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BY US MAIL AND EMAIL

February 22, 2023

Honorable Jeff Macomber, Secretary
California Department of Corrections & Rehabilitation
1515 "S" Street, Suite 101
Sacramento, California 95611

**RE: INTERNAL AFFAIRS COMPLAINT
CORRECTIONAL OFFICER H. MEDRANO, VALLEY STATE PRISON
PURSUANT TO CALIFORNIA PENAL CODE, SECTION 832.5**

Dear Secretary Macomber:

This is a formal Internal Affairs Complaint against a law enforcement officer named above employed by the California Department of Corrections and Rehabilitation at Valley State Prison in Chowchilla, California pursuant to California Penal Code, Section 832.5. Further, as it is statutorily required we request that any sustained finding made by the agency be disclosed to the public pursuant to California Penal Code, Section 832.7.

The complaint involves Correctional Officer H. Medrano assigned as Third Watch building staff at Valley State Prison, Facility D, Building D-3. The complaint includes allegations of serious misconduct involving violations of State law, and the rules, regulations and policies of the department.

The undersigned California licensed attorneys represent, assist and counsel numerous inmates at your facility including several in Facility D, Building Three where the following events occur. We are Officers of the Court and have a duty to report criminal acts, violations of state regulatory law by Public Peace Officers and to protect our clients and fellow citizens from harassment, violations of their civil rights and constitutional deprivations. This duty also is the responsibility of each recipient of this formal complaint. We have no intent to file any civil action as to these matters.

The Misconduct Alleged Undermines YOP Mental Health, Programming Goals and Stability.

Governor Newsom and Secretary Macomber have designated Valley State Prison as a test facility for the Youth Offender Program which is supported by the Executive and Legislative branches of our state government. The undersigned greatly support the removal of youthful offenders, 18 to 25 years old, from high security prisons to VSP to prevent their criminalization and use by prison gangs and ethnic groups as foot soldiers in their illegal, immoral and criminal acts. The program will give these young men a chance to program and deal with their individual mental health, character and drug or alcohol abuse needs. We wholeheartedly support the program as it will result in lowering the 70% recidivism rate in the state.

A review of Valley State Prison records will demonstrate similar abuses of YOP's on Facility B, Building Two on or about April 13, 2021, where two YOP's on the same morning went "Man Down" and sought psychiatric crisis care reporting that Building B-2 Officers were so viciously harassing them that they could no longer function, were stressed out and sought intervention. Officer Medrano has engaged in the very same conduct in Building D-3. Interviews with YOP's in the building will substantiate such claims.

Simply put, the retaliation and illegal conduct, acts and outrageous abuse of power exhibited by the officer undermines the very foundation of the program. It does not teach these young offenders respect for the law, does not teach them normal social interaction and compassion they might take back into their communities. It is morally offensive to the very concept of the program. Such conduct dehumanizes the young men, causes them untold fear and stress, and leads to reoffending once the men are released back into society as these draconian forces are released.

Events that Precipitated the Filing of this Complaint.

Officer Medrano developed an abnormal relationship with an inmate confined within Facility D, Building Three by the name of Paul Hassler [K-25355]. This relationship included the transfer of the inmate from second watch to his third watch porter crew, extraordinary over-familiarization, use of him as an informant, access to the restricted Building Podium and Hot Trash Room and constant interaction with the inmate. The Officer would target inmates that had conflict with Inmate Hassler. Inmate Hassler was given special treatment including combinations to locks to two lockers in the education room in the building and access to a third. Mr. Hassler was allowed to store chemicals, cleaning towels, cleansers, wax, sharpened metal can lids (10-20) in his locker in his assigned room. In Officer Medrano's presence and under his direction dozens of heavy wool blankets were cut up and taped under building trash cans to prevent scarring of waxed floors. The Officer conducted special "hands-off" searches in Hassler's assigned room, targeting of other inmates in the room upon his information the inmate had wine after Hassler had an unrelated conflict with the inmate that was proven unfounded after three surprise, destructive and vindictive searches by the Officer. This information can be verified by interviews with Room 15 inmates assigned at that time. Further, Second Watch Officers that inventoried Inmate Hassler's property on Sunday, January 30, 2022, can document the extent of the illegal property held by the inmate.

Inmate Hassler further is a gay inmate who frequently stayed behind during the third watch evening chow line when the front door to the building was locked and most inmates went to chow and all room doors were locked. This can be verified by a cursory review of any ten-day period to his removal on January 30, 2022, in the building's camera system. The Officer's sexuality and relationship with Inmate Hassler was continuously under suspicion due to these "alone" periods. Inmate Hassler was removed from the building during a time when Officer Medrano was not working and when he came back from his regular days off he became enraged and called the Men's Advisory Council to the podium and told the Building's representative arrogantly and venomously that because "someone" had filed a 602 on him for not following the rules and not opening the doors on all scheduled times pursuant to the Daily Activity Schedule that he was going to go through the building and enforce every rule and write up every possible infraction. Such expressed purpose of harassing the inmate population violates decisional law, Title 15, C.C.R., Sections 3004 and 3481, subdivision (d). It was in direct retaliation for an inmate filing a grievance against the Officer.

Investigation is required to determine if this retribution was due to the removal of Inmate Hassler, and/or, in fact, due to an alleged Inmate Grievance [CDCR Form 602] filed naming the Officer. One known point of conflict with the Officer was refusing to abide by the same policy "Daily Activity Schedule" ["DAS"] requiring inline and outlines especially for Kitchen Workers who were released back to the buildings at 9:00 a.m. each morning. The Officer would make them wait until the 10:00 a.m. unlock before allowing them to enter, return to their rooms and shower. Complaints by the Workers were made to 2/W Yard Sergeant Reed who investigated the matter and twice ordered Officer Medrano to follow the procedure when he worked Second Watch overtime.

On Monday, February 7, 2022, Officer Medrano terrorized the building, seizing inmate property without receipts, repeatedly threatened and filed numerous Rule Violation Reports, "trashed" rooms and harassed the inmate population assigned to Building D-3. Such conduct by a law enforcement employee of the department "openly display[s] disrespect or contempt for others in [a] manner intended to or reasonably likely to disrupt orderly operations with the institution or to incite or provoke violence." (C.C.R., Title 15, § 3004(b).)

Recently, in January of 2023, inmate Hassler [K-25355] was returned to Officer's Medrano housing unit on Facility D, building 3. Immediately thereafter he was given a choice voluntary assignment as the wheelchair pusher for the third watch housing unit on the request of Officer Medrano. It is quite obvious therefrom that said inmate is receiving specialized treatment and it is also quite possible that negligent and/or criminal activity may be occurring between Officer Medrano and inmate Hassler.

The following specific acts are submitted for review:

I. Violation of Penal Code § 140

It is a high misdemeanor punishable by one year in the county jail or two, three or four years in the state prison for any law enforcement official to threaten witnesses, victims or informants. "[E]very person who willfully ... threatens ... to take, damage, or destroy any

property of any witness, victim, or any other person, because the witness, victim, or other person has provided any assistance or information to a law enforcement officer, ..." (Penal Code, Section 140, subd. (a).) The Officer threats, actions and harassment were intended to dissuades further complaints against him for violations of criminal statutes, regulations of the department and to cause the inmates in the building to seek out and assault, harass or otherwise make life miserable for the inmate filing the complaint -- an all too common technique used by CDCR Officers.

2. Focusing on YOP Inmates

The Inmates in Building D-3 report that Officer Medrano focuses on YOP inmates and targets them far too repetitively with abusive cell searches, telling their roommates that it is due to their conduct that they are being hit to cause the roommates to assault, harass or otherwise terrorize the young offenders. (YOP's.) In one instance, the targeting of a Youth Offender caused him severe psychological stress, loss of program, possible retaliatory transfer to more dangerous Level III prison, due in part, to the inmate being openly bi-sexual and showing affection to other men not amounting to a rule violation. It is recommended that a one-on-one investigation be conducted of all YOP inmates in Building D-3 by non-threatening Internal Affairs staff member's without the knowledge of the Officer to prevent further harassment and to insure an open and frank disclosure of the Officer's misconduct and harassment.

3. Preparing False Documentary Evidence [P.C. § 134]

It is a felony in the State of California for "[e]very person guilty of preparing any false or ante-dated book, paper, record, instrument in writing, or other matter or thing, with intent to produce it, or allow it to be produced for any fraudulent or deceitful purpose, as genuine or true, upon any trial, proceeding, or inquiry whatever, authorized by law, is guilty of a felony." A CDCR Rules Violation Report and the due process hearing that follows under California Code of Regulations, Title 15, Sections 3312-3315, is an inquiry authorized by law.

On December 30, 2021, an inmate in Room 20, targeted and identified by Inmate Hassler as a person with whom he was in conflict was charged with possession of an inmate tattoo gun. The inmate did not deny possession and said he simply forgot he had it. The search was ostensibly on a building wide basis for "wine" prior to the New Year. Two unknown Officers, easily identified by the Buildings floor cameras on "C" Range were requested by Officer Medrano prior to entering Room 20 to target the inmate and his bed location and while ostensibly searching for wine went through his locker, envelopes and papers and found the tattoo gun which is about 2 inches in size. They then exited Room 20 together with the device in their hand and called Officer Medrano to see what they found which again, was displayed in direct line of sight of the "C" Range security camera. The Officers, it is believed, declined to write up the violation and Officer Medrano filed a false report claiming that he had searched the room himself and found the contraband and prepared a separate cell search document falsifying "his" search. Such constitutes a separate and distinct falsification of government documents.

4. The Undocumented Seizure of Property and Theft [P.C. § 484]

In or around December 2021, a repetitive search was conducted on inmates in Room 5 of the building. Approximately, five hundred dollars in canteen was seized and taken by Officer Medrano. When the inmates objected to the seizure and requested the return of the property they were told that they would then receive Rule Violation Reports which dissuaded them from pursuing the matter further. At least eight 16 ounce jars of Folgers Coffee were then converted to the Officers' own use, placed in the D Facility Staff lounge, while seized fans were placed in the building's podium office area. The whereabouts of the hundreds of dollars in snacks and food products that were seized is unknown.

It must be noted that the Officer conducts daily room searches where he seizes hundreds, if not, thousands of dollars in inmate property each month claiming some basis for the seizure, not documenting the seizure or justifying it on some pretext and threatening the inmates to stay silent and not file an Inmate Grievance [CDCR Form 602] to challenge the Officer's actions.

Further, these searches are targeted against inmates for such misconduct as getting back late from yard recall, disagreeing with the Officers, bothering them while they are watching television in the office, scuffing Officer Medrano's polished floor and other various acts; such targeting greatly stresses not only the YOP inmates but all inmates in the building. These searches often cause great danger to the inmate when his roommates lose a two-hundred-dollar tablet, television or other electronic device to the searches and blame the inmate often trying to get the so called "offending" inmate to pay for their loss. The Officer not only knows this, but has set it up as a practice and unlawful "punishment" for perceived wrongs by the inmate.

5. Falsification of Institution Count Documentation.

Again, in violation of California Penal Code, Section 134 and in violation of the strict security procedures of the department, Officer Medrano violates policy by conducting the 4:30 p.m. evening count by counting the building by himself then falsifying state documents and "count slips" claiming that both assigned Officers had witnessed and attested to a correct count of the building which is a serious breach of security. Please review the Building D-3 Security Cameras during the 4:30 p.m. Counts on February 4, 2022, January 4, 2022, December 30, 2021, and December 8, 2021 at 4:30 and 9:30 p.m. Counts.

6. Unconscionable Retaliation for Filing Grievance.

A decision was made to not pursue the aforementioned allegations against Officer Medrano dating from earlier in 2021 and 2022, but recent events has necessitated that we go forward with this formal complaint. Our drafted February 8, 2022, Complaint was set aside until Officer's recent misconduct.

In the heat of summer 2022, Correctional Officer Medrano refused to comply with his Post Orders, the Daily Activity Schedule and the Department's policies and procedures by refusing to allow D-3 Building inmates to enter the building for fresh chilled water when the outside temperatures exceeded 100 degrees where Warden Landon Bird has directed staff to

maintain chilled water and access every half hour to prevent heat exhaustion. When inmates began filing CDCR 602 Inmate Grievances against the Officer he began a clever plan of transferring the inmates to a different yard and building in one case informing Second Watch Officer D. Spencer that the inmate [BRIAN OWENS AC6761] had requested to be moved out of the building and for Spencer to make the bed move. When C.O. Spencer checked with the inmate he learned it was a lie and that the inmate had filed a 602 Grievance [Log No. 00000309338] alleging staff misconduct for continuing to deny access to the building during the required half hour unlocks and that due to other inmate's 602 Grievances resulting in their removal from the building Owens filed a second 602 Grievance [0000321981] reporting the retaliation, requesting that Officer Medrano be stopped from further retaliatory transfers.

The inmates who filed CDCR 602 Inmate Grievance against Officer Medrano for refusing entry to the building during the hot summer months and fall include:

<u>NAME</u>	<u>CDCR NO.</u>	<u>LOG #</u>
BRIAN OWENS	AC6761	000321981
JOHN LOZANO	AW2831	003309331
ANTHONY ALVAREZ	BG8663	
ALBERTO MEDINA	BH4977	000323937

Medina's 602 Grievance involved a Rules Violation Report wherein the Officer made a false and malicious report that was witnessed by Inmate RONALD HAWKINGS T18246 wherein he filed a 602 Grievance as to the conduct of Officer Medrano that day in Log No. 000309334. When Inmate HAWKINGS, LOZANO and OWENS were called as a witness to the alleged violation the Senior Hearing Officer refused to allow them to appear and expressly refused Inmate MEDINA'S defense and demand that the audio video tape of the incident be reviewed to substantiate the falsity of the Officer's complaint.

Due to this unconscionable retaliation and harassment, each of the inmates including Medina were given retaliatory transfers by Officer Medrano. Such forced moves had a chilling effect on D-3 inmates, some of whom were assigned to D Facility Program. These men had a legitimate basis for remaining on that facility. In some cases, that men lost significant rights to Self-Help Programs' credit and suffered reduction in ISU/DT programs goals and long term jobs. As a result, will serve longer sentences due to their inability to complete the programs.

Inmate Medina's RVR 602 Grievance has been classified as a Staff Complaint along with Inmate Hawkin's [T18246 – Log No. 000309334] grievance involving the same incident. No decision as to the Medrano Staff Complaints have been announced.

Inmate OWENS [AC6761 – Log No. 309338 & 321981] has expressly abandoned filing Grievances stating the Officer's harassment and retaliation has chilled his right to file especially in light of the cover-up he experienced in receiving the VSP Office of Grievance Decision of

12/14/22 and VSP's failure to address it as a Staff Complaint or to even investigate the allegations.

In summary

This State through its elected Governor Gavin Newsom has instituted with huge expenditures a program to bring the "Norway" Prison Concept to California prisons which is slated to begin at Valley State Prison. It is well known, that the biggest impediment to the program will be the CCPOA, Green Wall and line Officers objecting to the program. Expansion and use of body cameras recording audio and video will greatly enhance the viability of the program and will reduce such abuses as outlined herein. It is important to put line officers on notice that such abusive behavior will no longer be tolerated by the department and the People of the State of California.

The inmates who have been forcibly removed from facility D, building 3 by Officer Medrano and his retaliatory actions are formally requesting consideration to be returned to the building in the event Officer Medrano is removed from that post. Each inmate should be interviewed independently by Internal Affairs and be given the option to return to the building at the administration discretion and as the Institutional Security permits.

It is for these reasons, the undersigned respectfully request a full and impartial investigation of these matters, that the inmates be interviewed confidentially without any intimidation or threats of harassment and that no effort be made to move, transfer, target or otherwise harm the program of the inmates supporting this Complaint or responding to any inquiries.

Please feel free to contact Attorney Robert Q. Bergstrom at (559) 299-5366 for assistance, questions or concerns and to advise us of your progress.

Very truly yours,

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