received the transmission of the teletypes that the FCJ was claiming to have sent. Lt. Majeski confirmed that the FCJ abstracts had been transmitted on the dates noted.

We also could not provide any evidence that any of our correctional staff or records staff ever physically saw the FCJ abstracts that had been transmitted regarding McDaniel. Our assumption is that bookings, releases and records functions that were being done on the CLETS terminals during the construction and renovation of the Intake/Booking area and Records area may have negatively impacted our observation of teletype abstracts at these temporary CLETS locations.

During this time we also were having data connection issues with the CLETS terminal that was located in the temporary Records department. Our CLETS terminals are to be left running 24/7. The terminal located at the temporary Records location was regularly logging off. The Department of Justice was contacted to correct this issue as this also could also have negatively impacted our Records staff's ability to observe any teletype abstracts that had been sent by other agencies such as FCJ.

It is also worth noting that when a CLETS message has been successfully transmitted to an agency's mnemonics, such as our MPB or MPC, it will cue up on the screen and, when recognized by correctional or records staff, can be reviewed and printed. You can go back ten (10) pages if necessary to retrieve teletype information—not necessarily ten (10) messages. Many teletype requests, such as Criminal History, can contain more than ten (10) pages. When a teletype abstract has been sent to one of our mnemonics (MPC, MPC) and recognized by correctional or records staff—they will typically print the teletype and/or respond to it.

Based on our findings, it appears that the additional tasks that were being done on both of these CLETS terminals may have negatively affected our staff's ability to see and respond to teletypes sent to either of our mnemonics.

With the completion of construction and renovation in the Intake/Booking and Records area—the CLETS terminals have has been relocated back to their pre-construction locations and are once again secure, stand alone terminals. The Intake/Booking CLETS terminal is still monitored by correctional staff 24/7—and the Records CLETS terminal is monitored Monday through Friday, from 04:00 am to 7:00 pm. The automatic logging off of this terminal has been addressed by DOJ and appears to have been a software issue.

Correctional and Records staff are required to receive four (4) hours of CLETS training every other year. This training has already been initiated for FY 2014-2015.