2018-2019 STANISLAUS COUNTY CIVIL GRAND JURY
STANISLAUS COUNTY SHERIFF'S CITIZEN COMPLAINTS
CASE #19-01C

SUMMARY

Stanislaus County Civil Grand Jury (SCCGJ) received a complaint describing mistreatment of some residents in the City of Patterson by Stanislaus County Sheriff's deputies. Allegedly the residents' concerns were not handled well by Sheriff's staff.

SCCGJ's investigation researched the citizens' complaint process of the Stanislaus County Sheriff's Department (SCSD). SCSD's policies related to citizens' complaints were reviewed. The policies instruct SCSD staff to accept all complaints and promptly forward them to Administration/Internal Affairs. SCCGJ's investigation found SCSD staff was inconsistent in the application of this policy. Some residents felt intimidated by the complaint process and would not file a complaint.

SCSD's investigations of citizen complaints filed in Patterson were thorough and appeared to come to fair and just conclusions. SCCGJ's review of these investigations did not reveal any indications of mistreatment of residents or discourteous service.

GLOSSARY

SCCGJ – Stanislaus County Civil Grand Jury

SCSD - Stanislaus County Sheriff's Department

BACKGROUND

SCSD contracts with the cities of Hughson, Patterson, Riverbank, and Waterford to provide law enforcement services. In 1998 the City of Patterson Police Department was consolidated into the SCSD. This resulted in the formation of Patterson Police Services under the direction of the Stanislaus County Sheriff's Department. The deputies working in the contract cities are employees of the SCSD.

California Penal Code §148.6 instructs law enforcement agencies to require complainants read and sign the following advisory: IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE. In Chaker v. Crogan, 428 F.3d 1215 (9th Circuit, 2005) the 9th Circuit Court of Appeals ruled the language in California Penal Code §148.6 admonishing complainants was unconstitutional and should be removed from citizen complaint forms.

In the process of this investigation SCCGJ reviewed SCSD policies, visited administrative offices, field offices, and interviewed sheriff's staff. Formal complaints filed with SCSD were also reviewed.

METHODOLOGY

SCCGJ used the following methodology to investigate the complaint:

- SCCGJ requested and obtained copies of the Sheriff's Department policy on Personnel Complaints (citizen complaints to SCSD).
- SCCGJ visited three field offices and the administrative office of SCSD and requested complaint forms along with procedures for filing a citizen's complaint.
- SCCGJ reviewed websites of Hughson, Patterson, Riverbank, and Waterford for links to the SCSD Citizen Complaint forms.
- SCCGJ interviewed Sheriff's staff and the complainant.
- SCCGJ reviewed filed citizen complaints regarding SCSD activities in Patterson.

DISCUSSION

SCCGJ received a complaint on May 1, 2018 alleging the SCSD committed civil rights violations and engaged in a pattern of discrimination against the Latino community in Patterson. Most of the complaint fell outside the purview of the SCCGJ. The complaint also alleged an absence of a complaint procedure pursuant to California Penal Code §832.5 which requires each law enforcement agency to establish a procedure to investigate complaints and to make a written description of the procedure available to the public. The complaint further alleged:

- SCSD staff are not trained in complaint procedures
- SCSD staff are not bilingual
- translation services are not available
- complaint forms are not available in Spanish
- request for complaint process are met with intimidation, hostility and denial.

SCCGJ requested and obtained a copy of SCSD's policies related to citizen complaints. Sheriff's Policy 1020.4.2 states:

> All complaints will be courteously accepted by any Department member and promptly forwarded to Administration/Internal Affairs. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone.

Document Review

SCCGJ visited the SCSD offices in Hughson, Modesto, and Patterson. At the Patterson Police Department (SCSD sub-station) the jurors requested and received a Citizen's Complaint form. The form was not available in Spanish. The staff member offered the jurors the opportunity to schedule a time to meet with the lead officer to discuss any complaints. The form contained language that is prohibited under the 9th Circuit Court of Appeals ruling in Chaker v. Crogan (2005). The citizens' complaint form provided by SCSD in Patterson was not consistent with the form on the SCSD website.

At the SCSD office in Hughson the jurors were offered a Citizen Complaint form and a Traffic Complaint form. The jurors requested a copy of the Citizen Complaint form; however, they were told the form could not leave the SCSD Hughson office. The jurors were informed they could report complaints in person or online, but the staff member was unable to locate the complaint form online. Additionally, the Citizen Complaint form was in English only. The

jurors were informed that a Spanish interpreter could be located to assist in completing a complaint if needed.
The complaint form is not directly found in either English or Spanish on the websites of the police departments in Hughson, Patterson, Riverbank or Waterford. Only by following multiple links between the municipal police department websites and the SCSD website can a Citizen Complaint form be located in both languages.
At the SCSD administrative office in Modesto the jurors were provided with a printed English Citizen Complaint form. The form was not available in Spanish nor was a Spanish interpreter available. Citizen Complaint forms in both English and Spanish are available on the SCSD website and both forms are compliant with the 9th Circuit Court of Appeals ruling in Chaker v. Crogan. The complaint forms are located within the Administration section of the website.

SCCGJ reviewed nine formal citizen complaints with the SCSD that were filed in the City of Patterson starting January 2017 through June 2018. SCCGJ did not identify any pattern of unfair treatment based on the complaints filed or in the conclusions of the SCSD investigations.

Interviews
On January 18, 2019 the complainant was interviewed by SCCGJ. The complainant stated the SCSD intimidates individuals from filing complaints. Citizen complaint forms were not available in Spanish nor was a Spanish interpreter available when requested. The complainant stated the SCSD was not responsive to requests addressing complaints.

On December 17, 2018 a SCSD staff member was interviewed by SCCGJ. The SCSD staff member confirmed Citizen Complaint forms are available in all SCSD offices and Spanish translation is available if needed. Complaints are accepted verbally or in writing. Individuals submitting a complaint receive a response from the SCSD, usually within 30 days. SCSD staff were not certain if all staff have been trained on the complaint procedures.

FINDINGS

F1. SCSD has an established complaint procedure that complies with California Penal Code §832.5.

F2. Established complaint policies and procedures are inconsistently followed at SCSD field offices.

F3. SCSD office in Hughson office staff impedes the citizen complaint process by limiting the access to the paper form.

F4. Citizen Complaint forms were available in English only at all SCSD offices impeding complainant access.

F5. Electronic access to SCSD Citizen Complaint forms is not readily available on the websites of Hughson, Riverbank, Patterson and Waterford.

F6. SCSD Citizen Complaint forms not compliant with the 9th Circuit Court ruling in Chaker v. Crogan are still in use at the SCSD office in Patterson.

RECOMMENDATIONS

R1. SCSD staff should apply the citizen complaint policies and procedures consistently.

R2. SCSD should improve public access to citizen complaint forms by making them readily available both online and in offices in English and Spanish.

R3. Cities of Hughson, Patterson, Riverbank, and Waterford should update police department website homepages to include direct links to SCSD citizen complaint forms.

R4. All SCSD offices should purge all citizen complaint forms not compliant with the 9th Circuit Court of Appeals ruling in Chaker v. Crogan.

REQUEST FOR RESPONSES

Pursuant to Penal Code sections §933 and §933.05, the grand jury requests responses as follows:

From the following elected county officials within 60 days:

- Stanislaus County Sheriff, F1- F6, R1, R2, and R4.
- City of Hughson, F3, F5, R2, R3
- City of Patterson, F5, R3, R4
- City of Riverbank, F5, R3, R4
- City of Waterford, R3, R4

INVITED RESPONSES

- Stanislaus County Board of Supervisors
- City of Hughson Police Chief
- City of Patterson Police Chief
- City of Riverbank Police Chief
- City of Waterford Police Chief

DISCLAIMER

Case #19-01C is issued by the 2018-2019 Stanislaus County Civil Grand Jury with the following exception: two grand jury members recused voluntarily due to a perceived conflict of interest. The recused grand jurors were excluded from all phases of the investigation, including interviews, deliberations, voting, and in writing and approval of this report. None of the information included in this report was obtained from the excluded grand jurors as a means of mitigating a potential bias to the integrity of this report.