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CITIZEN COMPLAINTS

INTRODUCTION

An important function of the Fresno County Grand Jury is to review and respond to citizen complaints. These complaints come from members of the community as well as inmates housed in county jails and state facilities.

The 2005-2006 Grand Jury Law Committee received various complaints. Many were from state prisoners with some issues over which the Grand Jury has no authority to investigate. Federal and state agencies including courts are outside the jurisdiction of the Grand Jury's investigative powers.

The jurisdiction of the Grand Jury is limited by statute and includes the following:

- Investigation of all offenses committed within the county related to abuse or breaking of laws or regulations within the County and State prison systems.

- Inquiry into the condition and management of public detention centers including jails, lockups, court holding, juvenile hall, juvenile camp and prison facilities in the county, according to standards found in Title 15, of the California Code of Regulations.

- Penal Code §919 (a) states the Grand Jury may inquire into the case of a person imprisoned in the jail of the county on a criminal charge and not indicted.

- Penal Code §919 (b), 921 states the Grand Jury shall annually inspect any jail or prison within the county.

- Inquiry into the conduct of law enforcement officers within the County, with access to Internal Affairs files of said officers, according to 79 OAG 185, 103 (1996), section. This includes correctional officers.

- Citizen complaints into any perceived mishandling or mistreatment by law enforcement officers or other public officials. Penal Code §919.

METHODOLOGY

Citizen complaints are submitted on forms which are provided to any citizen upon request. The Grand Jury receives the complaint and determines the appropriate committee to handle the matter. The committee receives the complaint and acknowledges receipt of the dated letter to the complainant.

The committee has discussed letters and complaints with County Counsel and the District Attorney for advice on the legal ramifications related to some issues.

Some state prisoners with complaints of criminal activity such as homicide or sexual assault present special circumstances. The Grand Jury can request the District Attorney to investigate. [1]

After the Law Committee completes its examination of a complaint, a disposition recommendation is written to the complainant. If no further action is warranted, the complaint is placed in the closed file.

A complainant may be advised that no further action will be taken due to limitations upon time or because there are other remedies available to the complainant.[2]

The Grand Jury is not required by law to accept or act on any complaint. The Jury can refuse a complaint for any reason, including more urgent priorities of its time.

INVESTIGATION

I 1 The Law Committees' investigation of complaints was time consuming because of the number of complaints and the varying subjects. (Refer to Complaints Investigated Log.)

I 2 The Offices interviewed were:

The Fresno Police Internal Affairs Division
The Fresno Sheriff's Elder Abuse Unit
The Fresno Sheriff's Internal Affairs Division
The Fresno Sheriff's Office Jail Staff
The Pleasant Valley Prison Information Office
The Fresno County Counsel's Office
The Fresno County District Attorney's Office

I 3 COMPLAINTS INVESTIGATED

05-01 Alleged miscarriage of justice in judicial system
05-02 Alleged mistreatment of state prisoner
05-03 Alleged mishandling of case by police officer re elder abuse
05-04 Inquiry into tracking of sexual predators in county
05-05 Alleged sexual assault, denial food , medical care, state prison
05-06 Alleged mistreatment by correctional officer, state prison
05-07 Alleged mishandling in judicial system

[1] Fresno City District Attorney's Office
[2] California Grand Jurors' Manual, Appendix G and Chapter VII

05-08 Alleged mishandling by U.S. Postal Service*
05-09 Alleged murder of inmate at state prison
05-10 Alleged assault by sheriff's deputy
05-11 Alleged assault by correctional officer in state prison
05-12 Alleged mishandling by Internal Revenue Services**
05-13 Alleged dirty conditions food area, no medical care
05-14 Alleged sexual harassment on job and firing
05-15 Alleged miscarriage of justice in judicial system
05-16 Alleged mistreatment by a police officer
05-17 Alleged mistreatment by sheriff's deputy
05-18 Vague complaint, request for complaint form, pending
06-19 Alleged misconduct by police officer
06-20 Vague complaint, request for complaint form, pending
06-21 Alleged mistreatment in Ad-Seg Housing, state prison
06-22 Alleged mishandling of prisoner, assault by cell mate
06-23 Alleged sexual assault in Ad-Seg by state prison
06-24 Alleged mistreatment and sexual assault at state prison
06-25 Alleged denial of proper medical care at state prison

*****Not in our Jurisdiction

SUMMARY OF COMPLAINT TYPES

JUDICIAL COMPLAINTS*	3
FEDERAL COMPLAINTS*	2
STATE PRISON	12
RE: FRESNO POLICE, REEDLEY PD	3
RE: FRESNO SHERIFF'S OFFICE	2
MISC	3
TOTAL	25
COMPLAINTS, MULTIPLE LETTERS	9
TOTAL ALL RESPONSES	34

*** Not in our Jurisdiction**

FINDINGS

F1 The increased volume of complaints received by this Grand Jury far exceeds the time available for investigation.[3]

[3] Complaint Letters Log, Law Committee 2005-06

F2 Some criminal complaints from state prisoners have special circumstances and are time consuming to investigate.[4]

F3 The District Attorney's Office will assist the Grand Jury when special circumstances make it questionable whether a prisoner is receiving a fair hearing. [5]

F4 The grand jury may, at all times, ask the advice of the court, the judge thereof, the county counsel, the district attorney, or the attorney general. [6]

F5 Penal Code §926 states the grand jury may, after obtaining court approval, employ professional auditor or appraiser services for specific purposes.

F6 Penal Code §936.5 provides procedures for presiding judge to employ special counsel or investigators at the request of the Grand Jury.

COMMENTS

It is suggested by the 2005-2006 Grand Jury that the incoming Grand Jury of 2006-2007, form a Complaint Committee to handle all complaints coming to the Fresno County Grand Jury.

RECOMMENDATION

Rl It is recommended that the District Attorney's Office continue to support the Grand Jury with assistance to investigate special circumstances.

REQUEST FOR RESPONSES

Pursuant to Penal Code §933.05, the Grand Jury requests responses from the following:

The Fresno County District Attorney: R1

Please be reminded that the responses from elected officials are due within 60 days of receipt of this report.

[4] Complaint Letters Log
[5] The Fresno City District Attorney's Office
[6] The California Grand Jurors' Manual, Chapter VIII, P. 9