



Grand Jurors' Journal

cgja.org

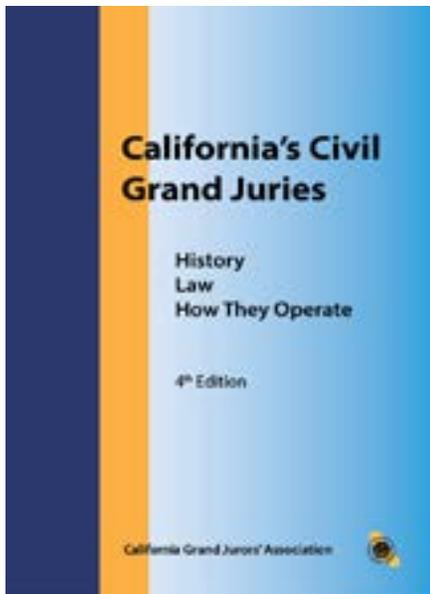
Volume 23, No. 1

February 2022

**INSIDE: Ask the Trainer | CSDA webinar | Panetta interview | New members |
News from Around the State | Lifetime member: Jaclyn Tilley Hill**

Now Available: *California's Civil Grand Juries*

The 4th edition of CGJA's grand jury system book is now available at no cost on our website. Re-titled *California's Civil Grand Juries*, the current version is an updated version of CGJA's previous *The California Grand Jury System*. The earlier editions have been very popular with new jurors to help them explain to their friends and relations what they are going to be doing in their year of grand jury service.

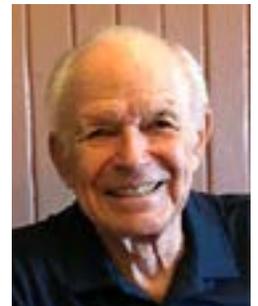


The 49-page text provides a detailed, but easy to understand, explanation so that readers can, primarily, recognize the grand jury's value and importance and, secondarily, be motivated to apply to be grand jurors in their respective counties.

The revised edition opens with a new forward written by Judge Quentin Kopp (Ret.). Beginning with a brief history, the text reviews grand jury law, selection and training of jurors, how the jury functions and in what ways it makes a difference. The closing section describes the contributions of the California Grand Jurors' Association.

Public Relations Committee chair, Jerry Lewi, put an enormous amount of time and effort into the endeavor, assisted by committee members and with major input from Karen Jahr (Legal and Legislative Resources Committee) and Marsha Caranci (Training Committee).

[Download](#) your copy now (PDF).



Jerry Lewi, PRC Chair

Diolch! 감사해요! Dziękuję!

The Finance Committee conducted a donation campaign in conjunction with the end-of-year giving season. Thanks to your generosity, the donation campaign was extremely successful, raising \$3,230.

Those who donated were sent a personal thank you card from CGJA President Lou Panetta. The Finance Committee would like to publicly thank the following members for their generosity, which helps CGJA fulfill its mission – to promote, preserve and support the grand jury system through training, education, and outreach.

Lloyd Bell
Marsha Caranci
Janet Clark
John Dutcher
Lawrence Herbst

Karin Hern
Dianne Hoffman
Karen Jahr
Joann Landi

John McDowell
Ruth McMillian
Gayle Saxton
David Van Etten

Welsh Korean Polish

Ask the Trainer by Marsha Caranci, CGJA Training Chair



This regular column allows the CGJA training team to share with Journal readers our responses to questions we receive from grand jurors. Please remember: Do not take any response as legal advice, and contact your local legal advisors to answer any question that might divulge confidential information.

Please submit your questions to me at cgjatraining@cgja.org. Our response to your edited or redacted question might appear in a future edition of the Journal.

Q. May a grand jury write a report that is informational only, and has no findings?

A. No. There is no authority under state law for a grand jury to issue a report that has no findings.

Penal Code §933(a) requires grand juries to submit to the presiding judge a "... final report of its findings and recommendations" pertaining to the entities it investigates. A grand jury has only those powers given to it in state law, and the law makes no mention of reports without findings (although PC §916 states that recommendations are required only when problems are identified in the findings).

Over the years, there have been several instances in which a grand jury has issued so-called "informational" reports – reports that have no findings. These are usually about inquiries into jails, juvenile halls, or similar facilities. Since there is no statutory authority for these kinds of reports, they cannot legally be released, and when they are released, they improperly reveal confidential evidence gathered by the jury.

While Penal Code §919(b) requires the grand jury to "inquire into" the condition and management of "public prisons" within the county (usually interpreted to mean a state prison facility, but sometimes thought to include local county or city jails), there is no requirement to release a report based on the inquiry; and, in fact, no report can be released unless it is based upon a full and thorough investigation because Penal Code §916 requires that each finding must be supported by documented evidence.

Some grand juries believe there may be some benefit in issuing "informational reports" – educating the public about the grand jury's examination of a facility or activity or dispelling a community concern.

But from our reading of the code, cases, and AG opinions, it is evident that the grand jury's statutory responsibility is not educational or journalistic (merely reciting the facts the jury has uncovered), but instead analytical. A grand jury report is analogous to a management audit, which also has findings. The grand jury investigates local governmental entities for the purpose of advising the entity in question, and the general public, as to whether the entity is operating legally and effectively – and this requires the jury to draw conclusions (another word for "findings").

Many "informational" reports (including continuity/compliance reports) can be brought into compliance with PC §933(a) simply by adding one or more findings. The Penal Code does not require that findings be critical or identify a problem. For example, a compliance report can be "made legal" by including a finding to the effect that the entity responded to the past grand jury report as required by law.

Ask the Trainer – continued on next page

continued from preceding page – Ask the Trainer

Or, in the case of a detention facility report, the finding could be that the facility is well run, or the administrators complied with the law. The caveat here is that this report and its positive finding must be based on evidence gathered from a full investigation (PC §939.9), not just an inquiry (a limited examination, such as a site tour only).

Q. Can the grand jury inform the public that they conducted a site visit, jail tour, or other activity without writing a report about it (since a report would require a full investigation)?

A. Yes. Some grand juries issue a consolidated end-of-term report that includes, in addition to individual reports based on investigations, a list of activities that the grand jury took part in. We think this is permissible, because it doesn't reveal any confidential evidence. The jury can also state it conducted interviews (without revealing who the interviewees were or what was discussed), heard presentations, attended board meetings, toured specified facilities and reviewed certain documents.

The jury can also list the number of complaints it received, without stating the complainants' names, the targeted entity or official, or the nature of the complaint.

Please contact us if you have further questions about this or other grand jury procedures at cgjatraining@cgja.org.



Special Districts Webinar for Grand Jurors

Because a number of courts impaneled a grand jury in December of 2021 or early January of 2022 for a calendar-year term, we are pleased to announce that the California Special Districts Association (CSDA) is offering a webinar in January.

Webinar: Special Districts 101

Everything You Need to Know About Special Districts

Sponsored by the [California Special Districts Association](#) (CSDA)
Presented by Neil McCormick, Chief Executive Officer, CSDA

Cost: FREE Date: Tuesday, February 8, 2022 Time: 1–2 PM

This course is designed to help grand jurors better understand special districts including terminology, history, the law, accountability and more. It will also help grand jurors learn how they can effectively evaluate the role of a special district as a critical local government service provider in their county.

Webinar participants will:

- Learn about the history, background and types of special districts.
- Learn about special district structure, laws and financing.
- Discuss the most recent reporting and audit requirements.
- Understand the relationships special districts have with California's LAFCOs and learn about municipal service reviews, spheres of influence, reorganization, consolidation, dissolutions and trends.

Registration available [online](#). For more information, email updates@csda.net.



President Panetta’s Media Interview

Lou Panetta, CGJA President, was interviewed on November 24, 2021, by Wendy Brickman, a local Monterey television personality. The interview, shown multiple times during December and January, broadcasts throughout Monterey County on Access Media Productions (AMP), Channel 24, Comcast.

The program is one hour long and covers all aspects of the civil grand jury. Topics covered include history, qualifying, serving, grand jury law, continuity, and many others. Click [here](#) to view the interview.

Please feel free to post the link on any chapter or personal website, or social media. This will support the CGJA strategic initiative of increasing grand jury awareness.



new MEMBERS

Butte	David Westphal	San Bernardino	Daniel Lowry
Contra Costa	Peter Magnani	Santa Clara	James Nichols
Imperial	Jacob Rodriguez	Shasta	Carmen Magallon
Santa Barbara	Richard Rogers	Shasta	Donna Harr

News from Around the State

from Santa Clara

Sheriff Accusation Shows Underutilized Role of Civil Grand Jury by Michael Krey, Co-president of the Santa Clara County chapter

In 2020, something unusual took place before a Santa Clara County Criminal Grand Jury looking into allegations that members of the sheriff's office might have sought bribes in return for concealed firearms permits. The unusual event was that Sheriff Laurie Smith invoked her Fifth Amendment right against self-incrimination.

Hmmm. So, 16 months later that event led to another unusual event: The Santa Clara County Civil Grand Jury formally accused Smith of willful and corrupt misconduct. The accusations, which extend beyond the gun permit issues, are filed as ***The People of the State of California vs. Laurie Smith.***



The civil grand jury can investigate elected or appointed officials – compelling testimony using subpoena powers – and decide if they've uncovered enough evidence to make an accusation of "willful or corrupt misconduct." This can lead to a trial that in turn may result in forcing the official from office. (The initial hearing for Sheriff Smith took place January 14, with the next court action scheduled for March 15.)

How rare are such accusations? The San Jose *Mercury News* cites retired county prosecutor, William Larsen, in saying that only about 100 local officials in California have been removed under this process in the past 150 years.

A report by the 2001-02 civil grand jury found only 37 appellate court decisions in California involving accusations between 1885 and 1999. That report was an adjunct to an accusation that panel leveled against Mountain View Mayor, Mario Ambra, for violating the city charter by repeatedly going to city staff with his opinions and urging actions instead of going through the city manager. He ended up resigning. The Ambra case is our county's only civil grand jury accusation in the last 40 years, says the *Mercury News*.

A recent Bay Area case was the 2019 accusation against Contra Costa County Assessor Gus Kramer in 2019. It resulted in a trial, a hung jury and eventual dismissal.

Back in Santa Clara County, the civil grand jury's report in 2005 targeting former San Jose Mayor, Ron Gonzales, involving a city garbage contract, led to criminal charges that were later dismissed.

The 2021 civil grand jury, by any measure, performed yeoman's work. Jurors interviewed 65 witnesses. To avoid any appearance of favoritism, the grand jury was advised by San Francisco Assistant District Attorney, Evan Ackiron, rather than the Santa Clara County District Attorney. Santa Clara County District Attorney, Jeff Rosen, called the civil grand jury's action "unprecedented," in an interview with *NBC Bay Area*.

What sparks such an investigation? The Santa Clara County Board of Supervisors, led by Supervisors Joe Simitian and Otto Lee, asked the civil grand jury to investigate Smith. The supervisors were concerned about the sheriff's practices.

Continued on next page

continued from preceding page – Santa Clara accusation

Similarly, Contra Costa County supervisors had concerns about their assessor, and they asked their civil grand jury to investigate. The aforementioned Gonzales investigation stemmed from a normal complaint filed with the civil grand jury. The Ambra case followed a different route. The Mountain View city manager went to the county district attorney, who empaneled the civil grand jury.

Bravo to the Santa Clara County supervisors for realizing the possibilities of the civil grand jury. Bravo to the 2021 civil grand jury for having the confidence and drive to tackle the job.

This case hopefully will encourage officials and whistleblowers to consider enlisting the civil grand jury and encourage future civil grand juries to consider accusation investigations when they feel it is warranted. Our counties need watchdogs.

from Mono - about CGJA member, Juliana Jones



Mono County Board of Supervisors Recognizes Juliana Olinka Jones as 2021 Community Spirit Award Winner

by News Staff · Published January 5, 2022 · Updated January 5, 2022

MONO COUNTY, Calif. (JANUARY 5, 2022) – On Tuesday, the Mono County Board of Supervisors adopted a Proclamation recognizing Juliana Olinka Jones with the second annual Mono County Community Spirit Award. As outgoing Chair, Supervisor Jennifer Kreitz (District 1) selected Ms. Olinka Jones for her work with the Mono County Grand Jury and the Fire Safe Councils of the Eastern Sierra.

"It's an honor for me to be able to recognize Juliana for her amazing work – she is truly a tireless and generous member of our Mono County Community," stated Supervisor Kreitz. "Whether serving in an official capacity, or utilizing her natural gifts and talents, Juliana exemplifies exceptional community spirit."

Ms. Olinka Jones was recognized for her contributions across multiple sectors of the community, including serving on the Mono County Civil Grand Jury, as a precinct officer for Mono County Elections, as a volunteer member of the Mammoth Lakes Fire Safe Council, and a volunteer on the Mammoth Lakes Community Emergency Response Team (CERT). In addition to these official roles, Ms. Olinka Jones also utilizes her creative talent to enhance the quality of life in the Eastern Sierra through the art of quality theater.

"I am honored and humbled by this award. My contributions are most often as a member of a team – that is how this wonderful Mono County community stays strong," stated Olinka Jones.

"By each of us stepping forward in our own way to make our home a better place."

The Community Spirit Award was launched in 2021 by Supervisor Stacy Corless following her tenure as Chair. The award celebrates local individuals who took initiative to do something beneficial for their community in the most difficult times.



from Monterey - recently formed chapter



Monterey Chapter Board of Directors

Top row, left-to-right: Rick Busman, John LaLonde, John Geiss, George Ash.

Bottom Row, left-to-right: Maria Garcia, Marianne Howard, Georgette Beyah, Jody Hansen.

The Monterey County Chapter evolved out of a collaborative effort among eight people who had served on the 2019/20 and 2020/21 Monterey County Civil Grand Jury. An earlier effort at a Monterey County chapter from the early 2000s had fizzled out, and it was decided to attempt a reincarnation.

An unincorporated association was conceived, Articles of Association adopted, and CGJA approval granted in October of last year. We are currently in the process of formulating our plan of action in terms of an area or areas where we might work to assist the court in civil grand jury recruitment, selection, and training, and assist the Jury in carrying out its objectives.

Any questions or comments may be directed to the Chapter President, ***John Geiss***.

from Santa Cruz - Grand Jury Volunteer Clerks

Santa Cruz has them and Contra Costa is thinking about it. The volunteer clerks are former grand jurors who provide continuity, help with technology, and serve as librarians. The judge swears them in.

Stay tuned for more details. Chances are you will learn more at our annual conference in October.



Letters

Send your thoughts or opinions on CGJA or grand jury matters to editor@cgja.org.

Jaclyn Tilley Hill: Longest Serving Lifetime Member

by Jerry Lewi

In another article on a series of tributes to Lifetime Members, we present the bio of Jaclyn Tilly Hill, our longest continuous serving member as well as the longest serving lifetime member.



Jaclyn Tilley Hill began her career with Los Angeles County as the second woman to be appointed Madam Foreman of the Criminal/Civil Grand Jury in 1993. She is the first person to chair the only two countywide commissions, the **Citizens' Economy & Efficiency Commission** (E&E) and **Quality and Productivity Commission** (QPC). While serving on the QPC, she chaired the **Countrywide Communications Team and Productivity Investment Board**. For over 10 years, she served on the **Countrywide Criminal Justice Coordinating Committee**.

Now in its 18th year, she launched the QPC Annual Leadership Conference and championed the QPC Productivity Awards, an annual recognition event for the department programs and their employees. Both programs continue as highlights in the county. As chair of the **PLAIN Language Initiative**,

Ms. Hill presented the county's PLAIN Language Initiative at the International Clarity PLAIN Language Conference in Lisbon, Portugal. Leveraging her investment knowledge and respect for fiduciary compliance, she applies focused discipline to maximize resources in support of programs that enhance quality of life for Los Angeles County residents.

In recognition of her status as the longest serving chair of the QPC, Ms. Hill is the first person to be awarded the title, Chair Emeritus.

Ms. Hill cultivated her skills through support of dozens of charitable and civic organizations.

Family is central to Ms. Hill. She is married to her childhood sweetheart Robert R. "Randy" Hill. They are blessed with seven children and 16 grandchildren.

"I want to thank the California Grand Jurors' Association for the work they do in raising awareness of the valuable role grand juries play in our state's judicial system. The California State Constitution gives broad authority to a grand jury in pursuit of justice and providing another platform for checks and balances within our local government. I am proud to be a lifetime member of CGJA."

Recent Board Actions

By unanimous email vote, December 10, 2021

Ratified President Panetta's appointment of Henry Rible (San Luis Obispo) director for the southern area.

Board Meeting, January 25, 2022

Created Grand Jury Awareness Workgroup, appointed Lou Panetta as chair, allocated \$1,200 per month for six months for media consultant.

Approved updated book, California's Civil Grand Juries for release by posting on website.
Approved message to members.

All approved board meeting minutes are available on the CGJA [website](#).

NOTE: We encourage members to attend meetings of the board of directors. They are held on the fourth Tuesday of the month via Zoom (no meetings in July and rarely in December). The agenda along with Zoom information is available a week before the meeting. [Read more.](#)

Keep us Posted

Send us your chapter or association news and accomplishments. Format articles in Word and send as email attachments to Barbara Sommer editor@cgja.org. For more details see [How to submit an article](#).

DEADLINE for submitting articles for publication in the next issue

March 21, 2022

Change of address - Please notify the editor@cgja.org of any email address changes.

Editor: [Barbara Sommer](#). Publications support: CGJA Public Relations Committee. The views expressed in the *Grand Jurors' Journal* are those of the writers unless otherwise stated. The CGJA Board of Directors disclaims any liability arising from errors or omissions. The Editor has the right to accept, edit or reject submitted articles. ©2021 All rights reserved.

CONNECT!



Visit our website

The mission of the CGJA is to promote, preserve, and support the grand jury system through training, education, and outreach.

Contacts: [Officers and directors](#), chapter and association [presidents](#).