

# CALIFORNIA GRAND JURORS' ASSOCIATION



PROCEEDINGS  
21<sup>ST</sup> ANNUAL CONFERENCE  
NOVEMBER 15 & 16, 2002  
MARIN COUNTY  
Embassy Suites Hotel

## **PREFACE**

This document is a record of the proceedings of the Twenty-first Annual Conference of the California Grand Jurors' Association. The Conference was held at the Embassy Suites Hotel in San Rafael, California on November 15 and 16, 2002.

The California Grand Jurors' Association (CGJA) sponsors these annual conferences as statewide forums for participation by former and current grand jurors. Conferences are one activity of the CGJA in carrying out its mission: "to promote government accountability by improving the training and resources available to California's 58 regular grand juries and educating the public about the substantial local government oversight and reporting powers these grand juries have." Information about the California Grand Jurors' Association and much more is available on its website: [www.cgja.org](http://www.cgja.org)

The following Proceedings attempts to be as close as possible to a verbatim report of the presentations and discussions that took place the two days of the conference. However, it cannot convey the fine spirit of togetherness that marked this conference, nor the informal interchange among the over 100 people who attended.

For those who were in attendance, thank you for your participation. The acknowledgements cited below are limited to those most directly involved in the planning of the conference. Our thanks to them and to the many more who assisted in making this an outstanding event.

Bob Abeling, Conference Chair

## **ACKNOWLEDGEMENTS**

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## **OPENING REMARKS FRIDAY, NOVEMBER 15, 2002**

BOB ABELING: I am going to get this started. I want to welcome you to the Annual Conference of the California Grand Jurors' Association. Marin County is very pleased to be able to host this. We've had a wonderful time. We hope the people staying here are having good lodging, and so far, I've heard the meals are okay. There's a couple of housekeeping things before I get into some other discussions.

Dan Taranto has a sales table out there. For any of you that are new, there is quite a bit of publication that is available for sale, some handouts and some badges like, "Grand Jurors Do It Best".

One thing I did repeat early in the lunch, in your program in the back portion of it, there's minutes from the Orange County Conference last year. During the business portion of the meeting, a motion will be made to accept those minutes, so when you have a chance, please look at them.

One unfortunate thing that has happened is that one of our speakers, John Montgomery, Executive Officer of the Marin County Superior Court and tremendously supportive, had a death in the family. He had to leave this afternoon to go back east. And he gives us his apologies.

We tried to get other speakers, County Counsel, District Sheriff, and so forth. But with that short notice, nobody has been able to make it. That is going to have to be postponed until the next convention or conference or some other time, but we're now going to be able to increase our time with the panel discussion which should be of definite interest to the whole group.

Another thing that I'd like to do is I would like to thank everybody who is a sitting juror and please stand up so we can recognize you. In general, and we know from experience that there's counties out there that are not proactive if you want to call it to the grand jury system, and this we're trying to accomplish also.

Jack Zepp, our current president, will be conducting the business portion of the meeting, and that will occur immediately after our first speaker.

In a way I almost don't know how to introduce Cynthia Murray. In some respects she's on 46 commissions and boards. And we were talking at lunch, she might be on two more after she gets back up to the Civic Center. She's a very involved person.

I've known her for, I'm guessing, 10 years. We used to have different discussions on different matters. We are very friendly towards each other now. She wasn't on the Board of Supervisors when I was doing my grand jury service, but she has been on the Board for four years and has responded to the studies and issues that were issued by the Marin County Grand Jury. Part of her job here is to tell you about Marin County, our system, so forth, much more than I can do because she's been involved in public office quite a bit.

She's also on LAFCO. I believe most of you know that that's the Local Agency Formation Commission- a commission that's very important in every county. She's on the Emergency Operations Committee or Commission for Disaster Preparedness, and if I keep speaking about what she does, she won't have time to do any talking herself. So without further ado, Cynthia Murray, the President of Board of Supervisors of Marin.

## **WELCOME - Cynthia Murray, President, Board of Supervisors, Marin County**

CYNTHIA MURRAY: Good afternoon. I hope you're all doing well. It's my great pleasure to welcome you here to Marin County on behalf of the Board of Supervisors. Bob has asked me to tell you a little about Marin, so you can appreciate the wonderful place you're in. And after that I am going to discuss a little bit about my relationship and the County's relationship with the grand jury, and then I'm going to take questions. So that's what we're going to look at for the next few minutes.

I'd like to think of Marin as Marvelous Marin, Majestic Marin. Some of you may know us as the land of hot tubs and peacock feathers. We will have peacock feathers for you on the way out. Some people think that the county motto is "We want it all now," from some of the TV shows that have made us into a lot of hippie dippie hippie whatever they called us back then. But we really have a long glorious history and an even better future.

Historically, we were first settled by the Spanish in about 1579. Sir Francis Drake and his crew on the Golden Hinde landed in Marin. By 1817 we had the first Spanish mission which was the Mission San Rafael Arcangel. By 1850, when California became a state, Marin was one of the original counties, and we're very proud to have been here from the beginning of statehood.

And in 1906, there was a huge earthquake in San Francisco along the San Andreas fault, and not everyone understands that the epicenter for that earthquake was in Marin County in our little town of Bolinas. We also have some interesting theories about how Marin was named. Nothing in Marin is uncontroversial. And as you're here you'll see that we fight about virtually everything, or at least have the ability to disagree not always in safety, but often we do.

One theory was that Marin was named after an Indian chief whose last name was Marin who lived on the Marin Islands which were, of course, named after him. And this chief waged a very fierce battle with early Spanish settlers and so he became very renowned. The other theory is that the bay that lies between Point San Pedro and Point San Quentin where the Marin Islands are in between these two points was named, and I'm not good at Spanish so forgive me -- And they shortened it to Marin when they did the first survey of the bay in 1775. I think either one could work.

Marin is just shy of 250,000 people. We're a small county. It's interesting, when you look at our demographics, our fastest growing age group is 70 and up. Statewide, we are ten years older than any other county. So our senior population is quite large. And we're growing bigger and bigger. We rank 46 out of the 57 counties -- it is 57 or 58? I thought I had a typo there -- in terms of growth. So we're a very slow growing county.

One thing that does not seem to be slowing is our per capita income. It continues to rise, and it's almost double that of what the norm is in the rest of California and the rest of the nation. Our median family income is 53 percent higher than nationwide, and 37 percent higher than the California median.

We also have the highest breast cancer rates in the nation, so we get the good and the bad. We are also the epicenter of the Sudden Oak Death surge, and many of you may have heard it's spreading to many, many of your counties. And Marin was where they first located it and has been the hardest hit.

I think this is a fact that won't surprise you: Marin residents are very active in their community. 52 percent volunteer regularly, and 40 percent spend one to five hours a month

in volunteer activities. And I think that is really proven by the Marin County Grand Jury. We have a very active grand jury. And we are blessed to have so many people volunteering in our non-profits and our boards and commissions. Marin residents are givers. Over 40 percent donate to human service organizations. And that is compared to 25 percent statewide.

We are very, very lucky in how our county has been developed, that 85 percent of our county will never be developed. We have about one-third of our county in parklands, and we have world renowned parks. We have under Federal parks, the Golden Gate National Recreation Area, the Point Reyes National Seashore, Muir Woods. On our state parks, we have China Camp, Angel Island, Mount Tamalpais, Samuel P. Taylor, Olompali. And then we have numerous county parks, city parks. It's just an amazing area for you to go visit if you want to explore Mother Nature.

36 percent of our county is agricultural and should remain in agriculture. 15 percent is in open space or watersheds. So I think we have done a terrific job of preserving the best of our environment.

And our economy, 40 percent of our residents have college degrees. Over 90 percent of our business operations is dealt by small business. Home-based businesses account for 27 percent of all the businesses in Marin. The median price of a single family home is just shy \$600,000, and that goes up by the time you leave Marin, too. Of our top ten industries projected for strong growth in Marin, only four offer an hourly wage considered sufficient, which is \$24.08 per hour, to support two adults with two children.

On the good side, Marin has become a national model for biking and walking. We have been the pioneers in the state for Safe Route to Schools and the bike expressways, and we are very, very lucky to have terrific weather, which I'm sure you're enjoying.

We have great shopping, great recreational opportunities, wonderful restaurants, and a lot of fun things that I'm hoping you'll be able to take advantage of. Some things that you really should try not to miss if you're a visitor is some of our parks, and I mentioned Muir Woods, Point Reyes National Seashore, the Miwok Museum of the American Indian up in Novato is very interesting, and, of course, the Frank Lloyd Wright Civic Center, which I understand you're going to have a tour of tomorrow.

The Frank Lloyd Wright Civic Center was another controversial thing. This was a huge battle in Marin County. Our Civic Center had been in San Rafael in an old court house. It was decided that we needed to have a more centralized building and Frank Lloyd Wright was brought in. This was his final design of his lifetime. This is his only civic building that he ever designed. And people either love it or hate it. But either way you're going to find it to be quite the experience.

When you go on your tour tomorrow, you should take note of how the design gracefully marries the hillside with the structures. That was one of the things that Frank Lloyd Wright was so famous for. And there's two main buildings, the Hall of Justice and the Administration Building and later a jail was added. And as part of the campus, there's a Marin Veterans' Auditorium and the Exhibit Hall. Those two last buildings were not designed by Frank Lloyd Wright, but they were done in his style.

We have been spending a great deal of money trying to bring those buildings back up to what they should be. We did a new roof and we did a major seismic retrofit for many, many generations to come. So that tells you a little bit of Marin.

Now, we talk about why you're really here, which is about the grand jury. As Bob said I've been on the Board, this is my fourth year of my first term, and I had not had any experience really with the grand jury before. I got on the Board, and it was with some trepidation that I had my first meeting with the grand jury. But I was pleasantly surprised, because I found it to be a great experience for me and the supervisors to get further understanding about what people were interested in in the county. Areas that had maybe been brought up as needing attention.

And as I have worked with the grand jury over the last four years, I found it to be a very collaborative process, a lot of cooperation. And I really appreciate that. I think of it as being a partnership between the government officials and the grand jury, and both of us wanting to have the same mutual goal of how would we make government work better for the people we serve. And so, I'm just thrilled that we have this opportunity to work together.

As Bob said, I'm on 46 different boards and commissions. In addition to being on the Board of Supervisors, I do a lot of work on regional levels. I can't be everywhere at once. I can't know everything. So it's great to have other eyes and ears looking into different places, bringing things to our attention, and helping us to look at what kind of solutions there can be. It's something I'm very grateful for, and I know as somebody who wants to be very accountable to the public, that having other people working is great. It really helps serve the public.

And one of my main goals, as an elected official, is to help restore the trust of the public back into government. And I thank you, as grand jury members and members of the association, for helping to fulfill that role in making people feel that they can have more confidence in our government, because somebody else is out there making sure things are being done the way they're supposed to be done, and that we are being held accountable.

A couple of things that I applaud the Grand Jury Association for doing is your training. I think it's so critical that the people have the training, because there is such a short period of time in which to work. Without that training, it's really difficult to hit the ground running, and I know you provide those trainings. You have got a great manual. All those training sessions really pay off. The fact that you've assisted the seated grand jury in providing the follow-up actions, forming the recommendations, and issuing the responses, I think that is very, very helpful. And I also want to point out, Bob said to make sure to remind you, you will have a session on responses to make sure you don't miss that.

When it comes to responses, one of the things that I have found is that sometimes the timeframe in which we are given to respond is not long enough, and we have had to ask for some concession, I don't know if concession is the right word, extension or consideration. I think more and more some of the issues we deal with are very complicated, and so there might be an advantage to having some kind of mechanism where if it is something that really is going to deal and respond appropriately, properly, to give some consideration to, to give it a little more time. I have found this to be very much of a learning experience for both sides. I think for every question that the grand jury asked, I had more questions that would occur to me. For every answer I gave, I think the grand jury had more questions. So I think both of us would learn. And I think that is a terrific opportunity if we're both learning, because that means we're really doing the job we're put there to do by the public.

I think if I want to leave you with anything, it is that the most important thing that we can do is to work together better to continue our dialog. We need to talk to each, and we need to talk to each other not just in the beginning but through the process. Because as you go through your fact-finding and formulation, there'll be things that perhaps you may have

not understood appropriately, or you got information that maybe there's a nuance to it. And before the final report goes out, it would be great to sit down and to discuss it again and to make sure that nobody is going to be embarrassed because the information isn't quite accurate. I think we all want to have accuracy in those reports.

I think that also, what's been so helpful to me, that it's constructive criticism. That it's done in a very positive way. Nobody is out there playing "gotcha". It's not adversarial, confrontational. It's constructive. It's giving me tools to do a better job, to serve the people better, to make government more effective and efficient, and I applaud you for that.

And I really hope that you can continue to do that, because I think it is just going to make this process very, very productive and something that people are going to find very meaningful and worthwhile to continue to support.

I was very surprised to learn today that only two states even have the so-called civil grand jury process, and I find it to be so beneficial that I really think it's unfortunate that we haven't been able to have any more states. And I think there should be more beneficiaries.

And so I want to thank you for doing your hard work. I know you put a lot of hours in. It's a pleasure to work with you, and I look forward to continuing that in my next four years, and I will now be glad to take any questions if you have any.

AUDIENCE MEMBER: This isn't a question and I don't intend to correct you, but I believe on the Frank Lloyd Wright Building, which I consider Marin's most important, it's the first Civic building built. He had designed others, but this was the only one that was actually built.

CYNTHIA MURRAY: And I think you're 100 percent right. And I appreciate that very much. Any others? Feel free to correct me. Well, it's really nice to have you here. Welcome to Marin. I hope you enjoy your stay

BOB ABELING: I don't know how to start this, but this is not a sales pitch. Cynthia will not get any monies off this, neither will I. But with that question, there is a book up at the Civic Center. And it is entirely of the Marin County Civic Center by Frank Lloyd Wright, and it's from the first nail driven to the last piece of paper on the wall. What I'm going to do, some people have gone up there and collected this. Over the weekend, it's going to be closed. If you care to, if you want to leave your name and address, phone number, if necessary, I will see that we can get these to you. They are \$25 a copy. They don't make it in hardbound anymore, unfortunately. But that will tell you more than Cynthia can tell you, or I can tell you.

With that, with no further ado, I'd like to ask Jack Zepp to come up. Jack, our current president, is going to be conducting a business meeting. We have got a lot of business to take of, and then after that, we will start with our next speaker.

## **ANNUAL MEETING**

### **CALIFORNIA GRAND JURORS' ASSOCIATION**

JACK ZEPP: Thank you, Bob. Thank you, Supervisor Murray. I'll say once again, welcome to Marin. Since I'm from Marin as well.

1. Approval of Agenda: The first item of business is to approve the 2002 agenda. That's the unapproved version that I'm working from. It's in your package. I trust you have seen it, and I would like to entertain a motion to approve it.

AUDIENCE MEMBER: So move.

JACK ZEPP: Second?

AUDIENCE MEMBER: Second.

JACK ZEPP: All in favor?

AUDIENCE: Aye.

JACK ZEPP: Opposed? Thank you.

2. Approval of Minutes: The second item is the approval of the 2001 minute. It's actually more than one minute. That's a typo. That was also in the package that you have received. We're trying something new this year, and that is to adopt the minutes without oral reading, because that tends to slow us down and put everybody to sleep right after lunch. So I'd like to entertain a motion to waive the reading of the minutes.

AUDIENCE MEMBER: So moved.

JACK ZEPP: Second?

AUDIENCE MEMBER: Second.

JACK ZEPP: All in favor?

AUDIENCE: Aye.

JACK ZEPP: Opposed? That carries.

Now, I'd like to entertain a motion to approve those minutes.

AUDIENCE MEMBER: So moved.

JACK ZEPP: Second?

AUDIENCE MEMBER: Second.

JACK ZEPP: All in favor?

AUDIENCE: Aye.

JACK ZEPP: Opposed? Thank you.

3. Delegation to Count Ballots: I'd like now to delegate the powers to count the ballots for the election. And before I do that, I want to just say that I'm told, I don't know if this is true because they haven't been opened yet, but assuming none of you were mailing in empty envelopes, I'm told that we have the largest number of ballots we've ever received in the organization's history this year. So this might take just a tad longer for the ballots to be counted, but I'd like to ask Dotty Coplen, if she's in the room.

Dotty are you here?

DOTTY COPLEN: Yes, I'm here.

JACK ZEPP: Sorry. I missed you. Dick Nichols and Roger Loper to count the ballots, and if Dick isn't in the room, maybe when you two leave, you could find him. The ballots themselves are over here.

We'll give you the results of this, these are ballots for the directors as I'm sure you know. We'll give the results when we have them, but we certainly should have them by dinnertime, possibly sooner.

4. Reports: I'm going to give you my annual report as president, and Janet Praria, our treasurer, is going to follow me. But you're not going to get an annual report by the vice president which is El Moger who will be reporting in his other capacity as Chairman of the Operations, nor from our secretary Jane Naify, because she doesn't have anything to report. But she said she'd be happy to answer questions if you had any questions of the secretary. After that we'll have our committee reports.

#### PRESIDENT'S REPORT - JACK ZEPP

As I mentioned, I'm from Marin County- not originally, but I recently resided in Marin County. I served for 18 months on the Marin Grand Jury in 1998 and 1999. Had a fantastic experience which lead directly to my being here today addressing you as the out-going president of the state association.

The CGJA has had a real gangbuster of a year, but I'm not going to tell you much about it in the normal State of the Association way for two reasons. The first is if you got your Journal, you already know what I have to say because I did, in effect, a State of the Association President's message in the Journal that came out just a week or two ago. For those of you who, unfortunately, live in the delayed zip codes area, if you haven't gotten it, you'll be getting it in a few days. There's a big time spread as to how quickly people get that.

The other reason is because, as soon as I shut up, the committee chairs are going to tell you what their committees have accomplished. And because this organization operates through committees, and our accomplishments are done by committees, I think it's appropriate for them to tell you what they and their members have accomplished this year.

I want to jump the gun on one of those committee reports and mention one thing that I am very pleased about, and that is this is the first year in the 21-year history of the association that we have more than 300 members. So we finally cracked that mark, and hopefully we'll double it in the not-so-distant future. I think that we have cracked 300 reflects a growing recognition that we're a serious organization, doing serious work on behalf of the grand juries of the state. And I hope we can continue to maintain that reputation.

We just finished, the directors just finished a 15-hour retreat. I want to give you just a couple of highlights on that. By and large we stayed on course. I'm not about to report some radical changes in the organization. We reaffirmed the standing committee system which we adopted two years ago, and which I believe has served us remarkably well and added one more committee to the five standing committees we had up until yesterday.

That new committee is the Public Relations Committee which Bob Abeling is going to share and which will include, in addition, to the normal public relations functions, our public school and community college education about the grand jury program which is a fledgling program right now.

We've done a lesson plan. Tulare Chapter has done a lesson plan. I understand that Marin is close to rolling out a program in its public schools. And then we'll be looking at some others who are picking up the idea. The concept is to get into the public schools and the colleges to let the young people know what the grand jury is about. So that when they get to the point where they'd like to be able to serve, they will hopefully remember that there is a wonderful institution that they can provide some energy and resources to.

The other committees that we have are familiar ones to you: the Financial Development Committee which is going to be chaired by Jeanne Forbes of Tulare.; the Membership and Chapters Committee which will continue to be led by Clif Poole, Solano; the Operations Committee which Jerry Lewi of Ventura will chair; the Training Committee, which Sherry Chesney will continue to chair.

Sherry are you in the room? Okay. There's a person here that wants to see you. Why don't you stand up for a second. Okay.

We're going to expand that training program, again. We're going to take it to four programs on our next training cycle. We are going to add Redding. Try to do training up north, which we have not historically been able to do, largely because the counties have relatively small populations, and therefore difficult to service. But we're going to go to Redding and try that next year.

We are also working, continuing to work on our alternative delivery mechanism as things like cable TV, audio tapes, video tapes, any of the partial year programs. We do a program right now, when most grand juries are beginning to start their report writing, we have a specialized report writing program. We're expanding those, as well, to try to get as much training as we can to the grand jurors.

Many of the people in this room recently indicated an interest in serving on our committee structure and our committees and doing work with those committees. We welcome that. And you will be hearing about that a little more over the course of the weekend. We will now be hearing from the chairs of the committees.

AUDIENCE MEMBER: I couldn't find Mr. Nichols, so they would like one more person to come help with the ballots.

JACK ZEPP: Okay. Thank you.

Anyway, as I said the actual work that we do does take place by and large at the committee level, and I would like to express my deep gratitude to the chairs and the members of the five committees that have done so much over the past two years. I think they're all doing a great effort. I think when you hear from them what they've done, you'll be as proud of their efforts as I am.

One of the key developments we'll be hearing about this weekend is the increased use of volunteers, who are not the directors but are members of the association, to work on our expanding projects. I want to thank those volunteers in advance for their interest and willingness to put their shoulders to the wheel and help us deal with what was becoming an increasing workload.

You all know, I'm sure, this year we prevented introduction of potentially disastrous Grand Jury Reform Legislation. We are advised that the proponent of that legislation is going to come back again this year, probably this month with a revised package, which I seriously doubt will be any more powerful than the first one was, which means we will now have to mount another effort to help prevent that from getting to the legislature. Our goal is to keep something like this from getting to the legislature, because once it gets there you lose control of it. And we lose the kind of meaningful, substantive discussion we need to be able to have about these things to prevent bad law being enacted.

In the meantime, we, I and others on the association, and on the newly reformed, newly named Legal Affairs Committee have been thinking about what kind of legislation we might want to propose if the CGJA Board decides, at any point in time, that it wants to take a proactive position with the legislation as opposed to react to what comes to us.

I've been having an on-going dialogue with the representative of the Judicial Council which controls all the courts of this state- and they are the administrative arm, the Administrative Office of the Courts- to ensure that they're aware of what our concerns are. And we are committed to keeping them abreast of what we're doing, and what we see coming, regarding grand juries.

I recently spoke to the California First Amendment Coalition at its annual conference. I know that a number of you are members of CFAC. For those of you who are not, that's the media's open government public access arm. They are experts in the Brown Act and public documents availability and the like. They are a non-profit just like us. We and they share many interests in common.

We're trying to strengthen our relationship between the two, at least to the extent of the media becoming more aware of how grand juries work, what the points in time are that's critical to cover a grand jury. Just covering the report is not enough. The media now needs to know the 60 and 90-day response time to pick up the responses which are public documents, to write stories about the response, and to stay in touch with the grand juries to see if there's follow-up.

Ms. Murray mentioned that we all know that very often responders ask for additional time. Probably most grand juries don't think to tell the media that they've granted another 50 days or so, but the media should know to check to see if additional time had been granted, so they can re-calendar when the stories are going to come up.

I think you will see increasing ability to work together, between us and media, because it is so important, as we all know, for the media to get that coverage for what the grand juries are doing. That's the only real hammer we've got to make sure that the public officials and agencies are being responsive to us. I think, generally, our profile is quite high these days in the important circles, and I hope that our outreach efforts and increased visibility are going to pay off in the future if we're going to have to deal with legislative issues. If we do have to deal with the legislature, you can be sure we're going to be asking you to contact your representatives and educate them about grand jury concerns, and we all know very few of them know very much about the law. And it's very hard to have a dialogue with somebody that doesn't understand what the basic operating entity of a grand jury is.

I was told recently by one of the top lobbyist in Sacramento that as few as a handful of letters swayed, specifically he used the number 18, 18 letters swayed a representative vote on an issue where the representative thought that he was definitely going to vote one way and turned around and voted the other way, if it's a low profile issue.

Now, obviously 18 letters doesn't mean anything to Senator Burton on a finance bill, but a grand jury reform matter is going to be a very low profile issue. It's going to generate next to no heat in the Congressperson's district and a small amount of communication from us is going to make a big difference. We will do our best to keep you current on what's happening in that regard.

Speaking of legislative issues, I want to make some comments about what I think the state of the grand jury is in the state of California, and some of the problems that are being caused by the Trial Court Funding Act. My colleagues on the Board of Directors have not yet left, but I expect them to leave when I say Trial Court Funding Act because I talk about it so much. But it's important and I want to make sure we understand why it's important.

One of the problems that we have noticed in dealing with our chapter activities and dealing with last year's reform activities and our training programs and just in our general conversation from people is that most people whether they're judges, government officials, county officials, don't know what the grand jury is, or if they know anything about it, they think that all grand juries are clones of the ones that they know something about in their county. That makes it very difficult to have a leading conversation. It's like saying apples to somebody who thinks apples means orange. You have to spend some time making sure you're both talking about the same thing.

We see it, as I say, at the training programs. Even at this conference we see it. We see it talking to judges, talking to legislations, fund raising activities. There's always a problem. What does the person you're talking to think you're talking about when you say grand jury.

You all know, those of you who have served or are serving, your neighbors, when you told them you were serving on a grand jury gave you a blank stare and asked you what the heck that meant. At best they were probably thought you meant something the federal government is doing and not something that involves the state.

We know, the people in this room know, that all counties have some form of grand jury. We know that some counties have the standard, dual function regular grand juries that does both civil oversight work and criminal indictment work. We know that some counties have dual-purpose regular standard issue grand juries like this county that doesn't do criminal work even though it has the authority to do it. We probably all know that all counties can and some counties do, have special purpose limited life grand juries that convene solely for the purpose of handling one specific criminal matter.

But probably none of us in this room really are able to say with any certainty which counties have which type. Maybe you're wrong. Maybe you're right, but I'm willing to bet, nobody can name 20 counties, and actual tell us all with authority which kind of grand jury they're using. Certainly, I'm sure that you're not going to know how frequently it meets or where it does, what resources it has available to it, who its chief legal advisor is, what its budget is, what it's used for, etcetera. These are highly variable among the counties.

If we're not sure of these things, imagine how somebody's knowledge of a grand jury, let's say that of Mrs. Murray's, and I don't mean to be critical of her, a well-intentioned public official. We don't know these things. We can't expect government to. So we have to assume they think when you say grand jury, you're talking about whatever grand jury they have some limited information.

As I think most of you know, we concluded a survey about a year ago. It tells us a lot of that kind of specific information, but, unfortunately, not for all the grand juries. As far as I know, there is no place to go to find all of that information for all of the grand juries.

We all know, and I'm actually leading up to a point, we all know that one of the big variables of the grand jury is funding. And we all know that it varies widely, but I'm willing to bet we don't know how far widely. For the purposes of being as informed as I can be when I'm having these conversations, last week I did a study, which I just recently compiled data on. I want to share a little bit of that with you.

The source of this is the State Controller's office web site. In California, every city, county, special district, school district has to file its financial statements with the State Controller. Because that's the law, I'm assuming that they try to make these financial statements reasonably accurate within county standards, but I'm willing to take it on faith that if they say they spent close to a million dollars, they spent something close to a million dollars on something. You can find that data incidentally at [www.sco.ca.gov](http://www.sco.ca.gov).

Here's what I found about the financial state of California's grand juries. I'm using '99-2000 data because it's the latest data that's common for the 58 counties. It also happens to be the data issued in the newer era. The largest budget in the state at that time, grand jury budget, was a \$1,233,000. It will be no surprise that was Los Angeles. The smallest budget, now before I tell you this, I want you to guess for yourself. What do you think the smallest budget is? It's \$14. That's Alpine County. And we've got to assume that everybody walks to the grand jury, because they're not getting mileage. And I guess they're charging per diem. My guess is this is coffee, but it's kind of hard to tell. The average budget in the state was \$102,920.

Now having given you those numbers, I have to quickly say that you may know the numbers, but we don't necessarily know what it means. In my county, Marin County, has roughly a \$90,000 budget, had then a roughly a \$90,000 grand jury budget. Unless they significantly changed their practices from '98-'99 when I was on, about \$40,000 of that is rent to the county. So that's a bookkeeping entry. The grand jury never saw that money, didn't get it, didn't pay it. The county just wrote it on one side of the ledger and then the other side of the ledger.

So you look at that and you say, "wow, \$90,000 that's pretty good." Well, yeah except it's \$45,000. I don't know a way of knowing which counties are doing that kind of bookkeeping and which counties are not. So any of these numbers is suspect to at least that extent.

Some other data I think is even more illustrative of the spread in the grand juries around the state if you take the gross numbers, and, for example, you treat them as per capita numbers. How much have citizens of a given county each had to pay to support their grand jury? The largest grand jury budget per capita is \$6.59. That is off the charts. That is big. Sierra County. Only Sierra and Mariposa and Trinity were above \$2.00 per person.

The smallest grand jury per capita budget in the state is 1.1 cent. That's Alpine. And I'm not being critical. Alpine, if you don't know, has 1200 people. We're talking about a very small, and very poor county. Only Alpine, Fresno, and Santa Clara were below 5 cents per capita. The average grand jury per capita budget in the state is 18 cents.

Now, I'm sure you're like me and over the course of your life, you've seen ads like, "Save a village in India for 20 cents a week," or, you know, "Bring back the wild bison," or something costs you 5 cents a day. To maintain one of the bulwarks of our democracy, we're talking about 18 cents a year not 18 cents a day, 18 cents a year.

Another way of displaying the data is asked what percentage of the county's expenses, the supervisors have to determine to allocate to the grand jury. So this is now irrelevant to

how many people there are in the county. How much money does the supervisor have, and how much are they giving the grand jury?

The largest percentage of total expenses is again Sierra, and it is 2.5 thousandths of a percent. Only Sierra, Amador, Glenn, Mariposa, and Mendocino are so high as to be thousandths of a percent. All of the others are under ten thousandths of a percent for the worse. The smallest is San Francisco, just below one millionth of a percent. San Joaquin, Imperial, Fresno and Santa Clara were in the hundred thousandths of a percent.

This data is incidentally on these Excel spreadsheets which when we get out of this conference, I hope to impose on our excellent web master Mr. Lewi to put on our website, so you can check your own county to see how it compares, because I'm just picking extreme ends. I think this is enlightening information. I certainly didn't realize that the variation was this great, nor did I realize how low the low end was. I had a pretty good idea where the high end was. I had no idea the low end was low. And I'm not reciting the numbers to you to make you feel good or bad about your county, but to demonstrate the size of the variation.

First of all, the amount of money the grand juries get a million to \$14, that's a pretty big swing. The amount of contribution per individual in any given county are varied. As are the percentage of budgets the supervisors in different counties are willing to dedicate to the grand jury's work. I know those swings have always been large. Until recently, I believe they have been moderated somewhat by the fact that for a hundred and roughly 15 years the grand juries have been treated as arms of the courts, and depending on the county and the court, they had some level of support from the court. It may have been a 100 percent. It may have been a lot, it may have been a little, but they were getting something from the courts.

In this county, when I served on the grand jury, the grand jury's secretary, for lack of a better term, was a court employee. And we got some miniscule portion of her time, which she was good with that miniscule portion enough to get the job done. That, of course, can't be done anymore. You're not allowed to do that anymore.

In San Francisco, I think even now, although I suspect if they did it this year it will be gone next year, the court paid the grand jury's expert's fees. San Francisco is the city and one of the counties, in which its grand jury regularly used experts to conduct their investigation. The court is picking that up. San Francisco's budget is \$43,000 for the grand jury. So you can see some of the stuff was coming from someplace else.

In many counties, the grand juries used to use court facilities for their meetings. In fact, if you look at the penal code, that was amended last year to raise the per diem and the mileage rate, it talks about mileage to and from the courthouse. For those grand juries still using the courthouse, well, if they are, the county is paying the court system to use the courthouse. It's all because of the Trial Court Funding Act.

The process of moving the courts from the counties to the state began in the legislature, and everything we think of as things the courts are doing are court operations, except grand juries and translators and transcribers or something. The legislature expressly said, grand juries must be excluded from budgets of the court. Courts may not spend money on grand juries except to the extent that they spend incidental dollars in impaneling the grand jury and swearing them in. That's all they're allowed to spend money on. The effect of that, in my opinion, is to remove the traditional monetary and psychological support from the grand jury, and leave it dangling out there at the whim of the counties.

Now, it doesn't take a genius to figure out that in tight budget times, grand juries are going to be looked at as a source of some savings. And it doesn't take a genius to figure out

that if you slam the Board of Supervisors, it might occur to them that you can get by with less money. I'm very concerned that the effect of the Trial Court Funding Act is increasingly going to be seen to be to reduce grand jury budgets and increase the ability of the County Board of Supervisors to retaliate against grand juries.

There are people in this room, I know, that think they've got a much better shot from money from their county than they do from their state. But I'm afraid that, as a general matter, the grand jury is more exposed, if it's left to the counties instead of the traditional source of support- the courts.

So I want to leave you with these closing thoughts:

We have, the CGJA, is officially on record calling attention to the world, although we were addressing primarily the judicial council, to the consequences of the Trial Court Funding Act problem. What we haven't done is take any position at all as to how to fix it. I don't have a position in my mind. I'm not here to advocate a position. I think it's going to have to be something along the lines of either direct state funding, indirect state funding by amending the Trial Court Funding Act and letting the courts put grand juries back in their budget, or something like floor legislation which is what we have right now on the per diem.

The legislation says to the county, "You must pay this much money to your grand jury, no matter how big or small you are. This is what they get per diem." You could have that kind of funding enacted. You could have it as a percentage of the county budget. You know, you got to spend whatever and have a percent on your grand jury. It could be a per capita number. Whatever it is, it's going to come from state legislature if we're going to have a kind of meaningful, secure funding for the grand juries.

I think that properly funded and properly educated grand juries and grand jurors of this state are capable of doing a wonderful fantastic job to ensure honest, open and efficient local government. But they need to have that proper funding and that proper education.

I believe that this organization, CGJA, you the members, are the best source to ensure that they get that kind of continued and proper support. I think we are the only organization in the state that's able to raise the level to the point where some action is taken to ensure secure proper funding for grand juries.

I hope you'll give to your new board, you'll find out who they are later today, and your new president, the strong support you have given me, as collectively we grow this important organization for the benefit of the grand juries. And thank you very much for your continued support.

**BOB ABELING:** Thanks very much for your remarks, Jack, they were very enlightening for myself, and, I believe, for everybody in this room. You've done a wonderful job as the president of this association, and I personally love statistics, and it kept me enthralled and amazed me about those statistics.

We are running on schedule, believe it or not, and we will be having the chapter chairpersons reporting. We have an Operations Committee, and I think that is somewhat like the Administration and Finance Committee that -- Oh, we're going to start with -- I'm sorry with our treasurer for her report first. I was going to pick on El Moger, because that's in my opinion the committee that does collect the things that are not specifically for finance,

training and those issues, but without further ado, I'll ask your treasurer to come up and give the five-minute report or whatever it takes to accomplish that.

### TREASURERS REPORT - JANET PRARIA

JANET PRARIA: Good afternoon. After presenting the treasurer's report, I will go right into the Finance Committee's report, because they come one right after another.

So the fiscal year 2002 financial statement was published in the journal along with the budget for 2002-2003. Boyd Horne, there you are. If anyone needs a full copy of the financial report for June 30th, 2002, would you raise your hand and Boyd has extra copies.

While, Boyd is doing that, I'll go on.

I would like to review the growth of the last four years. I've only been treasurer for the last two, but I think it's important that we look back at the last four -- from June 30th, 1999 through June 30th, 2002. The Association's net worth in 1999 was a bit over \$2,200. That's the net worth as of June 30th, 1999. The year ending June 30th, 2000 the Association's net worth had increased to \$9,800, a bit over \$9,800. Then in June 30th, 2001 the Association's net worth increased to \$17,000. So we are making progress. We're getting a good base underneath us. So that we don't feel that we have to worry or hit you all up for increased dues.

Although the Association shows a deficit for 2002- a small deficit - the Association's net worth is still a little over \$17,000.

During the last fiscal year, the association was able to purchase audio equipment that we're using here at the conference and in training. And that was due to the generosity of the Val Cavey Fund which is chaired by Bob Headland. Bob, you can run but you can't hide.

BOB HEADLAND: I wish people would think of that fund when they have some extra money in their pocket, because being an unrestricted fund, it's the one where we can dip in for something special that the organization normally wouldn't budget for.

JANET PRARIA: The Val Cavey Fund was named after, I believe, a president of the California Grand Jurors' Association. It is a fund for education. And Bob, I for one thank you very much for your generous contribution to our audio equipment.

That's pretty much all I have in a nutshell for the treasurer's report unless there are questions. If there's none, then I'll just go into the Finance Committee report.

### FINANCE COMMITTEE REPORT

The Finance Committee covers financial development: we've been beating the bushes trying to find funds from different sources to fund different projects. One of the easiest programs that we have come across that is painless, costs nothing, and benefits the Association greatly is called the eScrip contributions. There is a form on your table. If you don't have one, I'll get one to you. All that is necessary is for you to sign up at the grocery store. My personal story is, I shop at Safeway. Now I'm not touting, Safeway. I'm just telling you what I do. I shop at Safeway and buy my gasoline at Chevron. I have signed up both of those accounts and a portion of the sales from those accounts go into the Grand

Jurors' Association, and each time I go to Safeway I get a receipt that says, a portion of your purchases has been contributed to the California Grand Jurors' Association.

So, if each one of you would fill this form out and turn it in to me or mail it, or if you want to, go on the web and sign up there. I found that it's a very easy way to give, and we have had funds coming in from the eScrip. And I would like to recognize Deborah Nagel-Burks as being the very first person to sign up from the CGJA. Thank you, Deborah. And as the funds come in and as the people sign up, it does take a little time for whatever your purchases are to show up in the Grand Jurors' coffers, but it goes directly to the Grand Jurors' Association's bank- there's no middleman. And I do encourage each of you to sign up, because just a little bit from everyone makes an awful lot for us. And are there any questions?

The annual appeal letter went out the first of October. We've already had very nice response, and I encourage you that if you would like to have your tax deduction before December 31st, get those checks in right away. I'd be happy to take them now, or you can mail them into the CGJA. Are there any questions?

Thank you very much for your attention. That concludes both the treasurer's report and the Financial Development Committee's report.

## GOVERNMENT RELATIONS COMMITTEE REPORT

LES DAYE: Welcome. I'm Les Daye from Trinity County. It's a small county of less than 14,000 people about four hours and 240 miles away, and if you've never been there, we would welcome you. It's so nice to be down here in Marin where I spent many of my college days.

I am thankful that Jack was able to cover a number of the topics which our Government Relations Committee was able to address during the past year and over the past two years. As you know, California's legislature meets in two year sessions. We've ended one of those two-year sessions along with some new faces, probably not enough new faces, but that's my opinion. The legislature will begin meeting again next year for a two-year session. The cynical view is although they meet for a two-year session, they could meet for a two-week session and cut their pay by about 99 percent.

So anyway, in the issues that the Government Relations Committee has looked at, we've had direct successes such as supporting Assemblyman Pappans' bill to increase grand jury pay and per diem so that they coincided with county employees. That was passed during this past two-year term.

In addition, we've looked at the issues that Jack raised about the Trial Court Funding Act and leaving the grand jury out on the lurch, as well as Grand Jury Reform. And for any future reform that comes up, for the record, the Legal Analysis Committee is the official name now for this committee. And that's because we moved some of the education outreach functions to Public Relations, a new committee. We specifically were asked to monitor the legislation. That means on-line. The state has done a very good job in putting all of the official information on-line, so that you can follow on a daily basis.

It's like reading the register of what the state has actually done during a given day. You can find out when committees meet. You can find out when subcommittees meet and so forth. And by putting in key words such as "grand jury," "First Amendment," "Brown Act," and other constitutional terms, we have been able to actually follow bills that have been

produced early in the legislature right up to the ones that become produced to us later in the year.

I don't know if you're aware, but a lot of bills are place-holder bills. They're simply bills that get numbers at the beginning of a session. Members of the community, judges, a lot of people ask particular members of the legislature to hold a bill open. For example, while a bill can start as something to require the state controller to publish his record within a 90 day or six month period of time, by the time that bill is actually voted on, it can be amended to be a housing element bill.

So our legislature works where they just put all these thousands, literally thousands of place holders in and then they work them later by way of amendment and so forth. Our legislative analysis and relations group, by tracking actual bills, were able to make appearances at the legislature when a committee was looking at the per diem issue, as well as other issues.

The Brown Act,- I'll just be brief with this- the Brown Act is becoming more important to grand juries. There are actual grand juries this year that have issued in their report guidance on the Brown Act, as amended. One grand jury would like all agencies which are subject to the Brown Act to post such requirements in their work place. So they're starting to take this very, very seriously all the way from the smallest special district up to the largest agency with the most employees and in the largest county. A number of juries are seeing that the Brown Act has applicability to the grand jury not just the school boards and other public agencies. The reason is some of these agencies clearly are not following the rules of the Brown Act.

The legislature also changed the enforcement provisions of the Brown Act in about four bills this year. The one that we were most closely associated with was reported to us by CFAC, the First Amendment Coalition, and basically two things happened, one is they increased penalties for disclosing confidentialities which they finally did actually define in the bill this year. I believe it was AB1465, they defined what confidentiality is. What it means is, in a closed-door meeting if you disclose anything that went on in that meeting, you're subject to new misdemeanor penalties.

The second thing they did and they were very careful in all four bills to end the bills with the words that nothing in this bill will lessen the current focus on allowing whistle-blowers to come forward without penalty. They didn't want to imply that strengthening the Brown Act would do anything to change the Whistle-blower Act which California basically adopted a few years ago and which continues with some success.

Among the other issues, we moved the lesson plan at the California high schools and community colleges to the Public Relations Committee now. The program has a potential to put the grand jury into civics and history classes in the high schools and community colleges. I think that's a great value because most of the books are published in Texas, and most of those books have nothing to do with the grand jury.

We also have updated the Compendium of Grand Jury Law. How many current jurors who are here have ever seen the Compendium of law which is updated each year with all of the relevant cases ? So- a number of you. That's an important document which we do keep updated and will continue to keep updated based on the laws which have either been tested in the appellate courts or where some decisions have come down and which applies every specific item of even small interest to grand juries.

Finally, I want to indicate that if you really want to know what was going on in the Government Relations Committee look at the Grand Jurors' Journal. The instructions from the editor of the Journal are to write a 300- to 500- word piece for each Journal that comes out that described when we met, what the basic issues were, et cetera. So use the Journal as a guide to what the committee is doing because it is reported on there. And also look at our web site. You have it, I think, in one place in your program- CGJA.org. Follow that so that you will know what the committees in your association are doing. Thank you.

## MEMBERSHIP AND CHAPTER RELATIONS COMMITTEE REPORT

CLIF POOLE: First off, like the rest of the speakers, I'd like to thank you for being here today. As Jack said, this had been a banner year for our membership and our Membership and Chapter Relations Committee. It's the first time we've got over -- this is the first year that we have gone over the 300 member mark. We are growing by leaps and bounds. I'm just thrilled with it really.

I attribute it to a number of things: an excellent committee to work with, an excellent president now leaving us which saddens me, who has brought stature, respect, and honor to this organization throughout the entire state, and I think most of this is due to Jack Zepp's efforts so far. If we could manage to continue, which I'm sure we have the knowledge and the talent to do so, to continue and carry forward with what we have done in the last two years, this is going to be one of the best organizations you have ever seen.

We end up with the same number of chapters at the end of the year that we started with in the beginning. Like all organizations, we are growing. We have growing pains in our own boards of directors through our own chapters- everywhere along the line. We are ironing out those growing pains and becoming more and more efficient daily.

As the CGJA, almost every one of you in this room has given up a year of your life at some point in time to sit on a grand jury. Obviously, you felt it was important. You're here today. You're giving up more time to come down here. There is only currently one organization that I know of that is trying to protect what you gave a year of your life for, the grand jury system. And that's the CGJA.

To not support it, is like saying, "Hey, I wasted a year of my life." And I feel passionately about this. I think there is a place for chapters, associations. I think they're absolutely essential because they take care of the local communities, the local counties, and they watch over things. CGJA is not geared for that. As far as I know, we don't intend to go into any county and try to mandate to a county, or to take care of a county.

We're more interested in sharing the information from every county to the other counties. We are interested in supporting the local activities. But our prime concern is protecting the system that necessitates for your county to have a chapter or an association. And again, I sound a little bit passionate on it. I have been told so by one of my wives that served on the jury with me, and I call her my wife because they all told me what to do at the time.

I have to mention that the Solano Chapter is going to hold its second annual barbecue on a Sunday in June. You can watch your Journal for details. But it's a wonderful, extremely nice day, nice park setting, exclusively for grand jurors. Everybody is invited, you, your family, your friends that you want to bring with you, and just casual, no business. Just enjoy yourselves. With that, I will make one other statement. In your program today, there is a partial list of the requirements for forming a chapter. It does not contained all of the requirements, so if anybody is interested in forming a chapter, please, contact me or one

of your directors, and we will get you the entire package with the entire requirements on it. With that, thank you very much.

## OPERATIONS COMMITTEE REPORT

ELWOOD MOGER: I'm El Moger. I am the chair of the Operations Committee, and I'm pleased to report that we had another very successful year.

The Operations Committee is responsible for the annual conference. And to start off the report, I'd like to recognize people who put a lot of work into it. I've run two of these conferences. You don't know all of the details that go into making it happen, and making it run smoothly. But the first person is the leader, Bob Abeling. Would you stand up and continue to stand. There are two of the assistants to Bob, that is Sue Haas and Reva Saper. Are they in the room or probably outside? Gene Dyer, who is our program chair. He is in the back of the room. Please continue to stand. You don't know how hard it is on the conference to get the speakers lined up, and Bob has said to you we've had a problem with a speaker today. But he's had a very tough job. He's done an excellent program, and we thank him. Henri Lese did the program booklet. Is Henri here? Henri is outside someplace.

BOB ABELING: Henri did the program for us. Henri does have a personal problem. He might be able to attend tomorrow. Let's give him a hand.

ELWOOD MOGER: Russ Brubaker. Is he in the room? Russ did the conference record, and that's a big job. Barbara Chism, who we know is not here, worked on the badges and the tents, and we really appreciate her support. And Wes Huss, is he here? Wes is going to work on the proceedings document. We really appreciate that. Thank you, Bob, and thank your team very much.

BOB ABELING: And besides those people, we had many others manning the tables and other incidental things. But it all takes time, and it takes people. So I want to thank those people .

ELWOOD MOGER: We're looking forward to a real nice conference, and again thank you. We have planned on the Operations Committee for our next year's conference. It's going to be in Ventura, California, and I'd like to have Jerry Lewi stand if he's in the audience. Jerry, are you there? Jerry is going to be conference chair next year, and this is a very brave person. Hope you look at him closely because he needs volunteers. There's no chapter down in Ventura to support him, so he is starting out as a one-person show to put on a conference like this.

We're very thankful to our Marin chapter who's done so much in this conference, and Jerry is needing your help for volunteering for the conference in Ventura for next year. So if you live in that area, or you're just interested, please look him up during the conference.

Our central database which started in 2000 has done wonderfully this year. We're up to over 1,500 records. These are record of contacts that are pulled up when we need mailings, or we need letters sent out. And Clif Poole and his lovely wife, Joanne, have worked on this, and they've done it almost as team of two. Put all these records into the database, and we thank Clif for his good work.

This year we also got another edition of the Compendium out and that was done by our director Dian Piccone, who couldn't be here today, but she worked to get that published. We update that every year. All of you do get, hopefully you all get our Journal which is put out

by Ourania Riddle and Bob DeQuattro. Ourania is the editor and Bob does the design and layout for the Journal, and we got out six issues this year. We're going to have our next issue out in January, and you'll see Bob out here in the front row, and Ourania, and several running around here with cameras. We are going to put pictures in our next edition for the first time. We're going to have a special pullout of the conference. So these people running around taking your pictures during the conference, they're trying to communicate to the rest of the members who couldn't join the conference here today. So that's going to be done in January.

Les Daye with the help of Dan Taranto put out another index of final reports for the counties. We've got 42 counties to send in their final reports. That was all indexed and put out for the year 2000-2001, and we thank them for their hard work.

We had some outside resources up in Humboldt County help us with that. Roger Loper has put his heart and soul into our Policies and Procedures over the last year, and continues to put work on that effort.

We now have an edition of our policies and procedures which was approved by the Board in January. So this is giving us structure. It's making our association more professional as we go forward with our guidelines. The website is being upgraded by Jerry Lewi. He calls himself an apprentice for his class. He's high above that. He is working very hard to upgrade and make our website very worthwhile to everyone outside of the membership. So we thank him for his work. And directors Jeanne Forbes and Jane Naify were on the committee and contributed valuable comments to the committee over the year.

This year we started our first insurance program. We decided that we had to for our conferences like this, for our training we needed some liability insurance. So we got our first insurance coverage for liability, and we also had some property, stuff over to the left here. Our recording equipment belongs to us, and so we now have insurance coverages for liability for everyone in the association and for our property.

We did at the end of the year compile our first member survey and had pleasing results. We had 64 responses. We have a lot of people, as Jack Zepp has indicated, that have an interest in working in the association. And we're going to start using those resources in the coming year. So I thank you very much. Are there any questions? Thank you.

BOB ABELING: Sherry Chesney is going to give the report on the training.

## TRAINING COMMITTEE REPORT

SHERRY CHESNEY: Hello. I'm Sherry Chesney, and I'm from Placer County which is about halfway between Sacramento and North Lake Tahoe.

Mike if you want to bring it over here. I do have a flip chart that I will be using for a few things. Mike is taller than I am so he can flip it.

As you know CGJA is truly a non-profit. We do not have any paid staff. Not a single person is a paid staff member. All of our projects are carried out by volunteers. I am very fortunate to have a lot of good volunteers helping with our training program.

We basically function in two ways. We have a training committee that is in charge of planning the program and overseeing it, and then we also have a team of presenters that go out and actually do the regional training programs. We all work together as one big team, and they deserve the credit for the success we had.

As volunteers -- these people work hard. It takes a lot of energy. They all devote a lot of time to it. To developing the materials, as well as to delivering it, and I think that what drives them is because they truly, genuinely believe that grand juries play a very important part in having good governments.

It's a very interesting concept to think that you can take 19 citizens and give them the authority to investigate their own governments, because it is our government. It is the people's government. And I think it's a very healthy concept. And I would hate to see something ever happen to the grand jury operations in the state.

We feel that training is important to enhance the way grand juries operate. Most grand juries do a very good job, but once in a while you have a grand jury that does something that is just way out there. And when that happens it makes the news. It reflects badly on all of us. It reflects badly on the grand jury system.

And I can give you an example. Years ago, I was told, it was a small county, a rural county that apparently must have been frustrated, probably was not productive at all. And at the very last day of their term, I guess to vent their frustration, they indicted their county counsel, their D.A., their judge, and even a member of the Attorney General staff. Okay. Obviously that indictment did not go very far, but it made the news.

So when something like that happens, it gives fodder to those lobbying efforts that would like to diminish the grand jury. So that's why a state-wide training is very important, because we're trying to reach out to all of the various counties in this state.

I am happy to report that training is growing. Our training program is growing. As you can see -- can everyone see the chart -- from 2000, the year 2000 to 2002, we have grown 39 percent. The 436 jurors that were training at a seminar this last August represent 39 different counties that sent their jurors.

This year the regional, the three seminars that were held were in Sacramento, Concord, and San Luis Obispo. As Jack, our president, mentioned, we will be adding a fourth one next year. Although Jack and I are premature, because the Board hasn't voted on that yet, but see by mentioning that now, we're putting the pressure on the Board to be sure and okay it. Because we already announced it.

I would like to -- how many of you have attended our programs? Quite a few. That's good. You want to flip this again. I'm going to go fast because our main speaker has some other things he has to get to. And I need to step this up.

Our core program is kind of the basis for our training package. These are done in small group workshop-type formats. We take a group, let's say 150 people at a seminar. We would divide them into five groups, and they rotate in and out of these five top topics: investigations, interviewing, court writing, grand juries and law, and the continuity and independence workshop. They rotate in and out of those until they have experienced all five. We also make it a point if, for example, a grand jury sent ten grand jurors to this, we would split those ten members in that one county up into two per -- you know, in each one of our divisions. We do this to mix the grand jurors. The grand jurors learn from each other, so we mix all the counties up, when we divide them into the groups.

In addition to this core program -- and most of these range from 70 to 90 minutes long on each of these topics. In addition to this, we fill out the program. We have panel discussions and also a variety of guest presenters on various topics. These will vary from seminar sites -- between the seminars according to the availability of speakers in that area.

For example, in Sacramento last year, we had a- or this year actually- we had a former mayor of Sacramento who had also served as foreman of their grand jury, and she spoke on city government. So these are the type of presentations that we try and get, and it's great when it is a former grand juror because they can really relate it more to the grand jury work.

We, at some of our sites, when it allows it, we do a mixer where the grand jurors can meet each other and mix and talk, and that's very helpful. This is one thing that they really seem to enjoy. All 58 counties operate differently. I don't think there's two of you out there alike. And that's great. We would hate to see cookie-cutter grand jurors.

Our program overall is designed to complement and supplement your existing training program. Of the 39 counties that attended, I would say three-fourths or more have their own training program. And that's great. We are all for that. Training does need to be done at a local level, but we feel our program does work well with it and complement it.

For example, Marin. We're today in their county. Marin has an excellent training program. They have an excellent handbook, and they also sent 12 jurors to our seminar, so it works well.

In closing, I would just like to say one other thing that we're doing kind of in the future, we have a one-day workshop with one subject, final report writing only. We tried it at the pilot project last year in January to where it's small group. We limit the attendance to 36, so they do some actual hands-on practice, and we are going to expand that this year to have one in Concord also. And we will be expanding our number of trainers as we out reach to more seminar sites.

So if any of you know of a person that would make a good workshop trainer or any good guest speakers that would speak on any topic. We would welcome you to give us that information.

Here is my name, my e-mail, and my phone number. (Sherry Chesny [sherryc@jps.net](mailto:sherryc@jps.net) (530) 878-8248) So if you have any good ideas for programs or speakers or possible presenters, please contact me. Thank you.

5. Adjournment of Business Meeting: JACK ZEPP: Thank you, Sherry. We're running about 15 minutes behind, so I'm going to adjourn the business meeting and introduce to you our speaker Bill Larsen.

JACK ZEPP: I met Bill in connection with the Grand Jury Reform when he, Sherry Chesny, Dan Taranto, Clif Poole and I were on the, I don't know what to call it, but they were in the first step -- a very small number of people to talk about their views on Grand Jury Reform, and Bill was there. And for better or for worse probably 80 percent of the conversation had to do with whether or not there was going to be a criminal defense counsel in the grand jury during a criminal inquiry which, of course, meant nothing to us, but, of course, meant a heck of a lot to Bill. I found him to be a very articulate fellow, and I'm very pleased he is able to speak to us today. Bill graduated from Fresno State with a Bachelor of Science in criminology in 1962. He was then serving as a police officer. In 1982 he joined the Santa Clara County District Attorney's Office where he now holds the position of Special Assistant District Attorney answering direct to the elected District Attorney of Orange County. Bill is in charge of the Government Integrity Unit which, of course, is the California Political Reformat, related government code divisions and election.

Bill coordinates all the grand jury matters and advises the grand juries of the questions of the law and procedure in Santa Clara County. Bill just recently tried successfully that very difficult beast to win, an accusation case, and congratulate him for doing that, did such a good job of it. Ladies and gentlemen, Bill Larsen.

***ACCUSATIONS- A CASE HISTORY - Bill Larsen, Deputy Assistant Attorney,  
Santa Clara County***

BILL LARSEN: I assume all of you can read this in the back of the room. Just kidding. Thank you very much, Jack.

I have a rooting section here today. A number of grand jurors from Santa Clara County, both former and present, and I appreciate the support. I always like to be checked up on. I'll try and make this presentation within the time limits. I know you're about ready for a break.

The accusations provisions in the California state law are found in Section 3060 of the Government Code, and I have passed out some materials to you that relate to a variety of aspects of this particular case that Jack mentioned that we tried this year in April.

3060 of the Government Code and sections that follow set forth the procedure- and I'm sure that you had this in your training, but I just wanted to review it quickly with you- for the removal of a public officer from office for willful or corrupt misconduct in that office. And generally the provisions apply only to elected public officials. It provides also that a state humane officer can be removed. It's just a little quirk in the law, but generally it's elected public officials. And the distinction is made that if a government employee serves through some other process whereby they can be removed like merit system, Civil Service System, then the accusation proceeding would not apply to that person. They would have charges brought against them, and they would answer those in the Civil Service System, and either be fired or demoted or what have you, disciplined accordingly.

Accusation proceedings are rarely brought historically in California. It's a creature of statute. There is no provision in the Constitution for the process, and I've been a prosecutor for 37 years, 16 years in San Mateo County, and the last 20 in Santa Clara County, and I've been involved in two accusation proceedings.

And in both those jurisdictions, I was the person who would be involved if anybody was going to be involved. So in 37 years, in two fairly large counties, the fourth largest county in the state, Santa Clara County and San Mateo a little smaller county, but still a sizeable county. That's not a whole lot of activity.

And my informal anecdotal surveys on that process statewide in communing with my fellow prosecutors who do the same kind of work that I do, indicates to me that there are few such proceedings that are initiated. I have tried to find the reason why that is. And I believe it is because District Attorneys do not want to stick their nose into local political affairs unless the conduct of the person that would be subject to such a removal proceeding is egregious conduct. And often egregious conduct is bribery, theft, or misappropriation of public funds, use of credit cards to make unauthorized trips, that type of thing. And the criminal laws apply to those circumstances.

And under our Government Code 1770, if an elected public official is convicted of a felony, upon the entry of the judgment that office becomes vacant. So to some substantial degree, accusation proceedings then become moot. Because all an accusation proceeding

will accomplish is the removal of the public official from their office, no jail, no fine, no any other kind of penalty.

So I suspect, not on scientific evidence, but based on my anecdotal information and review, that this is kind of a gray area situation where a public official has not committed a serious criminal offense, but they have committed conduct which is unacceptable in the community, and 3060 needs to be applied to get rid of the person.

And that's what we did in the city of Mountain View last -- it began last year. The city attorney and the police chief came to us and said, "We have a mayor (at the time he was the mayor for a year) and council person who is running amok in the city of Mountain View, giving instructions and demands and orders to the city staff, to the city manager, to the city attorney, to the police chief."

And all of those specifics are outlined in one of the handouts that you have today. That is a brand new article that is hot-off-the-press. The magazine has not even been distributed yet. It's the International City County Managers Association, and that association is actually an international association. The article is going to be published in a number of foreign languages, as well as English.

And this article was written by Kevin Duggan, the city manager of Mountain View, who was involved in this accusation proceeding that we brought with the help of the grand jury. And he outlines in here all of the misconduct that Mario Ambra committed. And what's interesting about this article it's from the perspective and the psychology of how that misconduct affected the city manager and his ability to operate and to function and to carry out his duty. So I urge you to, if you're interested, to take a look at that article when you have an opportunity.

The police chief and the city attorney came in after the city manager and a couple of other council persons caucused, and said, "We've worked with Mario for five years." The whole four-year term when they had counseled this fellow, the testimony was, at least 60 times during the four-year period, to not violate the Charter, to not undercut the city manager and work through the city manager, to run the city and not give direct instructions to the staff.

And the thing came to a head because of a property development project that was taking place on Rengstorff Avenue right off of 101 in the city of Mountain View. If you drive down 101, either way, there's a big sign, Caltrans sign, that says, "Next five exits Mountain View." Typically how they assign off-ramps to various towns and cities on the major thoroughfares. And it so happens that Rengstorff Avenue is one of these five access points into the city of Mountain View.

Mario Ambra was a fourth generation of Italian family member, and they owned this compound, a block-long compound on Ringsfourth Avenue. I know you can't see this, but this is a little historic memorabilia. This is actually a grand jury exhibit that was presented to the grand jury that accused Mario in October of last year.

And Rengstorff Avenue runs off, as a say 101, and about two blocks off of 101 from Lake Horn over to Plymouth is the Mario Ambra family compound. They own basically two acres. And there were two additional acres behind them. And the project that brought this all to a head was the development of an office building on this quadrant up here in the upper (to you the upper left-hand quadrant) of the parcel.

And Mario had wanted to purchase that property for years. His aunt owned it, and his aunt and he hated one another for many years, because as he aged, she saw in Mario her own

husband who had passed away sometime before, and that animus started to turn into an amorous feeling for a family. An amorous feeling for Mario, and she kind of mellowed out, and she was prepared to sell this parcel to Mario, but Mario couldn't come up with the money. Mario was a backhoe driver. He ran for office on the proposition that he was going to be the spokesperson for the neighborhood that he represented in Mountain View. And his father was the one who owned these two parcels that ran along the front of Rengstorff Avenue called the Ambra Compound. It used to be an olive factory, and 30- or 40-foot high Italian Cypress trees lined the whole front of the property, so when you come onto Rengstorff, it's just an olive factory lined with Italian Cypress. It couldn't be more typical than sliced bread.

And the elder Ambra had this property, these two parcels in front on Rengstorff in trust, and Mario and his sister were the two beneficiaries, but they were contingent beneficiaries. It was a living trust, but Mario was the leader of the band, because the old man was up in years in his 90s. And so Mario wanted that property behind, because he knew with the setback requirements and the limitations of 16 units to the acre for development of housing along the front edge, it just would multiply substantially if he could get those two parcels behind.

So he went on a campaign in the first year of his second term- that would be the year he was mayor. And first he got the code enforcement people to rev up their engines, and they were the biggest testimony in the case. It was the biggest invasion that was ever conducted in Mountain View. And they went on this property next to the aunt's property, the other parcel that was set back that acre, and that was kind of a hodgepodge can recycling factory. Bunch of vehicles were parked out there. It was really a mess, and he got the city attorney's office, who were responsible for codes enforcement, the fire marshal and hazardous waste people and so forth and so on, and they went on the property and wrote this place up for all kinds of violations.

Mario's intent, our evidence showed, was to make it so tough on this elderly owner of this property that she would give up, and put the property up for sale, and Mario could buy it.

The aunt, after two offers had been entertained by her, by Mario, that he couldn't fulfill, gave up and sold her piece of the property, that quarter of the total parcel, that one acre right behind Mario's place to an independent owner. And they went to the city, and they were submitted plans to build a big office building.

And in September of 2001, excuse me, it would have been 2000, excuse me, it would have been 2001, the year he was mayor. The project was about to be ready to be approved, and, of course, if you build a big office building, it's going to be kind of tough to build 16 units per acre, which is what the coverage would be if he would have been able to buy that property behind the parcels on the frontage road. And so he went to the city manager ultimately just before the final approval was going to happen on this property development, and called the city manager into his office, and said, "I want you to condition that approval on that development, so that it will be impossible to make it a viable business arrangement, and then they'll give up on this project, and I'll be able to buy the property." That was the gist of the behind-closed-door session.

Well, that was it for Kevin Duggan. He's a very professional city manager, so he caucused with the city attorney, at least one other city council person that was aware of what was going on, the police chief, and they came down and saw the D.A. And we investigated the matter further, and then finally in October of last year we presented it to the grand jury

for purposes of having the grand jury accuse Mario Ambra of willful and corrupt misconduct in office, and the grand jury did that. We tried the case then in April of this year, and the jury after a nine day trial and four days of deliberations found Mario was guilty of willful misconduct in office but not corrupt and willful misconduct in office.

My belief is that there was a juror who held out on the corrupt element. And it really didn't make any difference, because under 3060 of the Government Code, willful misconduct or willful and corrupt misconduct both are one in the same as far as removal from office is concerned. So it was almost like throw me in the briar patch Brer Bear, and they did justice in the case.

Now, one of the other relics, aside from the aerial photos of the compound and a scad of documents of city records and so fourth, that were introduced into evidence at the summation of the case, these were the only two props that I used. And one of them was a blowup of what I think I handed out to you as part of the handouts, the legal definition of what corrupt is. And we argued to the jury that the fact Mario Ambra presently did not own the property in front, and therefore currently would not appreciate immediately any remuneration or monetary gain from acquiring and developing the property in the back, he was still acting corruptly when he tried to put the kibosh on the office building project and tried to run the can recycling man off of his property, because he was doing this to advantage, at the moment, his father who was the owner of the property in trust as the primary controller of that property in the trust.

But for some reason one of the jurors, I guess, just had some problem with that. We tried to explain to the jury that corruption does not require proof that somebody goes to a park bench and digs out a plain brown envelope under the bench with hundred dollars bills in it, actually physically receives a reward in order to be corrupt, but I didn't convince them of that unanimously.

And the accusation process requires the same standard of proof as a criminal case, proof beyond a reasonable doubt, unanimous jury. We did though, during those three and a half days of deliberation, have the jury come out and ask for a reread of the testimony of two witnesses. That was the city manager's testimony and the principal planner's testimony.

I used the principal planner of the city of Mountain View, who was the professional educated person in the city of Mountain View dealing with development projects, to provide expert testimony in the case to explain to the trial jury what the magnitude of profit would be if Mario had succeeded in getting these two back parcels of property.

And in that testimony that was read to the jury twice, two separate times during the deliberations they came out, and I think we were trying to get this one juror to get the idea that, hey, if he could get this property, look at what he could gain.

The testimony of the principal planner was that if Mario had been able to acquire these two back parcels of property, an acre each, he would have then been able to have put 50 units on the property, as opposed to 16 on just the front two, because there were all kinds of ramifications with the front two, but if he had the two properties in the back that wouldn't be a problem, because it would set back. It would have a driveway. The bottom line would be, they'd put 110 units on the four parcels.

They would split the cost among all of those units then, in terms of paying for traffic signals that would have to be put in on Rengstorff Avenue, and all those other costs of development. And the principal planner's testimony was that when it was all said, and if they acquired those two back, if Mario had acquired those two back parcels, if they had sold those

properties outright, after they were built, the net profit would have been between 35 and 42 million dollars. If they had rented or leased those properties over a 30-year period that profit would have been between 60- and 70-million-dollar profit.

So we thought that we presented a pretty persuasive case that there was money to be made and a motive why Mario was so anxious to lean on the city officials to help him acquire this additional property. But it didn't work.

There has been an issue and a question raised about, is this proceeding criminal or civil? In 1905, the Appellate Court in California said, "The procedure that the procedures are criminal in their nature cannot be doubted, and we think must be regarded as pertaining to crimes and offenses against the state." In 1920 the Appellate Court or the California Supreme Court said, "The proceedings under Section 758," which is now 3060 of the Government Code, "while held to be in its nature a criminal case is not prosecution for a crime in an ordinary sense of the word. Its whole object is the removal of the incumbent from office, and the judgment can go to no further extent."

And then in 1997, the Appellate Court said, "The prosecution of an accusation is more closely analogous to civil abatement of a nuisance than to a criminal prosecution." And that decision, Bradley versus Lacey held that it was in the nature of a civil proceeding. And the reasons they stated in their opinion for that, there was no provision to arrest the accused.

If the grand jury accuses, then the district serves a copy of the accusation, an order to appear in court to answer the charges, and when the trial is had and the person denies the charges and is convicted, then removal from office is the only ramification of that defining of guilt.

The interesting interplay in the Lacey Case, in 1997, that was a case out of El Dorado County in which the grand jury accused someone of misconduct and the D.A. refused to file the accusation, and a group brought an action to force the D.A. to file the accusation, and the Appellate Court said, "Yes, the D.A. doesn't have any discretion. If the grand jury accuses, the D.A. must file with the court the accusation."

Once filed, then it's in the lap of the D.A. to evaluate the case and determine whether or not if -- did I misspeak -- it's in the lap of the D.A. to determine, not the court, the D.A. Once it's filed with the court, the D.A. as the prosecuting authority then has full discretion to evaluate the case, because the D.A. has the obligation to prosecute the case, to evaluate and determine, do I have enough evidence to prove beyond a reasonable doubt that this person is guilty of the allegation. And so after careful thoughts Mr. Lacey the district attorney moved to dismiss the case after filed with the court.

Now a similar instance occurred, some of you are aware of that down in San Diego County a couple of years ago. Mayor Golding being a civil grand jury without wanting the D.A., you know, the D.A. was to butt out of the civil grand jury. The grand jury wanted to do their own thing, and they accused Mayor Golding of corruption with reference to development of a ballpark down in San Diego. And they ultimately accused her, and presented the accusation to the D.A. It was after the Lacey case, so the D.A. knew he better follow the accusation. And then after deliberate consideration, he moved to dismiss the accusation.

That accusation was totally inept. It was not supported by valid evidence. It was a bunch of hearsay evidence the grand jury had relied on and gossip-rumor speculation in issuing the accusation. I talked to the D.A. who handled the after-accusation process, and I speak with that authority.

Finally, with reference to this semi-technical legal-beagle stuff, legal stuff, one of the requirements, in order to validly bring an accusation is that the conduct has to be something that is in the nature of criminal misconduct as opposed to inept conduct or negligent conduct. And we got that clarified by the Steiner Case out of Orange County. That's a 1996 decision of the Appellate Court, and it is the result of the bankruptcy in Orange County where, I'm sure all of you have heard about it in one way or another.

Orange County, because of the investments they made through their fiscal officers in the county and the Merrill Lynch Corporation went belly up, and after that happened, the D.A. in Orange County took it to the grand jury, and got an accusation against two of the members of the Board of Supervisors who were on the finance committee of the county, at the time. And the D.A. contended and persuaded the grand jury that this was correct that their failure to oversee the investments in the county was misconduct on their part. And therefore, they should be accused and were accused.

And after lengthy pretrial litigation and appeal, the Steiner Appellate Decision threw the case out and said, "Taken as a whole these cases," -- it had reviewed all the prior cases dealing with this issue -- "these cases affirm that something more than neglect is necessary to constitute willful misconduct.

Does anyone have any questions?

AUDIENCE MEMBER: The fact that Mr. Ambra was removed from duties, does that prevent him from ever holding public office again?

BILL LARSEN: It does not prevent him, in this particular instance, in this election that just occurred, he had two years left on his term that were yet to be filled, and he couldn't rerun for that office. There were some four-year terms also open in the city of Mountain View in the November election, he could have actually run for one of those other four-year seats. He couldn't have run to reclaim the seat that he was removed from. He didn't, but his wife did. And his wife didn't win. And so the city manager, the city attorney were very, very pleased with the election results as a consequence.

Now, I just wanted -- before I answer the other questions, I just want to add one final comment, and that is, although these proceedings are few and far between, we experienced a tremendous result in terms of the aftereffect of taking this course, and that is the editorial that I passed out to all of you. The headlines, A Victory For Honest Government, and we got terrific acknowledgment by the media for having pursued this. And that's the whole purpose of this is to make government better for the citizens.

AUDIENCE MEMBER: In this case, the District of Santa Clara used the grand jury to issue the accusation. My question to you is, if the grand jury discovers improprieties during their own investigation and brought that information to your office, and you were forced to, you know, the D.A.'s office was forced to prosecute, would your office be as open to the grand jury's, you know, whatever they brought to you, or will you try to find an excuse not to prosecute? I'm asking this because this is covered in one of the counties.

BILL LARSEN: Well, we always had pretty much a good relationship with the grand juries. And the grand juries have utilized our investigative resources and our advice in a variety of matters. And I'm confident in the watchdog function of the grand juries in Santa Clara County that if they came across a matter that appeared to be appropriate for the removal of someone from public office that they would come to us. We would evaluate it. If we thought that they were correct on the surface of the matter, we would then investigate it further, and if it turned out that we could prove beyond a reasonable doubt that there was

willful -- or misconduct was committed, then we would present it formally to the grand jury for an accusation.

It's interesting to note that every county in the state now can have a second, criminal, grand jury, just one additional criminal grand jury, and we used that system in Santa Clara County, and when the criminal grand jury is sitting, they're sworn in for a period of time, and we usually put them in for two- or three-month intervals. While they're sitting, the civil grand jury loses their right and authority, but the criminal grand jury only has indictment authority by statute, no other authority.

The Attorney General has opined that when the criminal grand jury is sitting, the statute is clear that the criminal grand jury is the only jury that has indictment authority. There was some ambiguity about whether or not the criminal grand jury could also conduct civil functions, and the Attorney General said, no the second grand jury is strictly criminal indictments, and therefore it's unequivocally clear based on the legislative history of 904.6 of the Penal Code that the civil jury is the only grand jury that can bring an accusation against a public official.

So any of those kind of proceedings would always be with the civil grand jury. And the two cases that I mentioned, the one out of El Dorado County and the one out of San Diego County, I'm aware of the facts behind those cases, and frankly they were just cases where the grand jury went off half-cocked, kind of a runaway grand jury and did things not according to the legal requirements. And when that happens, we can't prosecute something effective.

AUDIENCE MEMBER: In both cases that was the case?

BILL LARSEN: Well, you know --

AUDIENCE MEMBER: In El Dorado County?

BILL LARSEN: I can't with authority speak about Gary Lacey's case. The one in San Diego, I have detailed information on that. The one in El Dorado, I'm not sure about, but I know Gary Lacey, and he seems like a nice guy.

AUDIENCE MEMBER: Do you have any notion as to why that is, when the second grand jury is impaneled, the criminal grand jury, (inaudible) will indict, the regular grand jury is forfeited?

BILL LARSEN: Because it's specifically spelled out in the statute 904.6 of the Penal Code, specifically says that when a jury is impaneled pursuant to this section, the regular grand jury, excuse me, that jury shall have exclusive indictment authority. That's the wording of the statute.

AUDIENCE MEMBER: It does also go on to say except for matters that the regular grand jury has already taken.

BILL LARSEN: That is the exception, that if the civil grand jury had already begun an investigation, a criminal investigation, they would have the authority to indict if they followed through on that specific case. However, I personally, and a lot of my colleagues agree, think that 904.6 allowing for a second criminal grand jury is a very good statute, because we eliminate the constitutional challenges of the composition of the good-old-boy grand jury composition that typically has been the stereotype of the watchdog grand jury.

We have -- when we used to use the regular grand jury before the addition of the criminal grand jury was authorized, we had several, over the years, lengthy litigations on the constitutional validity of the composition of the grand juries. And we won in every one of

those cases. And they were all involving serious murder cases. But it took a tremendous amount of resources to have a two-week pretrial hearing on whether or not the indicting grand jury was constitutionally composed. Under the 904.6, the additional criminal grand jury, that issue doesn't exist because those people are hauled in off the voter registration, DMV rolls. And if that jury is no good, no trial jury in California is any good.

AUDIENCE MEMBER: Assuming that your interpretation of it as being a civil process, if a grand jury was originating an accusation, would you suggest to them, and rather than the County Counsel being a resource, that the D.A. be a resource in that matter, so that you could follow at least all due process to ensure that the accusation goes forward, or it's more defensible?

BILL LARSEN: If there's any hint that the grand jury is getting involved in an accusation process, the County Counsel should not be within a hundred miles of the proceedings of that case. The D.A. is the prosecuting authority on an accusation. And it's analogous to a criminal proceeding.

Here's the thing, these cases that I read to you, this chronology of cases starting in 1905, none of them, none of them cited or made reference to Section 15 of the Penal Code, and that section says, "Crime and Public Defense Defined: A crime or public offense (we're not talking about a civil action, we are talking about a crime or public offense) is an act committed or omitted in violation of a law forbidding or commanding it and upon conviction either of the following punishments, death, one; two, imprisonment; three, fine; four, removal from office; semicolon or comma; five, disqualification to hold and enjoy any office of honor, trust, or profit in this state."

If these courts had looked at this statute, then they would have been hard pressed to say it's in the nature of an abatement of a public nuisance, or that it's a civil case. It's a criminal case, and the Government Code under 3060 in the following procedure provisions makes it unalterably clear, it's to be tried just like an indictment. So how in the world -- and it didn't make any difference. I mean, we just want a court, let's try it.

The judge that heard our case is a former D.A. He had been trying civil cases for a number of years. He was terrific. Got back to the old reasonable doubt instructions and stuff, and it was fantastic. I don't care whether they have a civil number or a criminal number on the case.

JACK ZEPP: We have to stop that young lady to going on die over there.

(Break)

BARRY NEWMAN: In addition to those nominated by the Nominating Committee, there were eight write-in votes.

There were also three votes for what the tellers deemed to be unqualified candidates. Two of them were for sitting directors whose terms were not up, and therefore, they were not legitimate candidates, and one for a candidate who expressed an unwillingness to serve. So we discounted those three votes.

Having done so, the tellers are reporting that the directors (elected for a two year term) are:

North Region: Les Daye, Trinity County; Elwood Moger, El Dorado; Dan

Taranto, Humboldt; Sherry Chesny, Placer

Central Region: Mike Miller, San Mateo; Clif Poole, Solano; Ourania Riddle,

Solano; Jack Zepp, Marin

South Region: Jerry Lewi, Ventura; Dian Picone, San Benito; Janet Praria,

Monterey; James Kelly, San Diego

And Mr. President we report that those directors have been elected.

JACK ZEPP: Thank you. Congratulations to those who are newly or re elected. I have been asked to mention to you that there are roving microphones. The people that have the roving microphones are in the back of the room. The gentleman in the blue jacket has a roving microphone in order to help everyone hear, and to make it easier for the court reporter. So wait until the roving microphone gets to you before you start asking your question.

And now my understanding that Joe Nation is on his way over in a few moments. I'll stop, and we'll wait until he gets here.

I'm going to have let Ted Freeman introduce him.

### ***INTRODUCTION TO SPEAKER***

BOB ABELING: Thank you. And for the Grand Jury Association we're not doing bad. As you know as grand jurists, we never operate to the exact minute. And we are within five minutes of our schedule. I think we're doing very good, personally, but I'm prejudiced, because I'm doing part of this.

At this time, I'd like to introduce Ted Freeman. Ted and I served on the '97 and '98 grand juries. We did studies and issues together ourselves and became personal friends. Ted was also the president of the Marin Chapter, a secretary for the Marin Chapter of the California Grand Juror' Association, and he is the person who is developing the training for school children that hopefully our superintendent of schools. I think it has been approved or will be approved, so we can start that process in Marin County. So with no further ado, Ted Freeman knows Mr. Nation a little better than I do, so that's why I've asked him to do that. Thank you.

TED FREEMAN: Old friends, we met two minutes ago. I might say before I introduce him that Bob was very good. When I first came on the grand jury, he was kind of the answer to my prayer, because like all the rest of us that first come on, I didn't know anything, and he already had some things he was working on for previous juries, and he grabbed me by the collar, and I got started.

Also I'd like to mention as he made reference to the teaching unit that we put together, that I had something to do with. There are some samples if you want to take a look at it, and there is a sign-up for this. I noticed 10 or 12 people have signed up, and if you do, I'll send you a copy by e-mail.

Joe Nation is a married man with two 13-year-old daughters, and I remember when my daughter was 13. Good luck. Okay. Joe has a Ph.D. in Public Policy Analysis. He is managing director of the San Rafael based Economics and Public Policy Firm. He is an expert on California, the Bay Area economies. He also teaches economics at USF.

He started his first elective office as a member and then board chairman of the Marin Municipal Water District. He served a number of State and University of California Commissions. He was last week elected to his second term as the Assemblyman of this district. He has -- you may remember reading about one of the great controversies in the last

legislative session, the Consumer Privacy Bill which did not pass, but Joe certainly put a tremendous effort in on that.

His topic is the California Legislative Perspectives. Joe Nation

***CALIFORNIA LEGISLATIVE PERSPECTIVES - Joe Nation, Assemblyman,  
California Legislature***

JOE NATION: Thank you. Thank you very much. It's great to be here today. It is always great to be back in the district. I was in Sacramento for nine straight months earlier this year, and I'll take the worse day in this district over the best day in Sacramento. I'll tell you that it's great to be back home.

First let me just recognize the California Grand Jurors' Association and the work that you all do. And I have a little bit of the history with some of the work you have done. I know that what you do is so essential in what we try to do, whether we're in the local level of the Marin Water District Board or in Sacramento.

I know that for a fact that you are very involved right now in looking at the provisional ballots that are coming in, both in Marin County and the other 57 counties in California. I talked to Steve Westley this morning, who may or may not be the next controller of California. Out of 6.8 million votes cast, he's up by 19,000. So, when you're up by 19,000 every vote counts. And I know through the registrar here that you all are helping in terms of ensuring that those ballots that are legitimate are counted and the ones that are not are not counted. So I thank you for that.

I will also just say that when I was at the Water District here, the grand jury was absolutely instrumental in forcing the District- and this is back in the earlier 1990's just as I was joining the Board- in forcing the District to look at the issue of fire flow. For those of you who are not from the county, fire flow probably does not mean much to you, but in this county where we have lots of narrow roads and houses at the end of long streets. There might be five houses on maybe a road that's, you know, quarter of a mile long or an 1/8 of a mile long. It's essential that we have water that we can deliver to firefighters, so they can fight a fire in particular, an open-space fire.

And we actually have- we used to have in this district- some water lines that were literally one inch in diameter. The same size as a garden hose. So you can imagine what it would be like, fire truck pulls up, they got this big pumper engine. They were trying to pump out of something this big around. We were a disaster waiting to happen.

And the work that the Marin grand jury did was really essential in pointing out the need for the county to move forward. And in the end the Water District, and I was on the board, that put this on the ballot, we ended up putting on the ballot a measure that will fund fire flow efforts for 15 years. It was actually a \$75 fee for a property owner. That's a lot of money. People don't like to pay for taxes or fees. And I credit the Marin Grand Jury with a lot of the work and lot of the effort. So I thank you for that.

As I said earlier, it's great to be back home, and one of the reasons it's great to be home is because this is a different place than Sacramento. When you're in Sacramento every lobbyist laughs at every joke. You're never short. You never are in need of a lunch date or a dinner date because someone will always take you out to lunch or dinner just to talk to you and spend time talking about issues. But it's always great to be back home.

And if I could, I'll tell you this one real quick story about one of my 13-year-old daughters. Last year, we had ordered Christmas cards to have sent out, and we were driving

around in the van, and in the back of the van there were these boxes full of Christmas cards. And Lexi looked at me and said, "Dad, how many Christmas cards do you have?" I think we printed either 2,000 or 2,500. And she stopped, and this long pause and she said, "Dad, it's not like you're that popular." You know, and so I need to remind myself of that. So it takes my 13-year-old daughter to remind me of that.

It's great to be back home, and to be humbled occasionally and have people not laugh at all my jokes, so that's one nice thing about being here.

I also spent a lot of the time in the district having pancake breakfasts. Those of you who are here, we have pancake breakfasts that I pay for. They are not organic pancakes despite what you may have heard. That's what we sell people in Fairfax. They are not organic pancakes, but we invite people. We usually get about 100 to 150 people in Novato or San Rafael or Rohnert Park, and we just talk about issues. And I think we did six in a row at one point. So every Saturday morning, we got up really early to have pancakes, and we'll do that again there next year.

I also hold sidewalk office hours. I have an office in the Civic Center in San Rafael. I also have an office in the State Building in Santa Rosa, but not everyone can go to those offices. So I put up a card table, you know, whether it's outside actual Tulley's in Novato or some other place where people frequent. It's a great way for me to meet people and hear their concerns and whatnot.

Those of you may or may not know that I've actually been -- just a few months ago -- I was asked to appear at the Rules Committee, in the State Assembly. That pulls me up to Sacramento a lot. I think, this week, I think I was there maybe three days. We're out of session, but I was still in Sacramento three days this week. And it's great to be able to be there to work with the new members. We have 32 new members. Now baby members, we have 32 brand new ones that haven't spent a lot of time in the Capitol, and so it's great to be there and be able to work with those members.

I'll give you a little bit of a background of what happened last year, and what we expect to happen this next year. I will tell you straight up, that we had a very, very, very bad budget year. Last year. Next year will be far worse.

You may or may not have seen the legislative analyst announcement yesterday by Elizabeth Hill. Every few months, she'll produce an estimate of what the budget, the revenues, and spending looks like for the state. She, by the way, has the guy that does this for her, her economist was voted by the Wall Street Journal as the most accurate economic forecaster for California. So here's a guy who could be making lots of money in some investment firm, and he's staying in government which I think is wonderful.

Yesterday, or actually let me step back, last year we had about a 24-billion-dollar shortfall. Now, the first question you ask, is that a lot of money? Well, 24 billion is a lot of money even in California. The budget this year was about 99 billion. So you can do the math about 25 percent shortfall this year. Excuse me the budget year last year. We believe and still believe shortfall this next year will be about 21 billion. So we've gone from a 24-billion to a now 21-billion-dollar shortfall.

The first question you're asking is how did we get there? How did we go from these massive surpluses which we had just about two years ago to massive deficits. And there are really two explanations of that. The first is that the economy has slowed down. And in the Bay Area, the economy put on the brakes. The economist I talked to for several years used to do a lot of work on the California economy. And typically a good year in California the

economy will grow at 4 percent, 6 percent, maybe even 7 if we're lucky. Next year the economy in California is forecast to grow about 1.3 percent. Population is going to grow by about 2 percent, so we're not going to even grow enough jobs next year to keep up with the population growth. That's one of the things that's happening in the state.

The Bay Area is far worse than the rest of the state because of the technology bubble that burst. I guess about March of 2001 is when it really burst, and the impact of the declining or the slow economy has just been devastating on the state, and it's been devastating for the second reason. The second reason we go through these wild swings is because we have an economy and we have a revenue structure that is based upon whether the economy is healthy or not healthy because so much of what we take in, so much of what cities take in is through sales tax. What happens when people lose their jobs? You don't buy as much stuff. You don't buy the same goods that you used to buy, so our sales tax revenues fall. Income falls as well. A large share of what we take in is from income tax as well.

Two years ago 17 percent of what we took in was from capital gains taxes. That's fallen by about half. And it's because Yahoo, who was selling at 200 is now selling, well something along those lines. I don't have exact numbers. And so as the economy nosed over, it really has had a devastating impact on us.

I want to say that this next year, and I said this last year, everything needs to be on the table to deal with the budget crisis we have. And it is a physical crisis we have in California. When you're 21 billion dollars short, and we spend about a 100 billion a year, it is a crisis. And we need to put every program on the table and make sure we're spending our money wisely. We also need to look at every revenue, and see if we are getting what we should be getting out of California.

You may or may not know a few years ago, there used to be an upper income tax bracket beyond what we have today. If you made more than \$320,000 a year as a couple, you paid 11 percent of the margin. Today you pay 9.3 percent. I think we ought to reinstate that right away. Most people don't want to hear that their taxes are going to be raised, but the choice next year is whether we cut schools dramatically, cut every social program, or we go back to a tax structure that I thought worked very well.

The other thing we've got to look at is the vehicle license fee. That vehicle license fee pays for things like cops and firefighters in local government. And if we don't go back and reexamine that, if we keep the current structure then we're going to be in danger of, I think, of reducing those funds for police and fire throughout California.

Those are the things that we've got to look at. The big fight on the expenditure side will be for K-12 spending, K-12 education. And I will tell you, I will fight as hard as I can to make sure we maintain what we have. Years ago we were 49th. California was 49th in the county per-pupil funding out of 50. We're now about 35th, so we're moving in the right direction. But next year, if we suspend Prop 98 we could fall back to 45th or 50th. It could be that bad of a year for us.

So it will be a very, very challenging year, and I hope the people will approach it realistically. And I hope they'll do it honestly with voters, and let them know what we need to do to maintain those critical programs and get rid of the ones that we don't need there.

You had mentioned the Privacy Bill this last year. I'll talk a little bit about some of the legislation. I just got a call on the way in saying, "Are you going to carry a Privacy Bill next year?" And I don't know what I'll end up doing. Frankly, I'll probably end up doing a lot of

health care related work. Doing a lot of work on breast cancer and cancer generally as you may know if you live here. And we will see if there's room for a Privacy Bill next year.

I know there will be a Financial Privacy Bill. I think it's essential that we have one. I believe that you owe me information about where you spend, and what you buy where. What sort of products you buy, not a finance institution and not an insurance company, and so I'm fairly certain that we'll have the bill next year.

I was fortunate this last year. I have got 14 bills to the Governor's desk this last year. And in his great wisdom -- are you going to transcribe that? -- I got 14 bills to the Governor's desk, and I was lucky enough to have 13 of them signed, which is a pretty good record.

We were actually able to do some work that I think is very significant. In particular, given the budget shortfall, one of the bills that I got to the Governor's desk was Assembly Bill 2224. It establishes, for the first time, a Sonoma-Marin joint powers authority. Essentially if our district decides to begin a commuter rail system should the counties begin to decide to move that direction. Some people thought of a train in Marin or Sonoma County. I think we ought to explore it. I know that everyone that spends time on Highway 101 going north or south, especially during rush hour, would like for us to do that.

And another bill, 2251, it establishes a permit program in the Department of Forestry to look at Sudden Oak Death Syndrome. How many people live in the Bay Area? How many people are from Marin, Sonoma? So a fair number here. You probably have heard of Sudden Oak Death. In Marin we're going to lose 30 to 40 percent of a number of species of oaks that we have here. It is a horrible problem not just because of the aesthetic value of those trees, but it's a horrible problem because when the trees die they turn into powder kegs. And we need some way to be able to remove those so there isn't fire danger on the watershed or other areas of the county.

So we established that program, and we were actually able to get two million dollars in the budget, to at least keep it on life support. Now, two million dollars covers the entire state. Two million dollars for the entire state is not a lot of money, but at least we've got the program up and running now.

Another bill that I am very proud of that I was able to get through and got the Governor's signature on was Assembly Bill 2777. It establishes or allows counties, Marin specifically, three counties Marin, Santa Barbara, and a small county down south called Los Angeles, to offer domestic partner's benefits, death benefits to their employees. I think it's a basic given right. I think if someone designates an individual as a domestic partner they ought to be treated the same way as someone would if they were that person's spouse.

I have a number of other bills. If I could, I'll just mention one of them, if I could real quickly, and encourage you all to take advantage of this great state program if you have not. You may remember that in January, December of 2000 and January of 2001, we had something called the energy crisis. And you should also be aware that it's coming back in about two years because we're still not investing enough in new generation in California.

My Assembly Bill 1968 ensures that when you receive a grant from the California Energy Commission for putting a solar panel or solar panels on your house, or you're out in West Marin or out in Two Rock and put up wind power, that you actually don't pay taxes on it. The way it's written right now if you put in a \$30,000 system, and they give you \$15,000, the State will pay for half of it. It's not clear whether you should owe taxes on that \$15,000, which greatly discourages people from installing the system. That bill clarifies that.

There are several other ones I won't go through. If I could, let me just highlight one bill I think is really significant that passed. In fact, when it passed I said it might be the most significant bill that I vote on in my four to six, whatever years I have in the State Legislature, State Assembly.

It was Assembly Bill 1493. You may have seen some press reports. It was a Global Greenhouse Bill. It allows California, or requires California, the Air Resources Board to set the maximum reduction in global and greenhouse gas emissions by the year 2006. It is something that Washington hasn't been willing to do. It has been something no one else in the country has been willing to do, and luckily we got 41 votes, the bare minimum to get that bill off the floor. And as Governor Davis says, "So any one of us could claim that we were the deciding vote." But we barely got it off the floor at 41 votes. Got back to the Senate. They passed it. Got to the Governor, he signed the bill. And it's extraordinarily important, I think, in terms of dealing with the greenhouse gas emissions.

I will conclude there and just say this: It's an honor to be here. Thank you again for the work that you all do. I know that you do a lot of work in a number of areas. I've seen it firsthand.

And I'll be glad to take questions. Is that appropriate to take questions? Okay. I'll take questions. Great. Thank you. Yes, sir.

AUDIENCE MEMBER: Thank you, Assemblyman. You said that you would fight for Proposition 98 guarantees. How much danger do you think 98 is in considering the budget?

JOE NATION: I think Prop 98 is very much threatened this next year because of the magnitude of the shortfall. The 21 billion I cited, 6 billion is from this year that we're ending. This budget year. 15 billion for the following year. When you look at that magnitude, and you realize that education is 40 percent of the budget. It is a place that people will try to go. There will be great reluctance to suspend Prop 98, but the numbers are so large that I'm really concerned that Legislature will go there.

I will tell you that I could not imagine, I could not imagine, that I will vote for a budget that suspends Prop 98, because we will go from class sizes of 23 in third grade to class size of 36. It will have an absolute devastating impact on what we've been able to accomplish the last couple years, but I think it's a real threat.

AUDIENCE MEMBER: Can you explain to us why, when we have fat years, the State Government does not put aside a sizeable reserve, because we know that these bubbles are going to burst. They always do, and yet what happens is the reserves are minimal. They give it all back.

The vehicle tax is a good example. Can you explain why the government, it's too late now, but for the future, why the legislation isn't saying we've got to build up? We should be able to run this State on a whole year with no revenue if it comes to that. And over a few years of surplus you could build that up.

JOE NATION: When I was on the Water District Board, the attitude that we had there was that we needed to have as much in unrestricted reserves to keep the district afloat for 90 days, and when I left it was a 45-million-dollar-a-year agency. That was our budget. We had about 20 million dollars in the bank. So we had enough to keep ourselves afloat for six months without -- with everything falling apart.

The budget last year that the Governor recommended had a one billion dollar reserve. That was about a hundred billion in spending. Now that's not nearly enough. Could you

imagine a family, a family that makes \$50,000 a year saying, "Well, we'll keep a \$500 reserve in case of emergencies"? It's not nearly enough.

We tried to push it, in fact, we initially pushed to about 2 billion. But the problem, frankly, is that when politicians have money they like to spend it. Unless you can find a way to tie their hands, I think the only way to do that is to have a constitutional amendment through the initiative process. Put that on the ballot because I don't think politicians will do it. People simply won't do it because they like to give away money because it's another swimming pool for your district or whatever.

We have looked at ways that we had to start to build up a reserve this next year. I mean in the out years. Hopefully we'll be able to do that, and I would suspect that there would be more cooperation between Republicans and Democrats on this issue. I hope that's the case.

AUDIENCE MEMBER: My name is Jack Olive. I'm a Marin resident. I noticed in this morning's paper that several major corporations are in financial problems because of the decline and value of their retirement plans. CALPERS is such a huge financial organization, and I can't believe that it is not immune from what has happened to others. Does that 21 million deficit include anything to shore up those pension plans?

JOE NATION: It does not include anything to shore up the pension plans, nor do I believe that will be necessary. CALPERS, in particular, had very -- a number of very, very good years. And so, even though they may not have done so well over the last couple years, if you average it out, my guess is, the rate of return over the last 20 years is probably still in the 15 percent range. Given that, I don't think that there will be a need to step in. That's my sense. I don't know the subject that well, but that's what I know about it.

AUDIENCE MEMBER: I'm very much a believer that we have reached a point where we need public financing of elections. So my question to you is, having been in Sacramento now for a term and having dealt with special interest and lobbyists, what's your take?

JOE NATION: I would -- I have been a big supporter of public finance, excuse me, establishing a system of public financing for elections. I think that it essentially levels the playing field. The question is simply how it's structured. I mean I've actually looked at a couple of other states to see what they have been able to do because it's a problem. I discussed with my staff the possibility of having a fund-raising blackout period, so you could not raise funds during the time you were actually in session of legislature. Which I think makes a lot of sense. Because what happens, I will tell you, is that someone will hold a fundraiser the morning that their committee is deciding whether to advance a number of bills. And the message is very clear. I don't do that. And I think most people don't, but some people do that.

We need to have, you know, we need to find a way that you can level the playing field, and you can also build public confidence in the system. People don't have a lot of confidence in the system we have right now. That's something we are looking at. I don't know if I'll introduce a bill per se, but I'm very interested in a bill like that.

One over here, and then I need to take off.

AUDIENCE MEMBER: My name is Bob Headland from San Diego. You mentioned that the retirement system was safe, as far as not requiring any funds from the state, but is it safe from the state coming in and grabbing some of the return of funds?

JOE NATION: I don't think that would happen.

AUDIENCE MEMBER: Well, it happens in cities and counties across the state.

JOE NATION: And it happened in a previous life. I worked for Pan Am, and I tell people I was with Pan Am when they were only losing a million dollars a day. And they did exactly that, Pan Am came in and raided the pension funds there. As a result, most people who were there did not get the pensions they deserved.

I cannot imagine that there would be a serious attempt to do that this year. The way they will close this shortfall, I believe, and let's assume it ends up being around 21 billion dollars, I think we will end up cutting about 13 billion, and the rest will be tax increases. That's a just a guess, but 8 billion in tax increases.

But just to put your minds at ease about the tax increase side, if you start that new tax bracket for couples earning more than 320,000 a year. Only 320, no one else is affected. That raises about 3 to 4 billion dollars. If you go back on the vehicle license fee and go back close to where we were. Right now when you register your car, you pay .675 percent of the value of the car. It used to be 2 percent. If you went back to one and a half, that raises about 3 billion dollars a year. And I guarantee you, there will be a tobacco tax increase next year, and will probably bring between 500 hundred million and a billion dollars. So you can get those taxes without really causing a lot of pain.

One last question, then I really have to take off.

AUDIENCE MEMBER: My name is Ourania Riddle, and I'd like to ask you your opinion and information of the State Grand Jury?

JOE NATION: My opinion of the State Grand Jury? I think it depends on what you do with the information, I mean we have commissions up there who do similar things. The problem with those other commissions they tend -- they'll do good work and then the information is swept under the rug. No one pays attention to it. So I think the issue would be building -- some sort of a way to highlight the work that's been done and then publicize it, so that people can make the lawmakers accountable. So I'd be willing to think about it. But I think it's the structure that's the most important, and I've got to run. Thank you.

JACK ZEPP: We're going to take a break now. The Board is going to meet at 5:30 in the Petaluma room. What did the special notice say? I thought the special notice said 5:30. If everybody is willing to waive that special notice that may have said 5:30, we could do this at 5:00. Do I hear any objections? Okay.

We're going to have -- the Board is going to meet at 5:00 o'clock in the Petaluma room. The rest of you have a break until 6:00.

BOB ABELING: I have to change my tone now that we are actually ahead of schedule. We are having a reception prior to the dinner, so those persons that are attending the dinner, the reception will be set outside between 6:30 and 7:30. The dinner arrangements, this air wall here will be removed, so we'll be having a section in back and increasing to this room. So we will have ample table room, and our keynote speaker who is the warden from San Quentin.

I want to thank you all for attending, and hope to see all of you tomorrow morning. 10:30 we'll be convening. Thank you.

### **INTRODUCTION TO AFTER-DINNER SPEAKERS**

BOB ABELING: Ladies and gentlemen, good evening again, and I hope everybody has had a good dinner and a nice reception by the Marin Chapter.

Tonight, I have two pleasures to introduce two speakers to you. First of all, and it's going to be a short little talk, Lynn Taylor the presiding judge of Marin County, and I've asked her to say a few words. And then after that our Warden Jeanne Woodford will come up and give you a few statistics that you're going to be amazed at.

First I'd like to introduce Lynn Taylor, and I'll introduce Jeanne later.

***WELCOME - Honorable Lynn O'Malley Taylor, Presiding Judge, Marin County Superior Court***

LYNN TAYLOR: So welcome to marvelous Marin, and you brought good weather with you, or we provided it to you. I just want to welcome you to the county and this meeting, which I know you have all looked forward to, and to acknowledge the special work that you do for the counties where you all live and the special work you have done and continue to do even though you're no longer on the grand juries.

You do excellent training, which we really appreciate. You share with each other, which I think is very helpful, so that you're not reinventing the wheel each time. You got good communication with each other. I think that's really helpful.

You serve as the watchdog for our communities, and it's an important function. It's a function that only you can do, and what's nice about it is we get such a nice cross section from different parts of the community. And you're all working toward one purpose, our government. And our government institutions function more efficiently and better.

I want you to know oftentimes when we interview, as judges, we interview potential candidates for the grand jury. A lot of people ask me, "Well, does it really matter?" Does anybody really read our reports? Oh yeah, they read your reports, and your reports have a lot of influence, and they have to respond to your reports. And then if they don't make changes consistent with your reports, then the next grand jury goes back and looks at it and asks, "Why didn't you do this, or why didn't you do that."

I know, for instance, one year there was an investigation in our county of the conservatorship office, and it was a very thorough investigation. And when the court had an opportunity to look at it, we could see that there might be things that we might do that would help make the changes that were suggested by the grand jury.

So we literally got out and looked as a court, a committee of us, got out and looked at each and every case that the grand jurors had looked at, and we drafted a whole new set of local probate rules to deal with some of the problems. And I'm sure we're just one little fraction of what is ultimately a recipient of a report even though you can't investigate the courts. When you investigate an agency that has an affect upon the court, we look at it. And we look at it really seriously.

So I want to thank you again for all the terrific work you do. I hope you're having a great time while you're here. I hope you enjoy our marvelous county. And I know you're going to enjoy our next speaker. We're really proud of her, so I know you're going to look forward to this very very much. Thank you for coming.

BOB ABELING: I have to reiterate a little bit about Lynn. She's the one that allowed me to serve on the 1997 grand jury. I don't know whether I love her or hate her. I think I love her. And the transition and so forth. And I have to speak on behalf of all of the judges in Marin County. They are tremendously supportive of the grand jury system, every single

one of them. I've got to know five of them somewhat personally, so I've got to say that, maybe it's prejudice, that Marin County has a very good court system that's supportive of the grand jury system, and they are also helping us.

I can mention this, it's public knowledge also, that we were able to assist the juries in the selection process during the application portion, and next year hopefully we intend to go further. So we are together very much so. Thank you, Lynn.

The next one, I don't know how to introduce her properly. If I gave you all of her history and accolades, she wouldn't have time to speak. The first thing I want to say is she's homegrown. She has lived in West Marin, which is the country area. This is the downtown, New York area, of Marin County. She has five children and she manages 6,000 other persons. That is the Warden of San Quentin.

She was appointed officially the Warden in May of 2000, and I think she'll be better able to tell you better about herself than I can. So I'd like to introduce to you right now the Warden of San Quentin, Jeanne Woodford.

### ***SAN QUENTIN STATE PRISON - Jeanne S. Woodford, Warden, San Quentin State Prison***

Jeanne Woodford: Good evening. Can you hear me back there? I want to make sure I have this in the right location. First I want to thank you for inviting me. It's always a privilege to get out in the community and talk about San Quentin State Prison, but really it's a privilege to be here in front of the Grand Jury Association.

And I want to reflect on the words that Judge Taylor has said. The grand jury has meant a lot to San Quentin. I will tell you I have been here for 24 years, and the grand jury has always been wonderful about touring the prison and talking to the staff and looking into what we do there, which provides encouragement for the staff of San Quentin and giving us great recommendations. And I'll talk a little bit more about that during my talk this evening.

What I'd thought I'd do though is talk about the mission of San Quentin. It is the state's oldest prison. It was built or started in 1852. And San Quentin was started as a private prison. It was run by General Vallejo and General Estell. And the state paid the two generals to keep inmates at the prison, and later the state took it over, and it became a state prison that housed both male and female offenders. It's had many missions over its 150 year history, but currently it has three main missions. I'll talk about that and talk about the role of the Warden. Currently we're the reception center for 18 Bay Area counties, and as the reception center for the 18 counties surrounding the Bay Area, we receive inmates at hundred a day. And what I want to tell you is what we do during the reception center process.

An inmate arrives in our receiving and release and are given a TB test, and then three days later the inmate is seen in the medical department where the inmate receives a full physical. At the same time the inmate is tested to determine whether he has any mental health issues, and if there's any indication of mental illness, the inmate is given a full evaluation by a psychiatrist. About 10 percent of our arriving inmates fall into that category.

In addition, the inmate is tested to determined if he has any developmental disabilities. And if the inmate is determined to have developmental disabilities, the inmate is housed in a more confined area where staff can observe him more closely and assist him with his daily

living activities, making sure that he's not preyed upon by other inmates. So the staff makes sure he gets to the dining hall and all of those things while he's there being processed. In addition to that, we determine whether the inmate has any physical disabilities.

And all the things I've talked about that happen during the reception center processing has occurred as a result of court cases that impact the entire State of California. And those court cases are Coleman which deals with mental illness. Clark which is a court case that mandates that we test inmates for developmental disability and then follow through with some plans for those inmates. And Armstrong which is a court order that addresses physical disabilities.

Now all of that information, the health care information, the psychiatric information is forwarded to a correctional counselor, and it is the role of the correctional counselor to determine the security needs of that inmate.

So the State of California, our prisons have different designations, and there are 33 prisons in the State of California. And those designations are level one through level four with level one being minimum custody inmates, and those would be prisons where inmates go to fight fires like our camp in the State of California all the way through legal four like our maximum security prisons, and those would be prisons like Pelican Bay State Prison, Corkoran State Prison, and New Sac up in Folsom, and there are other level fours in the state.

So when the correctional counselor takes all of the information, and they look at the security issues, what they are looking at from the security standpoint is how much time is the inmate serving? So if the inmate is serving 15 years or more, that would be a level four inmate. But if that same inmate were HIV positive, then the inmate would be sent to a prison that could accommodate the securities needs of a long-term inmate, and the health care needs of an inmate who's HIV positive. Or if the inmate has severe mental health issues, that same inmate would be sent to a prison that could accommodate a program for the mental health issues. And that is true of level one, level two level, level three, and level four inmates.

An inmate can be level four because of the time they have to serve, or they can be level four because of their behavior. So inmates who fall into that category are inmates who assault staff or assault inmates or behave in a violent way in the prison system or inmates who are prison gang members. They would fall into level four category.

So all of that is supposed to occur in our reception centers in about 45 days. In fact, it now takes us around 60 days to process an inmate through the reception. So our goal at San Quentin, because we receive inmates at a hundred a day, we must process a hundred a day out. So that's a hundred physicals a day. That's a hundred inmates being seen by a psychologist. Ten percent go on to a psychiatrist. So imagine this process in this prison setting.

Our second mission is, we're the housing for the male condemned. The Penal Code requires that all male condemned be sent to San Quentin. We receive inmates on death row at the rate of three a month on an average range. There's currently 587 inmates on death row at San Quentin State Prison. The original death row San Quentin was 68 cells.

So we are currently in three housing units at the prison. And this is a public policy issue the State will be dealing with in the next year. Because in the three housing units we have there, we are going to run out of room for the condemned somewhere in 2004. So it's a public policy issue that will have to be addressed.

Will we renovate the existing San Quentin so we can accommodate the growth of the condemned population? That's one idea.

Will we build a new housing unit at San Quentin that will accommodate this growing and aging population? That's a second idea.

Will we move the condemned to another prison somewhere else in the state? That's the third idea, but to do that requires a Penal Code change, and there isn't another county saying bring in the condemned. So if there's anyone volunteering you can let me know that now.

So that really will be a public policy issue. In the governor's 5-year plan, he's recommending the building of a new housing unit at San Quentin State Prison, and, of course, there will be a lot of debate about that, I'm certain, in the legislature before a final decision is made. And what we are planning is the building a thousand-bed condemned unit which would be a modern facility on the site of San Quentin.

And when you look at the San Quentin State Prison, it's the oldest prison, as I said. And there are no bells and whistles. It's not a modern facility. There is no electric fence around it. Everything is managed by the staff and the inmates at that prison, unlike our more modern facilities.

So when you think about it, the State's oldest prison is housing the most dangerous, most high security inmates in the state. And a growing population. We really do have to come up with a better public policy as to what to do with that population. The condemned are covered by a consent decree that was signed in 1978 called the Thompson Consent Decree. And the Thompson Consent Decree defines the conditions of confinement for at that population.

So we're required to give them a certain number of hours on the yard. The condemned are classified into two groups, grade A, and those are death row inmates who, if they did not have the death sentence, would be in a level IV general population. So those inmates are allowed to go to yard seven days a week. They're allowed phone calls. They're allowed hobby craft in their cells. They're allowed other education in the units and other privileges that are similar to a general population inmate.

The other classification for condemned are grade B. And those are inmates, who, if they'd not been given the death sentence, would be in a more confined area in a prison like Pelican Bay State Prison. And out of the condemned population, about 120 fall into that category. So we're very hopeful that we'll have a more modern facility to address that issue.

Our third mission at San Quentin State Prison is the housing of about 2,000 general population inmates. And among that, our general population are level two, a step up from minimum. Of the level two population, 90 percent are paroled within a year or less. And that is the population that we really try to impact.

And someone mentioned that I was going to talk about statistics. So I'm going to give you a few facts that people really need to keep in mind. When you talk about male offenders, it's important to know that nationally, the statistic is that 50 percent of them are fathers. And why is that important? I'll tell you about that in a moment. 80 percent of female offenders are mothers. So when you talk about locking people up, it's very important to realize that they have an impact in their community whether they are incarcerated or not. And they certainly have an impact when they return to their communities.

So I believe it's my responsibility as Warden at that prison to try to make a positive impact on their communities. So as a result of that, we try to have programs at San Quentin that do just that, give inmates the tools they need to make it when they leave prison.

For that reason at San Quentin State Prison we offer the state the only college program. We offer inmates an AA degree at no expense to the taxpayers. We utilize volunteer professors primarily from University Of California, Berkeley, Sonoma State University, Patten State College, and University of California, Davis. So we have volunteer professors that come in and offer this program in the evening.

It is a voluntary program with the inmates, so during the day they either work or go to school, and then at night they can go to college. We also offer parenting classes in the prison. We offer two types. One that is more sociologically based that educates inmates as to what it means to be a parent, and then another program that's offered by a religious service which is a very simple concept. We teach inmates to read to their children. And when you think about that, what does it take to read to a child? It takes all the parenting skills that you need really. It takes patience. It takes listening. It takes talking. There's communication that goes on there. And it's a very important message that the inmate is sending to the child that education and reading is an important skill. Something they should be involved in. And in that program, the inmate is allowed to send a book home to their child after they complete various steps of the program. And that is one of the most popular programs with the inmates.

We also teach violence alternative programs at the prison. We do all of these programs for the most part with volunteers. We offer literacy programs including Hooked On Phonics. And that is offered as a result of volunteers coming into the prison. Last year we had 2,000 volunteers come into the prison. Many of them a part of the religious community. And the rest offering educational services to the inmates.

I think it's important to have volunteers come into the prison for the reason that I talked about. These individuals have an impact in their community and will be returning to their community at some point. So it's very important for the community to come in and get to know them and try to set up an infrastructure out there when the inmate turns back out to our society.

And when you look at the population of San Quentin, of the general population of 2,000 inmates, about 400 to 500 of those inmates are participating in the variety of programs that we offer. And that's very encouraging. And we have seen many of them change their lives.

I have talked about the grand jury coming into the prison. And when the grand jury has come in there over the last -- since I've been the warden, many of their recommendations we have tried to implement including our educational services. It's very helpful when that's in a grand jury report. Because when I go and seek resources, I'm able to quote what the grand jury recommended. This is a county that supports that, and that means a lot at the state level. It means a lot when you're talking to your community.

Also the grand jury recommended that we expand our health care education processes, and we've taken that very seriously. When the grand jury came through, we offered parent education to the inmates, and that meant that every inmate that arrived at the prison was given education about HIV and prevention, and the "at risk" behavior were encouraged to test.

The grand jury recommended that we expand that other diseases out there like hepatitis C and other illnesses, and we took that very seriously and expanded our educational service to our inmates as they arrived in the prison. As a result, many of the inmates seek testing for HIV and other diseases. And that's very encouraging that they're taking that very seriously, and so we do thank the grand jury for that.

As I have said, when the grand jury takes the time to come in and learn what we do and to talk to the staff, it's very uplifting for the staff that are there trying to do a great job. It really is.

We run this huge appeals office where the inmates are allowed to appeal their condition or other issues. And a lot of people take that for granted. The grand jury takes that very seriously. It is very encouraging when they go and talk to the appeals office and staff there who are looking into the issues that inmates bring up.

It's also very encouraging when they go in and talk to the education staff because the people who really make a difference in the lives of the inmates are the preachers and the teachers. They really are. When you talk to inmates who have become successful when they parole, they will always talk about a teacher who made a difference in their lives or one of our ministers at the prison or one of our religious programs.

So to have the grand jury recognize the wonderful work that those staff do is very uplifting. So the grand jury assists us in many ways. I've just named a few.

At this point in time, I would really like to open this up to questions that you might have about the prison.

BOB ABELING: Thank you Jeanne.

Could you please identify yourself and from what county, so Jeanne will know, and also we are having this transcribed, so it will be very helpful to the reporter. Thank you.

AUDIENCE MEMBER: Sheldon Singer, Orange County. What size is the staff that you have at the prison?

JEANNE WOODFORD: I have 1,500 staff and a budget of about \$110 million a year. And the staff, when you talk about the staff there, it really is a city and that staff includes teachers, maintenance people, doctors, psychiatrists, psychiatric social workers, of course, the uniform staff. I have 800 correctional officers, sergeants and lieutenants, counseling staff, clerical staff, R.N.s, MTA's. It's a mini city there.

AUDIENCE MEMBER: I'm John Belforte, San Mateo County, Chair for the County Juvenile (inaudible). In your judgment, what would be the skills or the elements that would limit or support the recidivism?

JEANNE WOODFORD: I think the national studies show, and there's all kinds of studies that have been done on this, is the higher the education level the lower the recidivism rate. And there are studies that have been done across the nation that show that an inmate with an AA degree, the recidivism rate drops from 60 and 70 percent, depending on what states you're talking about, down to about 26 or 27 percent. So it's dramatic. And to me it's really a total education of the inmate, heart, body, mind and soul.

So when you have great education programs and strong religious programs or programs that talk about value, that talk about ethics. That's what really makes a difference in the life of an offender. And I think one of the mistakes that's made is that we paint all offenders with the same brush. There are many individuals who come to prison and should never leave, and

that's just the way it is. But there's this larger group that is going to leave and probably ought to leave and deserves another chance out there. But we have a responsibility to give them the tools they will need to make it out there. And it's that group, the more nonviolent group, that I'm talking about. And education and teaching values and religious programs seems to be the combination that works.

AUDIENCE MEMBER: Barbara Dabul, San Diego County, and I have a question. What is the policy upon release of a prisoner? Do they go back to the county where they were residing, or are they sent to a different place?

JEANNE WOODFORD: It's their last legal residence, unless there's some reason they shouldn't return there. And generally the reason has to do with the victim may not want them returning to the same area. They could be moved for that reason. Or they have serious enemy concerns in that area, and they might be moved. But generally it's back to their last legal residence, county of last legal residence.

AUDIENCE MEMBER: Bob Headland of San Diego. I like the message you're putting forth, but I ask you, it seems to be in opposition to some of the public sentiment and the media sentiment that we have in this county that coddle prisoners, but we want to punish them, and I've believed that was proper. And you seem to be giving the opposite message. So I was wondering what kind of conflict you have with the media and with the public?

JEANNE WOODFORD: I have to tell you, the people have been very supportive of what we're doing at San Quentin. We're very lucky that we're located where we're located, because we do receive a lot of volunteers coming into the prison, and the prison is such a famous prison that people are drawn to it.

I just had some people visit me from Washington D.C. who are looking to give me a grant for a program that I'm trying to get up and running. We're trying to open a program called the Success Dorm. And in that dorm inmates are allowed to live in that dorm if they agree to live by the rules of that dorm. And in that dorm, the inmates have to go to work or school and then involve themselves in at least three self-help groups that they choose. They also have to participate in a community project, and that would be something in the prison like painting the education building or reseeded the yard or something that they pick as a community project.

Also in that dorm, the inmates have to do journaling each night, a reflection of what they learned during the day or in this program, and they have to develop for themselves a parole plan. And that parole plan has to be within the laws of the State of California, but they have a realistic plan as to how they conduct themselves when they will leave the prison.

And also in that dorm, they have to involve themselves in appropriate recreation. So the concept is that the inmate needs to be working toward a successful parole each and every day that they're there. And from the moment they get up in the morning until they go to bed at night, they have to be busy.

My theory about this is that the inmates within the prison do not know what to do with the minutes of their day. When you look at a group of inmates about to parole, and you try to lead them through a day and program them minute by minute or hour by hour, they're unable to fill a day in an appropriate way.

AUDIENCE MEMBER: Well, I like your message, but I wish it had gotten out to the media a little better.

JEANNE WOODFORD: Well, thank you. I'm glad that you said that but I do think that we have gotten quite a bit of attention, and we're hoping over the next few years we are able to show some success with these programs.

AUDIENCE MEMBER: Rich (inaudible), Santa Clara County. Can you comment on the proposal in the state to call for a moratorium on the death penalty?

JEANNE WOODFORD: I didn't know that there was a proposal in this state to do that, I'll be honest. I'll tell you that I really don't comment about the death penalty, because as you know, as the Warden of San Quentin, it is my responsibility to carry out that penalty. And what I will say about that is just simply the goal, my goal, is to carry that out professionally and within the laws of the state. And as a result of being the Warden of San Quentin, I just think it's really inappropriate to talk about how I feel about the death penalty. So I know I did not answer your question. I'm sorry.

AUDIENCE MEMBER: Don Enneking with Solano County. Of your general population, how many people are incarcerated for drug- and alcohol-related offenses?

JEANNE WOODFORD: Where the commitment offense is actually drug or alcohol, it's estimated that that's about 40 percent, but as drug or alcohol that, of course, is estimated to be much higher. And different studies show different percentages, but that's between 60 and 70 percent. It's pretty significant.

AUDIENCE MEMBER: Mary Wellcourt from San Mateo County.

Could you comment on the disconnect between the parole boards that have studied cases and not accepting those that have been judged ready for parole?

JEANNE WOODFORD: This is how I would comment on that now. I don't think -- let me back up and start from this point. When I started with San Quentin State Prison, it was 1978, and it was just when the Indeterminate Sentencing Law had gone away and the Determinate Sentencing Law came into play.

Under the Indeterminate Sentencing Law inmates had to prove their readiness for parole. And the infrastructure was there to make sure that happened. So what does that mean? That meant that the inmate, if he did not have his high school diploma had to get one. If the inmate had alcohol or drugs as an issue, they had to attend alcohol or drug classes or AA, NA. They had to involve themselves in- back then what was a big deal was conflict resolution which was really a way to address violence. There were lots of programs in prisons, and so inmates had to participate.

So when the inmate went to the parole board, I think the parole board had a greater ability to know whether that inmate had taken the steps necessary to do something about what was wrong in their life.

When we went to determinate sentencing, all those programs went away, except for the few prisons that manage to bring in volunteers to keep those things going. And the have to's went away.

So when an inmate goes before the board, the inmate may have participated in a couple of things, and in my mind, it's very difficult to say that person is ready for parole given the infrastructure isn't there. It's sort of when you look at a classroom of students. There might be 30 students in the class. 10 might really be participating and learning and doing everything they can to be a good student. 10 might be so so, and 10 are falling asleep in the class.

Well, it's very hard to judge that when you bring that into the prison world as to who really got it, and I think personally, the infrastructure needs to get better. Because that's a very serious decision to make.

And I understand why it's difficult for the Governor to say, okay parole somebody. That's a very tough decision. You're talking about someone who's taken someone's life.

Now, do I think we ought to do something about that? Yes, I do. Because I do think that people change. But you have to have a very measured way of knowing if that's the right person. Did I always feel that way? No. But in the 24 years that I've been at San Quentin, I've unfortunately seen people paroled and commit murder again and come back. I've also seen people paroled and do wonderful out there, including people who committed murder.

So we have to have a better way of measuring this. It's just not fair to put that risk upon the public, and that's my personal opinion about that.

AUDIENCE MEMBER: How much per day does it cost to keep a prisoner in San Quentin?

JEANNE WOODFORD: It's different cost for the type of inmates. If you talk about death row inmates, because at San Quentin our cells are very small. Well, as a result of our cells being small, only one inmate on death row per cell, so that cost means it's higher, and that's about \$40,000 a year. If you have talk about general population where there's two inmates per cell, less staffing because they're lower level inmates, then it's around \$23,000 per year. So you have to average those out.

Building a new modern prison for the condemned would lower the cost, but because of our physical plant and the amount of staff that it takes to run San Quentin, it is a higher cost than it is at other prisons.

AUDIENCE MEMBER: Dan Taranto, Humboldt County. All the prison movies I've ever watched, it seemed like the warden is this hard-nosed male figure. Do you feel your gender brings something new and special to the role?

JEANNE WOODFORD: Yes. Actually I started at San Quentin State Prison when George Sumner was the Warden. Here's the guy, ex football player, 6-foot whatever. People thought he was the toughest guy in the whole wide world. And I remember him getting into a fight with an inmate out on the yard, and that really did happen. And so people saw this tough guy persona, but, in fact, he was a real program Warden. But it wasn't popular to say that. I mean he offered those inmates college programs, conflict resolution, brought in education.

So since then I've worked for three other Wardens, and all of them sort of had this tough guy persona, but, in fact, they were all very much interested in creating great programs for inmates. It just wasn't popular of them to talk about it.

As a woman, it's okay for me to talk about that, and so I think I'm actually very fortunate to be able to do that. There isn't, you know, people expect me to do those kind of things. So it just makes my job easier. I will tell you today, I told someone else this, I walked across the yard and an inmate had a hat on, and he took it off, and he goes Madam Warden. He wouldn't have done that for George Sumner.

AUDIENCE MEMBER: Bob Abeling, Marin County.

And I believe I know the answer, and I'm surprised that it had not been asked before, but there has been recent discussion of closing San Quentin State Prison. Will you make your comment on that, please?

JEANNE WOODFORD: I started there in 1978, and legislature voted to close the prison in 12 months. So I thought I was going to be out of work, but I'm still there. I really don't think the prison will close as long as there is the death penalty in the state. And just for the reasons that I talked about, the Penal Code requires that they be sent to San Quentin, and I don't think any other county is going to take death row inmates.

We tried this year to move a few to Folsom, to New Sac up in Folsom, and that community really was opposed to it. We had to compromise. And so there is a limit on the number we could send there. And today we haven't sent one. So there's just a strong feeling of having death row inmates in people's counties. So I think San Quentin is there to stay.

Now, it may change it's mission. Lots of things can happen. I think it's good that San Quentin stays there just because of our location. And the public does come into that prison. Many of you came up tonight to thank me for having a play there. We just had a play at San Quentin. And it was put on. So we're able to do things at this prison that you couldn't do anywhere else, so I feel very blessed to be at San Quentin.

AUDIENCE MEMBER: As you look across the room, we struggle as grand jurors with diversity. We tend to be (inaudible) of populations we represent. Diversely, I guess you struggle with diversity. Is there any public policy issues that we should be addressing or looking at?

JEANNE WOODFORD: In my opinion, the statistics, I try to look at these things factually even though I'm a heart person. My emotions can certainly have an affect on my opinions about things, but when it comes to corrections, I really try to look at the facts.

And facts are this, I talk about the number of offenders who are parents. The other statistic is that 60 percent of their children will end up right where they are. That's a fact. The other fact is that by the second grade, most teachers will tell you they know who's going to end up in prison. And that's sad.

There's one state, they wanted to know how many prison beds they would need a few years later, so they looked at second grade students, and they looked at three criteria. Were they from a single or two parent home, what was the income level, and were they already getting in trouble with the teachers.

So if we want to do something about this issue, we really need to try to impact the children of offenders and many of whom, if you judge the offenders, many of them have learning disabilities and learning problems. And our public schools need to do a better job to identify them. And I try to look at my own personal life to understand what happens.

I'll give you an example. I have a nine-year-old. He has a friend. He has lots of friends. And I'm listening to him and his friends talk about another child who they have been friends in kindergarten, first, and second grades and third grades. Now it's getting harder. And I hear them talk about this child, and how he's started to be a bully and how he's flunking all his tests and all these things. And I'm thinking, here's a child with a learning disability. And somebody needs to do something, or he's going to end up in trouble. But this is happening in our schools, and when we really need to impact it there if we're going to fix this problem in my opinion.

We were lucky enough to have Kerri Mazzoni as an Assemblyperson in this county, and she tried to put forward a bill to identify the children offenders and offer them more resources and offer more services. And I think that's really the right way to go, that and helping our children who are having learning difficulties in school.

AUDIENCE MEMBER: I think one of the largest problems we have in society today is when people are released from prison, the communities don't want them. And what steps are you taking or taking a different look at? And I've seen articles in papers where, you know, the police departments issue statements that they have to almost -- well, I know sex offenders are different, but they don't want them in their communities. What are we going to do about this?

JEANNE WOODFORD: I think that's why it's so important to have communities understand that this is their problem. It really is. It's very easy to point to the state and think this is your issue, or Warden, it's all your fault. All of that gets us nowhere.

We really need to look at the realities of this issue. When we try to put programs out in our communities, everybody says, not in our backyard and that happens. But if I asked each of you to take a blank piece of paper, what would you draw? There's lots of people out there on parole in this state. There's 160,000, people on parole, and to try to ignore that and say they're not and not put programs in, doesn't make us any safer.

So to me, it's really educating the public and getting people to understand that they have got to get a grip on this problem within the community itself.

As part of the success story we're trying to put together, we're trying to do some community policing inside the walls. So I've been in touch with Chief Ward in Oakland. I've talked to San Francisco, and my idea is that the police officers are going to come in and meet the inmates in the Success Story before they are paroled. And the idea is - I need to tell you this first. When I told the inmates this- I said I'm going to have police come in and meet you before you parole- they went ooh. And I said, now wait a minute. Listen to this you guys. You're the 200 guys who have raised your hands, and said I want to make a change in my life. Now, why wouldn't you want to have police know that about you? When the officer walks by and asks, "How are you doing?" instead of pulling out his handcuffs and cuffing you up right away.

So I think it really is bringing the community into the prisons and getting a better understanding of what the issues are. And I don't mean to make it sound so easy because it's going to be very, very difficult.

One other thought I want to say about that, I also, we talk about victims, and that's very important. It's very important for these inmates to know, the impact they have on people's lives. But I also include their children as victims. The children of the offenders are victims. And we really need to work on addressing that issue.

When I talked to the group of inmates in the Success Story -- I want to mention this. I asked them what do you value in life, just tell me what you value, and they said -- What do you think they said? Family. Family was number one. Health. That was important to them. Trustworthiness. They mentioned that. They mentioned all the things that you probably would say that you value.

The difference between the inmates and the people in this room is when you make a decision, you probably remember what it is that you value in life. When you make a decision, you probably remember your family. And I said to them, "Well, if family is

number one, when you're out there shooting drugs in your arm, were you thinking about your family?"

It's making that connection between what you value in life and the decisions you make is really what we're trying to teach in the Success Story, is getting inmates to think about those. I haven't had an inmate who did not think his mom wasn't special. So to me, it's just that education process.

AUDIENCE MEMBER: It was a pleasure to hear your praise of the grand jury. Don't you have any criticisms on how we can improve?

JEANNE WOODFORD: You know I really don't. I've had grand juries who have shown up at the prison with a preconceived notion about what we were about, but they've always listened, and they really have been very supportive.

AUDIENCE MEMBER: Can Marin County leave the room while we talk?

JEANNE WOODFORD: Marin County is just a wonderful county. I have to say that I have nothing but praise for the grand jury in this county. I'm sorry I can't think of anything.

AUDIENCE MEMBER: Maybe you can answer this question, being a woman and the Warden of San Quentin, and San Quentin after all is a big name, what impact does that have on your personal life? I mean your nine-year-old son at school?

JEANNE WOODFORD: He feels very honored to have me as the Warden. And his friends think it's really cool. It's just really opened up doors to me. I've met people from all over the world. I know people come to the prison because it is San Quentin, but then a lot of people come because they want to know what it's like to be a woman and to be a Warden at San Quentin, and I've gotten a lot of attention. I was privileged enough to be honored -- I graduated from Sonoma State, and they honored me this year as one of the distinguished Alumni, and it wouldn't have happened if I hadn't been the Warden at San Quentin, so I feel very blessed, very honored to be in the position.

AUDIENCE MEMBER: I had the honor of attending John Brown's Body performance, and I must say I was totally amazed and thought it absolutely wonderful. The relationship between the guards and the people who were incarcerated, and I thought what a wonderful person you must be to have fostered this kind of a relationship. So I think you deserve a tremendous applause from all of us.

JEANNE WOODFORD: Well, thank you, thank you. You know I really appreciate these kind words, but I have to say I have wonderful staff. People have a real notion about prison staff, but they are a reflection of the community. They really are. And many of the staff that work inside prisons unfortunately have relatives that are incarcerated in other prisons in the state. There is one warden whose son is in prison.

So when I talk to groups, I really try to get them to understand that people come to work in the prisons generally because they want to do good in the world. I mean generally that's true. So I'm very blessed to have the staff I do.

I think one thing that makes it easier at San Quentin is that it is an older prison, and it takes the cooperation of inmates, staff, and everybody. So it creates a great environment, but thank you very much.

BOB ABELING: With that I'd like to have one more thing done, another round of applause for both of our speakers. While both speakers were talking, I was able to look

around the room, and I saw most people somewhat mesmerized. When I first heard Jeanne, talk not as an inmate, in another duty, Jeanne spoke of bringing in athletic teams and so forth, and this was in let's say the good old days. But I heard her speak before and every person that listens to her really gets something out of it. So I want to really thank her for that, and I just asked her as she was leaving the podium, if somebody does want to get a picture of that old burly warden she's accepted if you have a camera.

The other thing, we are right on schedule to within 5 to 10 seconds, and I want to make sure besides thanking everybody for being here at the dinner and so forth, that once this concludes in a couple of minutes, don't run home, hang around here and talk with your other past and present grand jurors, so we can all get to know each other a little bit better.

Thank you, and we'll see you back here at 10:30. Those attending tomorrow, this air wall will be moved, and we'll be back in that side. Thank you again, and thank you, Jeanne

### **OPENING REMARKS- SATURDAY, NOVEMBER 16, 2002**

BOB ABELING: Good morning, ladies and gentlemen. I hope all of you that were in attendance for the dinner meeting and the speakers enjoyed themselves. We tried to provide the best we could, and I think we did a fairly decent job on that. I have to do some housekeeping activities hopefully to just get these things taken care of.

I wanted to convene the conference with a pledge of allegiance ,but forgot due to my nervousness. I would ask you all to stand and please pledge allegiance to the United States.

(Pledge was said.)

BOB ABELING: Thank you very much.

The next thing, I have to apologize for the weather. Marin County has never had fog since 1931. Someone must have put it in their luggage and brought it along. But from the weather forecast, I think it's going to be clearing, so when you do leave, it should be okay. That's a little bit of a spoof.

One real important thing. We have a stenographer, Cindy, who is taking these proceedings, and she needs to hear your name, and where you're from, what county when you do address these panelists or anybody else when you're doing public speaking. I'd appreciate that and would like to reinforce that, so we have a good record. Also in regards to Cindy, I didn't know this, and Jack Zepp very nicely pointed it out, that she gets tired. I thought, she's a nice young girl, how can she get tired, but I don't do that as a living. So periodically I'm going to be looking at her, or she can give me a little signal or something like "help," and we're going to take a one-to two-to three-minute break, whatever she feels is necessary, so she can perform her duties, and take care of that. So that's another apology on my part.

Lunch will be provided in the same room on the other side of that sound wall or air wall as they call it. So that will be between 12:00 or 12:30 depending on schedule.

One person last night had a very good thought of those who were in attendance. He wanted to find out the address of Jeanne Woodford and send a personal note to her for her presentation to us, and the work that she is doing at that prison. So her address is Jeanne Woodford, San Quentin State Prison, San Rafael California, 94903. Excuse me, it's not San Rafael, it's San Quentin. The town of San Quentin. That is a town in itself, and as you know

it's a pretty good size facility. So any of you, I think she would really appreciate that the outside people are supporting the efforts that she is doing.

We are going to be passing out a questionnaire. Orange County has done it, and I believe other counties have, in regards to how we perform. We want to hear from you. We want to hear from you in an honest manner. I've got big shoulders, you tell me what we're not doing right. The board will be trying to correct that. Jerry Lewi, it's going to be a learning curve for him, so the mistakes that we've made, he is going to try not to and so forth. We are going to try to get that a little bit more.

Now, this last thing, excuse me, is going to take a couple of extra minutes, but I want to get to know each and every one of you a little more personally. So I would like for all of you to stand up at this time, please. At the present moment, I would like those who have been with the California Grand Juror's Association for a year or less to raise their hand, and then sit down, please. Thank you. If you'd sit down.

Anybody with this association that's been with them for between 1 and 5 years, please raise your hands to be acknowledged. Wow, this impresses me. Will you please sit down.

Now we're getting down to the nitty gritty. 5 to 10 years. Thank you very much. Please sit down.

10 to 15 years. Thank you.

15 to 20? Mike Miller, down. Do we have any persons that have been on this association for 21 years? I kind of thought that. This is Pat Yeomans. I think quite a few of you know her because of the amount of time that you have sat. Pat, we want to thank you for being with us all those years. This is from us to you. Thank you.

That's it for me. Now, I can sit down, relax a little tiny bit, because I'm going to introduce, excuse me, Gene, down one more time. I think Jack wants to say something very quickly, and then I'm going to introduce Gene Dyer, and he's going to be taking care of the rest of the conference until we're out of here. Jack.

### ***ANNOUNCEMENT OF NEW OFFICERS***

JACK ZEPP: Thank you, Bob. I just want to announce to you who your new officers are. El Moger is the new president. Roger Loper is the new vice president. Janet Praria continues as treasurer. Jane Naify continues as secretary. Thank you.

### ***OPENING REMARKS (CONTINUED)***

BOB ABELING: One more quick one, too, and I just got this a minute ago. William Kane from Visalia, at some time will you check in the with the front desk.

So with no further ado, I'll introduce my good friend now because we've gotten to know each other through organizing this conference, Gene was the Program Chair. He's the person that was responsible for getting all of our good speakers here, and he's volunteered to lighten my load and cohost this event, Gene Dyer.

GENE DYER: Thank you, Bob. Good morning and welcome back, even though it has been a bit foggy. I understand that a number of you had a good tour even though we apparently did extend the jail system a bit this morning. I understand we have an excellent

maintenance man who didn't take any more than about 10 minutes to get the elevator going properly.

If you look at the overall program, the way we designed it was that yesterday was, in effect, a top-down day with the membership meeting, election of officers, and information about what's going on the state level primarily. Today is structured to be a bottom-up day with this session of responses, media relationships, a little pep talk from your new president, and then various chapter reports. So this is your day to speak up and share your experiences, and I'm sure as old grand jurors, all of you will take advantage of that.

In 1995, when I was grand juror, the new law required responses to recommendations and claims of effect. And at that time, most of you did probably, we didn't know what to do with that, and so for the most part, at least in our shop, about all we did was keep a list of who did and didn't respond and then file it. That was just a reactive action. Since then many grand juries around the country have taken on proactive activities with respect to responses. And going on to make sure responses are there, making sure that they're legal, hopefully they're positive, and most may see to it that some action was taken in recommendation to the responses.

After all, the bottom line of our grand jury activities is not a letter writing contest, not a report writing contest, but it is basically to identify problems and get changes made.

With that, the next session this morning is on responses, and will be headed up by Jack Friesen who has been foreperson for Marin County Grand Jury in recent years and has been active in furthering the subject, so I'll turn it now over to Jack.

### ***REPORT RESPONSES- PANEL DISCUSSION***

Moderator: Jack Friesen, Foreperson 2000-2001 Marin County Grand Jury

JACK FRIESEN: Thank you very much, Gene.

I'm going to describe the enigma that most of us in the room have faced and those of you who have been in grand juries: June 30 rolled around, you turned in your key, your parking permit, and you'd spent a whole year of going through investigations and writing reports hoping that something positive was going to happen as a result of your hard work and efforts. But now you're just a private citizen again, and you anxiously await what in the world is going to happen to this report, if anybody is going to look at it or care about it, will it even get into the paper? All of those things are going through your minds at the same time.

Your new jurors who have just taken over your chair in the grand jury room, have now found their key works, they found the restroom. And all of a sudden they get all this mail addressed to last year's jurors, and they say, "Oh my God, what do I have to do with all this stuff?" Well, therein lies the problem, in the middle of which we have the issue of 933.05- what can be done to put more teeth into it, what could be done to make it work, what could be done to police it. All those things are things that we all thought about or will be thinking about.

With me today to get into this subject matter are four people who have or are going through the response matters as we speak or have recently gone through that. Let me introduce you to them.

On my far left and on your far right is Jerry Lewi. Jerry is from Ventura County. He is on the board of the state Association. He is also our webmaster, I learned. He claims he's an apprentice, but people have told me he's better than that. He's also going to be your host next year for your annual conference which is going to be held in his county. Jerry has been on the board for the past year as a member of the Operations Committee. He -- I can't read my own writing here. He was on the grand jury in '98 and '99, and one of his duties was to chair the committee that was in charge of tracking responses.

Next to Jerry is Ed Kramer. He is from Monterey County, and he's currently on the grand jury down there. He's a member of the Administrative Committee, the City Special Districts and Joint Power Authorities Committee, and he's the pro-tem for the jury.

And then next to Ed is John Belforte from San Mateo County. John spent 43 years in public school education. He was the administrator of middle schools. Served as a teacher, consultant, and instructor in educational administration in San Francisco State. Native San Franciscan who now lives in San Mateo. He was on the 2000 and 2001 grand jury, where he had the good fortune to be associated with Quentin Kopp, who was a hero to most of us in this room, and who orchestrated the legislation requiring responses to reports. Is currently a board member of the Grand Jury Association of San Mateo County and is involved in school administration committees and so forth.

Next to John is Mike Casey. Mike is a Marin County person, retired attorney. Having practiced in San Francisco and Marin for 25 years, he's also involved in the self-storage industry. He's on a number of partnerships that own self-storage facilities. And he is a rancher. He raises Texas Longhorn cattle. He's involved in a number of nonprofit activities and serves on the board of four nonprofit agencies.

Mike was on the 2001 and 2002 grand jury where he chaired the Continuity Committee which is what we call the Response Committee, whatever. He serves as director-at-large of the Marin Chapter, California Grand Jurors' Association, and he's actively working to improve training of incoming jurors in Marin County regarding the importance of continuity of each jury in assuming a watchdog role regarding the issues reported on by the prior jury. His philosophy on that is if each incoming jury can be persuaded to heed to yesteryears' reports, then that jury may be reasonably assured that the following year that their own work will also live on.

So with that introduction, what I would like to do this morning is to have each of us, starting with Jerry on my far left, give his view of the world for around ten minutes or so of the response situation, and then go on to the other three panelists. And then at the conclusion of that I would like them to be able to field questions from the audience on the subject and/or to have the audience share their view of the whole role of responses whether that requires a question and answer, or you just want to make a statement.

So with that I'd like to start now with Jerry.

JERRY LEWI: Thank you, Jack.

Good morning everyone. First I have to apologize. I seem to have a little bit of a cold, but I'm told my voice is coming through okay. I'm going to take 15 seconds on something very personal. I was looking at the roster of the attendees, and I noticed there are several people from this town of San Rafael. If any of you went to San Rafael High School in the late 40's look me up later on, and I'll tell you why. Sounds a little mysterious.

When I served on the grand jury '98-'99, as Jack pointed out, we in our committee decided we needed to figure out what we can do about it, so we started a practice in our

county, not original because we freely copied what Santa Barbara and Orange County had already done. We developed a report in our final report to track the response of the prior year's jury. And we made that a report. We tracked a couple things, mostly the response times and the degree to which the responses met the criteria of 933.05, which is "Yes we're going to do it, and here's the schedule"; "No, we're not going to do it, and here's why"; "Yeah, we're going to do part of it"; or "We need more time." Those were the four allowed responses.

So we basically looked at the timely response and degree to which they were compliant. I've looked at future reports from my county, and I notice they're continuing the practice, maybe not the exact form, and I notice that other counties are doing that as well. The little newspaper version of the Marin County Report has some information to that extent. I haven't had a chance to look at the complete report. So it's a growing practice, and I'm glad to see that.

I think some of the frustration that some of us had us so far is to what extent the reports or recommendations that had been agreed to be implemented are being implemented. I'm aware that in Orange and San Diego Counties they have an organization that does that sort of a thing.

By the way I learned that at the first conference I went to in '98. So this is very great benefit of belonging to the Association. I tried to do that in Ventura County, I tried to get the county administrative office people to agree to that with us, their attitude was, no, we'd rather do it ourselves. Frankly, I do not know to what extent they're being successful in doing that.

I think one of the powers in the grand jury and the same time weakness is how do we follow up to see that these recommendations that are being agreed to are being implemented. The Association has formed a committee to look into this on a broad scale basis, and this panel discussion hopefully will help that organization.

We have managed to hook up all of the grand juries that have web sites, and there are about 38, 39 of them in one page or on the web site, and in most cases, you can get to their annual reports. Most of these web sites pertain to the actual annual reports. I found it very useful, and our Association's web site will gladly give that very quickly. So if you're trying to get a view of what other counties are doing in this arena, that's a pretty good resource.

So again, basically what is this all about? It's all about continuity and part of what we train. Some of you have been to our training session, and you know that we spend one whole part of the workshop on continuity. And part of continuity is just what Jack introduced, and we do talk about that in the training session.

Another aspect of tracking response that is very, very valuable, and I know there has been a lot of discussion about that in prior conferences and training sessions, and that is the advantages of publishing a report within your term rather than waiting until the end of your term. I know it's a pretty widespread practice. It's serving a lot of advantages, but the principal advantage from a standpoint of the subject of this meeting this morning, if you issue a report early in your term, you'll get the response within your term. And you as a jury that actually issued that report will get to see that response, so you can publish that in your final report as I know some of you have done. We did in our report. That was one of the reasons we wanted to get our reports out early.

Now, here's another frustration on my part. Response comes in whether it's within your term or from the prior jury's report, and maybe it was in on time on a timely basis, maybe it

met the criteria of one of the three or four options, but maybe you think it really didn't answer or really address the issues that the report said. They just kind of weaseled or waffled- of course, nobody does that, you know that.

Well, just in case it might happen, what can you do about it? We were instructed by our county, and we kind of reluctantly, I think we sort of agreed to this, the only way we could go back on the agency, and say you didn't answer your mail, we find this report unacceptable, we would basically have to essentially reinstate the entire process of starting a new investigation; refer to the proper committee, have the committee bring it back to the full panel, vote by 12 votes, yes we need to reinvestigate and repeat the whole process and get your report approved by county counsel and presiding judge, and we did that.

I would like to see the procedures of the law change, so if the report came in and the jury sitting at the time the report came in felt it unacceptable or didn't answer the mail, could immediately go right back out and say that. It was our understanding you could not do that and that slows down the process and puts another roadblock in trying to implement good government.

That's pretty much my thoughts, and I would be happy to answer any questions later on.

JACK FRIESEN: Thank you very much, Jerry.

Ed, why don't you give us your views.

ED KRAMER: Thank you, Jack.

As Jack mentioned our grand jury operates on a calendar year, so we're still sitting as of right now. As well as the other committees I'm involved in, I'm the chairman of the committee that does the response follow-up, and also does the editing of the final report. And my functions on the committees are interrelated in a way, and I'd like to talk about that a bit.

But to start, let me tell you a little bit about Monterey County so I can put things in perspective. We have the distinction of being the least affordable county in California, that means the spread between the median price of a house and the median salary earned by a family is spread the furthest, which is very unfortunate. But that's a big problem in a lot of counties, and certainly in Monterey County.

The county seat is in Salinas, and there are 400,000 people roughly in Monterey County. It makes it about a midsize county. It represents about 2 percent of California from a land area point of view, about one and a half percent from a population point of view.

It's major industries are agriculture and tourism. One of the issues that involves is you need a lot of low paid workers to make either of those industries operate, and that creates another set of problems in a county like that. The demographics indicate that about 47 percent of the population of the county are Latino-Hispanic according to the last census which compares to about 32 percent for the whole state of California.

There's a budget of about 700 million dollars for the county and about 15,000 employees both in the county and local government. There are 12 cities in Monterey County plus the entity of the county itself. As I said, the largest city is Salinas, and it's also the county seat.

The grand jury has had a history of going and meeting with the mayors of every single city and individually with the Board of Supervisors, and you learn a lot about what's going on, and what their problems really are.

The major problem in the county seems to be, and probably very typical of a lot of counties, water supply. That's a major issue. And also the fact that there is a big segment that's against any growth, whatsoever, of the county, and yet the county is mandated by the state to build so many new homes every year, and water is basically used as a (inaudible) against any planning functions. If you don't have any water, you can't really build anything. So they have a fascinating problem on their hands if you're trying to manage either a city or run the county government.

There was a large military base there in Monterey County called Fort Ord. It closed a number of years ago. It created a considerable amount of havoc in the surrounding towns and school districts. But that also looks like it's one of the potential saviors in the area of building low-cost housing because all that land was basically given back to the towns. And right now there is a building effort to use that quote "free land" to build low-cost housing.

The free land, however, comes with the fact that you got to get rid of all the old ammunition there. So the cost of a lot is now about \$35,000 just to bring it back to habitable state. So there are some problems involved with that. But that's sort of a background of Monterey County.

The grand jury is like most grand juries, the 19-person grand jury, but we did some demographics on it. The average age of our grand jury is 69. It's interesting. There's one Hispanic on the grand jury, representing 47 percent of the population, so there's a little problem with diversity. The oldest member of our grand jury is 83, and the youngest is 47, so we don't have a lot of representation from people who represent the majority of the population in the county, and that is probably not that atypical of most counties.

One thing that's different this year, in our county at least, we have a lot of people on the grand jury who are computer literate, and up until this point, the grand jury has operated pretty much on a paper system. All the files are on paper. It's a paper nightmare. However, the response committee this year is pretty much well automated. Everybody has computers. They bring their laptops to all our sessions. We're trying to change everything over electronically. We've been able to save time, and I'll be happy to discuss that later on.

In our county and our county's grand jury, we use the committees to evaluate the responses that have come back from the reports that have been issued. So for example, if a report on school boards training came back, we would go to the education committee with the response, and they would evaluate the quality of the response, and decide whether or not they wanted to do any other follow-up, whether the responses were adequate, if they were inadequate, in other words, you felt that they were missing the point. We would actually go back, even though the law seems to indicate that you couldn't do that, and say, "Hey, we don't understand what your response said, could you please clarify it." And in general, people are pretty cooperative, and the people would clarify their responses. It didn't happen very often, I would say three or four of the responses fell into that category. The follow-up on whether or not anything happened when somebody said they were going to implement a solution was left to the response committee.

And we were fortunate enough to have a couple of people, who I'll describe as super Type A individuals. Fortunately, I'm not married to one of them. But if they get on your case, you've got a real problem on your hands. They followed up on these responses, and in

fact, I felt we did quite an adequate job on making sure that if people said they were going to do something that we held their feet to the fire.

In almost every single case, people really did within a couple of months within the time they committed to, actually take or start to take some action. I think in all but two cases, something was happening based upon, you know, their reply. And that was pretty positive.

As far as an investigation resulting from responses, actually in two cases, the grand jury sitting this year initiated an investigation because of inadequate responses. The response was so inadequate that we felt it was important enough to really look into the issue, and it led to a full-fledged investigation. So there's a case where continuity really, seriously meant something.

A little perspective on the traditional topics that were involved in these responses, I think, I was looking through the grand jury reports in a lot of other counties and in our own county, in particular, affordable housing seems to be an issue on a regular basis. School boards are always investigated invariably each year. Typically it's a lack of proper oversight issue or a training issue of trustees.

Child support service seems to be another topic that's investigated almost every single year. And in our county, we have two state prisons out of the 33 in the state. And as most of you know, we are mandated to visit any prison that's located in your town, so we get a chance to see good old Soladad, which is now called Salinas Valley State Prison, and a correctional training facility also located in Soladad. In addition to the county jails and the use facilities that everyone else visits, and those are always an interesting topic of grand jury investigation pretty much. And as you know you're pretty selective in which one you look at, but those led to most of the investigations of this year.

One of the issues that impacts greatly on the responses is the quality of the grand jury reports. And the quality, very honestly varies very widely. We did a fair amount of looking at a number of reports from our own county and found that it's just dramatic. If you don't ask clear simple questions, you don't get very reasonable replies.

And so it's really incumbent upon the edit committee- if you wish to drive the process- of making sure that the report that's issued asks nice, straight simple questions. Where you have a tough time getting around, you know, really amount of time of responses. If you word them properly, I think you make the job easier, move the ball along for the next grand jury.

In our experience, we found that the most responsive group was the Board of Supervisors in our county. They had the most number of recommendations to answer, and they actually do a super job in Monterey County considering that they have a group of people just sitting there on the first of year who attack these recommendations. They get them back pretty close to on time. And they actually mention the grand jury recommendations in the recommended budget document that comes out the following year, and what they've done about the recommendations as part of the formal budget documents. So they take it very seriously, and they're very supportive of the grand jury.

I could not say the same thing for the cities in the county. They seem to view the grand jury as those guys from the county. So to some degree they feel that -- there's the county sort of impinging on the, you know, independence of the local cities. So they are less responsive to the reports than the county government, but in general, they try to cooperate.

And by having the grand jury go around and visit each of the mayors, we kind of do a bit of P.R. to establish some sort of relationship to the City Councils, and as I have said there's only 12 cities in Monterey County, so we can visit all of them in a fairly short period

of time. I think some other counties like Los Angeles have something like 86 cities in the county and have an impossible chore.

And in closing I think basically the one thing that is important is remembering that if the final report is shoddy, you're going to get a really bad job on the response side. And so if you do a good job in writing the reports it will really improve the response process enormously.

This year we have a 19-page response report that's going into our final report. So it's 19 pages long on the follow-up that was done for the previous year's grand jury, and it's a very detailed set of spreadsheets done in Excel but in a very nice format. And I can assure you that no one in the county has any interest except for the next grand jury, so in reality it was really done for the next grand jury, but it's being made for the final report. And we hope that will go a long way toward making their job doing the follow-up a lot easier than it was for us when we came into office this year.

JACK FRIESEN: Thank you very much, Ed. Now let's hear from John Belforte in San Mateo County.

JOHN BELFORTE: Thank you. Initially, what I need to share with you is that most of my presentation is going to be an accumulation of comments and beliefs that have come from people that I've spent some time with. And some of those people, just for those you I know, include our presiding judge Quentin Kopp and includes our foreperson Herman Christensen. It includes past presidents, Lois Everett and Angelo Carmassi. It includes a variety of members of the grand jury. And what is interesting, I think, is the comments that have come from them are kind of the same comments we've heard from Jerry and Ed.

The issue of responses can be very simplistic in that you get the response and it agrees, and that's the end of it, or you get a response, and it disagrees, and now you need to go to work, and how do you do that in maintaining some kind of continuity.

Consequently, we have had a Continuity Committee, and I'm going to kind of cut through some of this because it's kind of like I'm sitting here talking to the choir to be honest with you. But, you know, there's a Continuity Committee. We've also gone with responses that we feel did not satisfy what we believe was recommended, to an Ad Hoc Committee. Usually, though, we have expected that the committees that were currently seated were the committees that would follow-up on responses. And in several instances we did, no I shouldn't say several, but in a couple of instances, we did a follow-up investigation as Ed just indicated.

Now, realizing the importance of a response and the place that it plays in this process our association of San Mateo mostly under the direction of Angelo Carmassi decided to have the Grand Jury Association put together a Continuity Committee and follow-up on all responses from all grand juries. Well, while the idea, I think, sounded like a very viable idea, I need to tell you that time, energy, and organizational inadequacies doomed that committee almost from its inception, and consequently that has been abandoned.

Now because of that, two other things happened and in a way I'm going to kind of digress, and that is we are one of the counties that also started a web site, and I think there are 38 of them if I'm not mistaken, and we've attempted in that to include an educational process. And so it is currently a webmaster who is putting together a training program to assist grand jurors to be cognizant of what they might expect. And that has been something that we're working on. But we found out in the process that we needed some kind of financial support in order to keep that moving, and what we did before, is what I've noticed that you had out on

the table, and that is eScrip program. And so the association has started the eScrip program, and that has proved to be exceedingly financially supportive and will take care of whatever webmastering there is that the program will require.

What I'd like to do is move from here to kind of what recommendations we might have. We all recognize that there is really no administrative or legislative law that will support whatever our recommendations are. And so what can we do to strengthen having people be much more aware of a grand jury to begin with because I think that most of citizens out there are not aware of what the grand jury is. And some of us even today in a humorous kind of way said, "Who is the grand jury?" And when one of your friends hears that you're on the grand jury, I think as most of it's going through your head, they're asking you which criminal case are you working on? So how to get into the minds of our citizens that the grand jury has some value.

Well, one recommendation that we have is to recommend that there be a Continuity Committee, to operate in some manner during the 45-day lag period where you're to be available to have some kind of transition between the two grand juries. And the thought is that that should also include chairpeople meeting together because oftentimes the new chairs go off in opposite directions.

I don't think any of the chairs that I work with - we were on for 18 months, Quentin Kopp having the task of going from a full calendar year to a fiscal year, and so we had an 18-month stint- none of the chairpeople that I know and have talked to were ever asked by the incoming grand jury to review with them what the process was, what recommendations they had, what responses their committees brought in. None of that seemed to have taken place, and there should be a place and a way of shoring that up.

Now, I don't know, by the way, whether we do need legislation to provide more of a stick with our grand jury, but that would be possibly one recommendation. The other recommendation is one that came out of our process and needs to be credited to Quentin Kopp again. While we were meeting in this 18-month session, one of the suggestions that came to us that we followed was that maybe we should have reports every three months. Almost like on a quarterly basis. And what our grand jury found was that that was tremendously successful because it kept the press informed. It kept the community informed about what exactly was going on.

An example of that is at our first press conference I think we had a couple of journalist from some independent papers who were at the press conference. At the second one, we noticed there were a few more people. And to cut through all of this, by our last press conference we had almost every journalist from almost every newspaper and it included television. So by keeping our grand jury reports and keeping the public notified, we found that there were much greater interest.

Now one of the things that concerns me- you know we all have concerns around here, right? I have to have them. And that is that one of the recommendations is that an agency or a department can have up to six months before they respond to a timeline, etc. We all know that, so it's something we really need to take a look at very seriously.

Because I hate to tell you that I am aware of an organization that will utilize that six months as a ploy. The reports at the time when we were on a yearly basis were going out midterm or at the end or the conclusion of the grand jury session. And so this organization, you know, played the game knowing that they had six months past that, and realized, and they were right, that by the time the grand jury got into its own session, did its own investigating of the requests that they had before them, that particular group of responses had

gone by the wayside, and another few months went by and that grand jury was out of session, a new one comes in and the responses were never relayed back to the grand jury. So it's something I think you ought to take a look at.

Now having said all of this, and I'm going to risk this, one of the thoughts I had is that what we're really dealing with is process and methods of getting responses. And in that process it seems to me that what we're trying to develop is a system, and there are a variety of systems. And most systems are well put together.

Those of us who have been in the military have often said that this system is put together by a genius to be followed through by idiots. Another system that has been very effective is the system Jim Thornton and Pete Rosell put together for the National Football League, delightfully developed system.

I think a system that we all operate and appreciate and honor today is a system that was put together by John Adams and Thomas Jefferson, and it continues to thrive. So we know that there are possibilities for us to put together a system. The problem is that the system is managed by human beings. And I think that fits the grand jury response issue in that unless we can behave and unless we can dedicate ourselves and those who follow us to be committed to the process of following up in order to satisfy the fact that we are the conscience of our society- of the citizens of our community- all of the work that has been done before us and all of the work that we have done will go to naught.

How do you develop that behavior? I don't know. I'll ask you, and hopefully you can help me and our county to get an answer to that. Thank you. I appreciate your attention.

JACK FRIESEN: Thank you very much, John. Last but not least coming fresh off of his term from last year's Marin County Grand Jury is Mike Casey.

MIKE CASEY: Thanks, Jack. I'd like to talk to you a little about some ideas that our Continuity Committee came up with last year to try to get past the four corners of the various responses to different reports and to try, instead, to see if those responses met the substance – the heart and soul if you will – of the reports. We wanted to see if the responding agencies were in fact changing their way of operating in some cases or putting into effect those things which had been recommended.

Let me start off by saying that the way I look at 933.05 is that it tries to create an objective standard by which responses are measured. And I think that's probably wise and the only way that a piece of legislation can approach this sort of issue. But the reports which solicit those responses typically want to go into the heart and soul and substance of an issue, and that substance is often not really addressed through the response process. For example, the response process deals with findings. You either agree with the finding, or you disagree with the finding. But the statute doesn't create a process whereby respondents necessarily get into all of the background issues that surround that finding. As a result, there are lots of ways of weaseling around without getting to the core of it. And the same thing with the recommendations. As everyone here knows, , there are four different ways that an agency can respond to recommendations: Either they're going to do what is recommended, or they have done it, or they won't do it, or they're going to have to study it. But again, that doesn't necessarily get into the soul of the report itself.

Furthermore, our training doesn't really give us a great deal of help in this regard because our training really limits us to what we can do under the law - what 933.05 says we can do. It doesn't really go terribly far beyond that, and I'd like to spend a couple of moments

telling you why there are a lot of things that can be done beyond what 933.05 says you can do.

After all, what we're trying to do as grand jurors is to provide government oversight and to make our counties a better place for its residents to live in, and a lot of what we're trying to do through the reports that we write is to ask agencies to look at the way they do business a little differently than the way they did before. That oftentimes is not easy for an agency because like a ship, it takes a long time to have that agency turn a little bit from one direction to another. If that is our goal, then the process we live under puts us at disadvantage. It asks us to investigate and to suggest improvements, but it leaves it to others to provide oversight over the changes we recommend. By "others" I mean subsequent juries. And next year's jury is typically looking to the future. It is looking to make its own mark. It's looking to take on its own issues. It studies the complaints that come in to it, and it looks at those. It is not particularly interested in looking backward at the work that was done by the previous grand jury. Sometimes we think that that prior jury's work product just gets in our way. And I know that that was to some extent the case when we began our term last year in Marin County. The Continuity Committee was kind of a stepchild. It was an afterthought because we were looking at something that had already been done. And if it had been done, what else was there to do other than to find out whether or not it complied with 933.05. And that was just simply a matter of developing an Excel spreadsheet, plugging in the dates, determining whether or not the responses were timely, and checking to see if they met the tests of 933.05 for adequacy.

But we actually took a different route last year, a course which came about purely by accident. There was a report that had been written by the previous grand jury that dealt with the College of Marin. And in the report the authors had recommended that the College of Marin report its finances on a separate basis by campus as opposed to the consolidated statement that they were using. The authors of that report felt that not only was the public not well served by the current reporting format, but also that the College's trustees didn't get enough information to find out whether or not one of the campuses might need help, shouldn't have been doing certain things, or could have done some things better. The College of Marin, in preparing its response, completely omitted to respond to findings. And so the first thing we did was make a phone call to somebody over at the College of Marin and set up an appointment to go out there and talk to them. We were going out just to find out why they hadn't answered the findings. But when we got out there we found a very, very responsive guy who talked about how much he appreciated the work the grand jury had done, how they had changed their software and were completely revamping their systems to accommodate the recommendations made by the jury, that they would have a separate reporting system out in the next couple of months, and would we like to see it? And my colleague and I who attended that interview both came away from it saying, "Boy there's a lot more to this continuity thing than we thought."

If we hadn't had that interview with that fellow, we wouldn't have had any idea that the College of Marin really respected the work of the grand jury, and was replying, not just to respond to a report as they were legally required to do, but they were taking it to heart, and they were really moving with it. Now, that's an example of an agency that really took a positive step, and it gave us a lot. It gave us nourishment and a reason to want to see what other agencies were doing and to take a look at their responses in a more substantive context.

And so, for example, there was another report that had been issued the year before relating to a discretionary fund the Board of Supervisors had. It was a fund that controlled \$625,000 of taxpayer money, \$125,000 being essentially given to each supervisor to spend as they wished for grants to nonprofit agencies. The jury before us had issued a report indicating that there needed to be some accountability for those funds. Naturally the County agreed and said they would put in place the recommended changes. Well, we went just a little bit further than simply looking at the wording of the response. We met with the County Auditor, and we negotiated the number and the scope of audits that the County Auditor would perform to be sure that the grantees of these grants of taxpayer money were in fact spending the money in the way they said they were going to spend it and in accordance with the conditions of the grants. As a result of that action on our part I think we probably elevated that prior report to a different level than it might have been had we done nothing.

We weren't successful in every case. For example, there was a report issued on the Coroner's Office and the need for a separate morgue. One of the issues that came out in that report was that county employees in the morgue and the coroner investigators did not have Safety Retirement benefits. They're the only peace officers in Marin County who don't have Safety Retirement benefits. And the coroner pointed out those investigators confront lots of situations where they place themselves at personal risk. For example, a corpse they handle could have AIDS or other contagious diseases. In its response the County said that Safety Retirement benefits are an issue best dealt with through the collective bargaining process. We didn't like that response very much, and we tried our best to see if we could get behind it and get the county to change its mind. Unfortunately, we didn't. And so we're still left with the same situation, but at least the Coroner got a little help in his effort to gain a needed benefit because we did take the trouble to carry forward with what the previous year's grand jury had done, and we gave it another shot. And the coroner appreciated that help, and who knows if maybe it might ultimately make a difference in the next negotiation.

So those are some of the things we tried to do. Now, at the end of the year last year, just as Ed and John and Jerry have mentioned, our jury prepared and published its reports, and we hope that the Continuity Committee this year in Marin County Grand Jury is taking seriously what we did last year, as we tried to do for the year before. My good friend Walter Monasch who's in the audience right now, is the head of this year's Continuity Committee, and I have every reason to think that Walter is going to do a very good job.

One of the things that I've done to try to make it a little bit easier for this year's Continuity Committee is that I took the County's responses to a report which I co-authored – one involving security at the Civic Center - and I went through it and spent a couple of hours going line by line through each of the findings and each of the recommendations. I then submitted a memo to the current grand jury in which I gave them my thoughts on where the responses fell short on the mark in some cases, and where I felt they were very much on the mark in other cases. Hopefully that will be helpful this year's Continuity Committee, so they don't have to look at the whole thing, but rather just focus on just some of the issues where their input might help. Incidentally, as to those responses where I felt the Board had complied not only with the letter of the law but also the spirit, I gave them credit in my memo, and I should say, as an aside, that I was really pleased that the Board did generally respond to our recommendations in a very constructive and positive way. But there were some areas where in their responses I think they tried to waffle. Where they waffled, I tried to point it out to the committee. I've also agreed that if the Continuity Committee so wishes I will come before them and talk to them on issues in that report as well as other reports in which I was involved too.

My point here is that as we go forward and leave our service as grand jurors, it's incumbent on us to try to remain involved in those reports that we were involved in because that can only help the next year's grand jury. Furthermore, our active followup on our reports will help to make them interesting enough to the next year's grand jury that they will be motivated to follow up on them.

One of the other things that we're trying to do is to figure out how the responses can better be attached to the reports that they are a part of. The reports, as you know, are generally issued late in our terms. That means that often the responses come in after the sitting grand jury has published its final report. And therefore they're not attached to the report. Obviously in a perfect world each grand jury would issue its reports earlier during its term so that the responses can come in early and be part of their final report. As a practical matter, as we all know we are doing well if we can get two or three of them out before the end of the term great, but the majority come in too late for responses to be due prior to the publishing deadline for the final report. So, linking the responses to the report they cover is an ongoing issue.

One of the things that I would like to see is more links to the web page where the report is linked electronically to the response no matter when the response comes in. In that way not only can the sitting grand jury see both together, but also students and the agencies themselves and politicians and other interested people who are involved or passionate about the issues will also then be able to better measure's the agency's responses.

Another issue that cries for attention is wider dissemination of those responses. Right now those responses go to the Board of Supervisors with copies to the County Clerk and the sitting grand jury, and one or two other places. But it would be helpful if the foreperson of the sitting grand jury (and possibly the foreperson of the prior grand jury as well) could get together and select several reports where the issues are of ongoing public interest and go down and talk to the media regarding the responses and where they fall short. There is nothing like the media to get the public interested in an issue and also to put some pressure to bare on the agency to do a better job in following through in dealing with what they said they were going to do.

That's pretty much all I have to say. Thank you.

JACK FRIESEN: Thank you very much, Mike.

A little personal footnote to Mike's presentation, it was my jury that preceded Mike's grand jury, and the first example he mentioned, College of Marin, was a report that I personally wrote, and that was another success story from a Continuity Committee because we were really responding to the prior year's jury recap of the response system, where they said, "tsk, tsk, you people did not pay any attention to the previous grand jury."

So the things really started three years prior to the final resolution of Mike's going back out and visiting with the chief financial officer of the college, and finally did result in separate reporting by campuses which now gives the trustees some information as to how the resources and so forth, and so on. That's a good example of how continuity works. And we also very much appreciated the work that they did not only on that report but with the other two that they mentioned.

So with that, I would now like to -- do we have a roving mike in the audience? I'd now like to open it up to comments from yourselves either just statements to make or questions to ask. If you could stand up and clearly say your name and county so our stenographer can get it.

AUDIENCE MEMBER: I'm Mike Miller. And something that Mike mentioned that I found real important for our incoming jury is the issue of a web site.

Our jury last year actually took a look at where reports were available and there wasn't, quite frankly, a reliable source for a smaller county. We don't have a web site at the moment. I think the establishment of one is very critical to our counties. And it will be something that I will be taking on personally. Prior to the current year, most reports, most responses to the reports were for the most part thumbing their nose to the grand jury because nobody paid attention to them because of that six-month timeline. So we would literally get responses where finding recommendation one, agree, two, agree, three, agree, four, disagree not going to do. And that was the extent of the kind of responses that our county was giving us over the course of the year.

And I think as we're able to disseminate, what I instructed the jury to do this year is to compile all of last year's responses. I was off last year's jury as well. And we're sending those to every former juror from last year. So in other words they're going to get a packet. Those former jurors are going to become activists. That's just kind of the nature in what we do, and that's one of the ways we're disseminating. We're also going to publish those as an addendum. So the idea of us continuing on, it's just a very simple thing for us.

As we get the website established by the end of the year where we can publish it on the web site because people do pay attention. And now all of a sudden people are going to realize how inadequate, agree, disagree, disagree, is for their department head.

One last comment, too, is that we have a very strong-willed administrator to the county, and he's relatively new, and so he's taking control of all of the responses that dealt with the county. So if he asked about a particular department head, he's instructed his staff to collect and do so. We have to address that from a whole different perspective.

JACK FRIESEN: Thank you very much. Up here.

AUDIENCE MEMBER: Lloyd Barnes. San Luis Obispo County. Just share a few ideas that are consistent with the panel members. For a long time San Luis Obispo County has issued a separate report on the responses that, in effect, gives you two bites of the apple. You get the final report on the recommendations and then the report of the responses. It includes a summary of the recommendations. That document has the same distribution as the final report, and it gives -- so it's really a two-document binder for a given jury.

It gives you an opportunity to do what Mike was suggesting, publicizing the responses. And that's just a simple publication task. It's not an investigation. It's just publishing and putting it in the library.

I agree with what John said. There's a strong competition for time between new investigations and follow-up. I'm not sure it is practical to suggest that a sitting jury can do much in the way of the follow-up. It's good to have the Continuity Committee, but I question whether there can be an adequate approach to that subject.

The other idea is that it is probably most effective to do the follow-up two to three years after the recommendation has been made. Keep in mind that when an agency responds, and they agree, they're only promising to do something. They haven't done anything yet. It's really the action that's important, and it takes two to three years because a common issue is, we need an improved budget, or we need to deal with certain things, and government changes slowly, so it is more effective to follow-up in my judgment in two to three years.

My jury did a follow-up to two years prior, some expense of time in following up and were able to pin down that either you did it or not. No weasel word opportunity. You either did what the recommendation was or not.

And I agreed with John too, that we attempted to involve the former Grand Jurors' Association in the follow-up. But there just was not the commitment of time, the structure, the organization, the incentive, and that was despite the fact that the county administrative officer was supportive of it and wanted us to do this. So it's a challenge to get former grand jurors, after they have been burned out, to participate in that kind of activity. We probably shouldn't drop the idea. It may work if you get the kind of behavior that John was talking about.

I'd like to end by just posing a question to the panel. Is there really an obstacle to the grand jury to declare that a response is not adequate and perhaps even not complying legally? Is there really an obstacle to prevent the grand jury from actually issuing a public declaration that the response is adequate, inadequate, or illegal?

JACK FRIESEN: Who wants to tackle the question?

JERRY LEWI: There's not a legal obstacle or block. There's some practical issues. One which I have mentioned, and I would ask the other panelists to comment on this. That if you find it inadequate and you want to do a follow-up, it's my belief you have to start the process over again, but that's a practical obstacle, but it's not a legal obstacle.

Someone once suggested that if a response did not meet the criteria of 933.05 you could accuse the official responsible of not complying and start that process. I think that's highly impractical. As we heard yesterday, that would not rise to the standard of any willful misconduct to deal with. I think that's not practical either. So, no, there are no legal obstacles, but yes, I think there's practical ones, including what you just mentioned yourself. The fact that the new jury is not that interested in the old jury's work. So practical obstacles but not legal obstacles.

JACK FRIESEN: Other comments?

MIKE CASEY: I agree with Jerry on that. I don't think there's a legal obstacle necessarily. I don't know that it does an awful lot of good to simply publish a statement that the response is inadequate. What you really need to do in order to get any clout with the media is to say why it's inadequate, and in order to say why it's inadequate, you probably do have to undertake an investigation to make sure that you're speaking with enough background and enough information to be able to withstand the kind of questions that would come up with the agency to deny it was inadequate.

ED KRAMER: I have a comment on that. Maybe I could answer your question with asking another question. One of the issues we face, at least I face, is if during your investigation what you're really trying to get at is somebody who's publicly appointed within a government organization.

Let's say, for example, it's a city council in some city in your county. I think by law you're required when you make a recommendation that it gets addressed to the highest elected official. So it would go to the mayor, if you wish, of that city.

Now guess who he gives that recommendation to reply? The response is being written by the person you're basically trying to hang something on. So in reality, what you're going to get in response is a lot of weasel wording or a lot of no we're not interested, or we're going to disregard your recommendation. That is a dilemma that we have not found any simple

way out of. One, because the person who you're addressing it to, in almost every case is not the person who's writing the response.

AUDIENCE MEMBER: Walter Monasch. To follow-up on that issue, we had one of the cities responded saying that -- first let me backup.

Clearly the chief administrative officer is going to write the response for the Board of Supervisors or the City Manager or whoever is going to write the response for the City Council. We required that we had formal action by the governing body to respond. So that there has to be an agenda item on the City Council or on the Board of Supervisors' agenda about the response..

One of the cities came back and had recorded its lawyer saying, "No, the law didn't require that. It only requires that from the county, not the city." But we got that one straightened out. It was just as easy to have the Council put it on the agenda.

Clearly the mayor is not going to write the response. But the mayor needs to be responsible for the response, or the City Council needs to be responsible for the response. So if it's on the agenda, clearly it would be on the consent agenda, but there has to be an official response, and that we should insist on.

Now in connection with the getting the responses- we're in the process right now of having all the responses- we had one guy on the jury (who unfortunately quit because he was too busy) put together a very nice chart which gave us a check off list: did they come in on time, etc.

We're now separating these responses by -- there were 14 reports we made last year. We needed about 140 responses from different agencies. That's a lot. We're putting together a separate package for each of the reports, including the report itself, the checklist that the response has come in, and then all the responses, and then we're inviting members of the authors of the report from last year to review it with us.

So we in fact get two things. One, did they meet the legal criteria 1, 2, 3, 4, 5. And then did you meet what's the substantive issue. And that one is the one that's going to be a touchy one. How do we report the touchy issue of, did they meet the substance or not?

JACK FRIESEN: Thank you, Walter. I think we have a lady back here.

AUDIENCE MEMBER: Wanda Kiger-Tucker. I'm president of the Solano County Chapter. I just got off a two-year stint with the grand jury.

And in response to what we've been talking about here: how to handle those sticky situations is which they come back and say in their responses, you didn't know what you're talking about, you had bad information. So what we did was publish with our report last year a response to the response, and we basically pointed out step-by-step, just those that we wanted to let the public know we're not going to let them get by with this. And so in our response to their response we said, in this case, it didn't comply with the Penal Code, in this case, you contradicted our findings, yet we have documented sworn testimony to show proof, so we didn't let them get by with that old mumbo jumbo.

MIKE CASEY: Did you conduct a formal investigation on those who you said that they had weaseled out?

AUDIENCE MEMBER: Yes.

MIKE CASEY: So what happened then, if I understand you right, the prior grand jury had given you all this information, which I think is something, I'm hoping every grand jury

does. It's a great thing when it's done. So the incoming grand jury basically has all of the boxes of files that prior grand jury had when they issued the report, so they don't have to go back to square one. They do have to go back and review the information and make sure that they can consider that they are current on it.

AUDIENCE MEMBER: And what about people who served two terms? We had people serve two terms.

MIKE CASEY: Yes.

AUDIENCE MEMBER: I have heard stories from grand jurors at coming back from training seminars where some of these jurors have a judge who will when those responses come in, the judge decides whether or not they are adequate, they are meeting the criteria of 933.05, or they did not respond. And then the judge would write letters to those people saying I'm rejecting this because I don't feel it's adequate, or the judge would write to those who did not respond saying you're not in compliance.

What do you see as the role of the judge in this process of responses?

JACK FRIESEN: Who wants to tackle that?

MIKE CASEY: If you can find a judge that has the time and the interest to do that, I think it's great. Part of the reason that these responses fall to the grand jurors, typically, I think that the judges don't have the time to spend on it. It's really, if you assume a judge works a 50- to 60-hour week, which I think most of them do, to add that load onto their other calendar responsibilities is asking an awful lot.

We had a judge who I believe, I wasn't able to be here yesterday, but Lynn Taylor is the presiding judge of our Superior Court in Marin County, and she's been just fabulous. And before her Jack Sutro was another judge whom we worked with our first half of our term.

Lynn Taylor took the time to review each of our reports in great detail. She'd spend a couple of days, and she'd come back with some of the darnedest comments and criticisms, but well placed criticisms that I could have ever hoped for. It was wonderful to see that judge take that time and apply it to our work. But to ask them to come on and take on the response issue as well. And it's great if they'll do it.

AUDIENCE MEMBER: Dick Boyd, Yuba County. I was on the grand jury with Mike (Miller) last year, decided to lay off a couple years. One of the things that I have found was, there's an archivist in the state, and that state statute requires the county clerk, whoever the county clerk is, to keep a copy of that for the public to come in and look at. And I checked with several counties, and I think the 38 counties that you have mentioned that were on a web site were the only ones where you could really get a copy of any of the previous reports and responses. The best of what I saw was Nevada County for a small county. The large counties -- and Marin County was very good also.

The question or the reason for this, what's the use of this report? Is it just something that a group of interested people and politicians, or is it something the general public can look at? I'm new to California, I want to know how the state is run. So here's an organization that supposedly is watchdogging the government, so go look at the report. Did they watchdog them? No, they said these guys are doing a great job. Why are they doing a great job?

And most of the questions that I saw were reviewed where the organization said that they won't do it is because the money was not identified. Several cases the elected officials or the agency came back, and said, "identify the money, and we'd be happy to do it."

So when you go back to your own county look to see if your reports were archived. Look to see if just Joe Blow off the street can find a copy of a report and responses.

ED KRAMER: I'd like to follow-up on something. I'd like to follow-up on Mike's because we were extremely fortunate to have Judge Quentin Kopp. Believe it or not in the 18 months that we were together, he attended every single session, and he was there for the entire session with the exception of the time that he had some vacation time coming and took it. The following up on that was, this is the kind of gentleman that he is.

We had a situation with a school district where we felt they were working outside of the Brown Act, and we made a recommendation accordingly. The Assistant District Attorney indicated that we were in error. The school district had a right to deal with the issue in a closed session. In reviewing it, it had nothing to do with personnel, with real estate, or with litigation, consequently it should be discussed in open session.

Well, neither Judge Quentin Kopp nor the grand jury bought that. And so it went to the Legislative Council and asked for a read out. We got back about an eight or ten page response that at the bottom line indicated that we were correct that this was to have been an open session. That this judge followed through, the grand jury followed through, and the entire minutes, the agendas, and all other procedures after that were followed through in open session. So, Mike, the judge can make a difference.

AUDIENCE MEMBER: My name is Bud Alne, Santa Clara County. I believe there is a rule that says at least two jurors must examine the evidence on which the grand jury may subsequently take action. If this is true, would the panel comment, please, on the constraints a grand jury has in reviewing the evidence that was submitted by a prior grand jury. It would seem that current grand jury will have to go out and reconfirm, at least two of its members, whatever evidence was gathered by the prior grand jury.

JACK ZEPP: I think that's what we've been saying. Yes, we all agree to the grand jury rule is still in effect, but I think we have all heard that if the sitting grand jury wants to reject a response or follow up on a response by a prior grand jury, they must proceed as if it's a new investigation and go through all the hoops that it requires, and that's not a legal block, it's a practical limitation. It's the bump on the road not a roadblock.

MIKE CASEY: By the same token if the sitting grand jury gives to the incoming grand jury its evidence, that evidence is there for the grand jury. They have to review it and become comfortable with it as their own. And to the extent of interviews, they need to go out and do those interviews, but the evidence itself, the documents that may lie at the heart of an issue can come from the information that has been left to them.

AUDIENCE MEMBER: But the jury cannot take action based upon that; is that correct?

MIKE CASEY: I believe they can.

JERRY LEWI: You have to believe in that data as if it didn't exist before. You can't just accept a prior grand jury's words.

JACK FRIESEN: And they have to go through the formal process of documenting the initiation as if it were their own.

AUDIENCE MEMBER: Les Daye, Trinity County. Regarding 933.05. I have a question for Mike and a comment for Jerry. When 933.05 was implemented the CGJA began more intensive tracking, particularly electronically, of the final reports and responses. What we found is, and in my question to Mike, you sort of tried to talk about why the response to

the previous year's grand jury was going to be in your final report, I want to know resources, how many people were on the Committee, and why they took until June 5th, 2002 to actually get that published?

MIKE CASEY: There were, I think, five people on our Continuity Committee. The reason that it took until June 5th is because that's the publication date of the report. We actually had the report ready in March. But just, there was no point -- we didn't feel that it was appropriate to publish a Continuity report separately in the media. We wanted to just simply publish it as part of the overall hardbound edition that was published of the overall report.

AUDIENCE MEMBER: You can do both.

MIKE CASEY: You could. So it wasn't the actual resources, that was just the way it happened to be done. When I say that we left it until June, and you're absolutely right. I think we could have done it, we just felt that -- we had 14 reports last year.

AUDIENCE MEMBER: And for Jerry, for Yuba County particularly, you're looking for sources. The Association publishes the reports index each year, and we're going to continue to do so and expand the effort. I would like, not to the exclusion of any other county whether they are here or not, I would like Jerry to take this back, compliments to the county executive officer in Ventura County, for some of the best and professionally prepared and concise electronic responses and the reporting. Particularly showing things like their selection process, how they did do it by district. What it says in one page, the actual words of 933.05 as it applies to the responding agencies and listing specifically who those responding agencies are, not just the Board of Supervisors. It's an excellent example if you want to see what it looks like, I have it here with me.

JERRY LEWI: Let me respond to that. Les and I served on the same committee, so we'll discuss this later, of course.

JACK ZEPP: We will just have time for a couple more.

JERRY LEWI: I have one other comment. When you get your web site up, e-mail that to our web site, so we can link it.

AUDIENCE MEMBER: Roy Lord, Orange County. Tell you what we did. Of course, being Orange County we generated a considerable number of reports, and unfortunately when they come out at the end of the year, most of the time most of the reports are out after that jury has gone off.

So we formed a Tracking and Implementation Committee in our Association, and then we persuade the Board of Supervisors to pass a resolution where we report the findings back to them. We go out and reexamine the responses and then make a response to the Board of Supervisors, and they have some teeth, because they control the budget strings, with the exception of the elected officials, and they have the clout to make sure that what was agreed to that they're going to comply with. So it hasn't worked quite as well as we had anticipated.

We anticipated our Implementation Committee to go out and each year review the previous year's report. Well, what happened is we've run into a little bit of a conflict with the sitting grand juries similar to their -- they want a Continuity Committee of their own, and they kind of resent the power that we have. Our position is still in place, so if the sitting grand jury does not review the previous year's report and doesn't take any action, we still have the authority and the ability to do something about it. So that's just Orange County.

JACK FRIESEN: Time for one more.

AUDIENCE MEMBER: Bill Price, Amador County. I'm foreperson this year of the grand jury. I bring this question from an extremely frustrated Continuity Committee. We have a situation where our Board of Education made responses to serious recommendations last year, but it looked like they sent it to some mid-manager, and he kind of sat down and dashed off something to his secretary, and he talked about what he wanted to talk about, and he didn't even pay much attention. We have our analysis that's pages of did not respond, did not respond.

Prior grand jurors went to the Board of Education in their public meeting and just excoriated them for this irresponsible response, and they said we're going to go to the judge. So they did. Last year's foreman went, and they invited me to go with them. The judge looked at the thing, and said immediately, "I see the problem. A couple of board members of the school board want to meet with me in a couple of days." And he did. And we got the word back later that the school board next said, "Well, we talked to the judge, and he said there really wasn't anything they could do about it if we don't really respond properly, so maybe as a courtesy to them we'll respond, maybe we will, and maybe we won't." That got back to us. And several weeks went by and nothing happened because they considered whether they might have a response to the point where our committee then raised the question, is there, if they simply just won't pay no attention to this at all, are there any grounds under conditions like that for public officials to be charged with nonfeasance or misfeasance?

JACK ZEPP: Response?

JOHN BELFORTE: We had a similar kind of situation with the school districts, and I think there are probably two things that we found. One was that they are an elected body, and they do have the legality that goes with that election. So the only thing that I think you could do, which is what we did, is to keep it in front of the media. The more you can keep it in front of the media it ultimately gets front page coverage, and I think you can pick up some support from the community. And then you kind of have to be patient to see if anything comes out of that. It may, and it may not. It could be a recall. It could be a new group of board members, but as long as that board feels whatever they are doing, they have a legal right to do, and they are elected by the community, it is very difficult to do anything specific.

AUDIENCE MEMBER: Can't the judge hold them in contempt?

JACK FRIESEN: Okay. We have to cut it off here. We're kind of late going to lunch. Thank you.

BOB ABELING: We have a brief announcement. There are sales items outside by Dan Taranto, and will be there until the conclusion of the conference. We'll now adjourn until 1:15.

### **AWARDS CEREMONY**

GENE DYER: We now have the award ceremonies, and we'll start out with Janet Praria presenting the Excellence in Reporting.

JANET PRARIA: Good afternoon. It's always nice to be the speaker after lunch. See if I can keep you all awake.

My name is Janet Praria. I am from Monterey County. I was on the grand jury in 1999, and I'd like to welcome you all to the second annual presentation of Excellence in Reporting. Linda Baker is the originator of this award, and she sends her regrets about not being able to be here, and we're sorry, but an emergency operation, not to her but to one of her family, is what's keeping her from here.

The committee was faced with a difficult task of choosing one winner, and we received quite a few reports to read and decide. And the criteria was stringent, so it narrowed it down, so that we could choose someone or someone's report, someone county that fit all of these criteria. We read and read and never will have trouble with insomnia again.

Therefore, the quality of the reports was so good that we have one winner, two honorable mentions, and a winner for the media category. So we're going to start with the runner up.

The honorable mention and Talley Wade was to be here to accept for Placer County, and unfortunately she didn't make it, so their award for Sierra Joint Community College Post Retirement Medical Fund. And for that we have an award for each one of the persons on the jury, and that was the 2000 Placer County grand jury. So with that, we'd like to say congratulations Placer County.

The next honorable mention was Stanislaus County. Their report was -- unfortunately no one from Stanislaus County was able to attend. Their Excellence in Reporting award was for Oakdale Joint Unified School District, City of Modesto Rehabilitation Program. That also -- it was very, very good, but the winner was even better.

And first I would like to present the Media Award before we get to open the envelope, that is if we have a media award. Yes, here we are. Excellence in Reporting for Theresa Keegan, Times columnist, The Times. And her article was the Contra Costa Grand Jury System in Need of Volunteers, and I know that Theresa is here, and I'd like to ask her to come up and accept her award.

THERESA KEEGAN: Thank you very much for the recognition. It's always nice to get recognized for what we do on a daily basis, and I know that grand jurors also really deserve a lot of recognition. The work that you do is outstanding, and as a media representative, a lot of times I sit there and read the grand jury report, and said I should have had that story. And I am just so thrilled with what the grand jurors do throughout the entire state, and I appreciate everything you're doing.

And I know it's hard to get recognition for all the work that you do. And I just encourage you to work with you local media and get the word out because what you're doing is very important, and anything we can do to help facilitate that, please pick up the phone and give us a call. Thank you.

JANET PRARIA: And now the winner. Orange County Grand Jury for the year 1999. The 2002 Excellence in Reporting Award goes to the 1999 Orange County Grand Jury for their report: Orange County is No Camelot for Emancipated Youth. And is James Knowland available? I'd like you to know that there is one award for each member of the grand jury. Would you like to say a few words, Mr. Knowland?

JAMES KNOWLAND: Thank you very much. I was really honored when I got a call from Linda Baker. This is a copy of our report. We kind of dolled it up a bit, because if you just give people a bunch of papers they don't read them, especially the Board of Supervisors.

We were on a vacation in Ireland, and there is this rope bridge and children are not allowed to walk on this bridge because it is so precarious. And that's the way it is for emancipated youth. They reach 18, and they're kind of thrown to the wolves. My kids didn't leave home until they were 25, you know, with all the moral support and financial support, yet these poor kids.

Now this award is given for two things. First of all, that it really did create a change in your community, and secondly, that you did spread the word that grand juries do more than hear cases. They really write a lot of reports.

We released this report February 9th, and in Orange County they get 90 days to respond. So we were still the sitting jury when they responded, and like the responses say the Board of Supervisors are required to answer this, and we requested the Social Service Agency to respond.

Well, the Board of Supervisors and the Social Service wrote the responses, and they defended themselves because, you know, they were really short on their attitude toward the emancipated youth. In fact, we said, "You're doing nothing for emancipated youth," and they said, "We have 5,000 kids we're taking care of." And they said, "We have no budget for emancipated youth. Once they reach 18, they're no longer our concern."

And that really bothered me. So when we got the responses back, we were really unhappy, so we went to the judge, and he was our judge that swore us in and all this, and we said, "We're really unhappy. What are we going to do?" And he said, "You know, I don't know. I've never been asked that question before. Why don't you go to the County Counsel."

So we went to this lady that was a lawyer for County Counsel, and she said, "I don't know. Why don't you go to your Continuation Group." Well, the Continuation Group, they didn't have the passion for this that we had. So we formed the committee, and we went to the Board of Supervisors, and we said that you are really shortchanging us, and you're shortchanging all these kids. And besides we don't even know that you realize that the President signed into law in December the Jeffrey Bill that you must take care of kids until they are 21. Then they said "okay."

What they did then was form a special task force of 12 people, one of them was a Juvenile Judge, and I was on that. In fact, the group elected me the chairperson, and so on. So let me tell you what that did. It has changed things a lot in Orange County.

First of all one of the things that we needed was a full-time supervisor for all the emancipation things that agencies like Christian Homes was doing and the YWCA. So we released this report in February. In May the head of the Social Services had an ad in the paper saying he was looking for a full-time supervisor, and he would pay \$80,000. Wow, that was really something. Today not only do we have a full-time supervisor, he has a staff of five people.

Another thing, at the time we wrote our report there was only 17 beds available for these poor kids who are street people. Today we have 82 beds available. So that's a real improvement. Because one of our main things was that we do have the grant from the State called the Independent Living Program. They kind of help kids to live independently, but housing wasn't there. And one of the ladies up in Sacramento in Social Services said, and I really think this was a great remark: "Independent Living Program without housing is like Driver's Ed without a car." And so this caught on quite a bit.

So now, as a result of our task force, which operated for two years with the Board of Supervisors really behind us on it, we have now an alumni resource center. So these kid who are just beside themselves not knowing who to turn to for help, can go to resource alumni center and get medical attention, legal help, bus passes, all kinds of things that they didn't know where to get before.

And secondly, one of the main things that Emancipated gives is an adult figure they can really turn to when they need help. And a lot of people call that a mentoring program. And the Board of Supervisors just passed a month ago and gave funds for six people, and they called them coaches. And so we have that. And so many, many things like that have happened that we've really improved a lot of emancipated youth in Orange County.

Secondly, a \$30,000 grant was given to UCLA to follow-up with the Emancipation Program, especially after the President signed the Jeffrey Bill into being. And so they invited people from the whole state, all these people from Social Service Agencies and so on, and it was a three-day workshop, and I was really flattered I was asked to come and talk to these people.

And before I got there they gave everybody a copy of this report, and so when I was finished the doctor of social sciences said, "All of you people here, you have a grand jury. Go back and tell your grand juries to help us with this whole point of emancipation." So we really spread the good word.

Now, I can go on and on and on because I really felt passionate about this. Part of the reason is, I have spent six years working in a group home. And I tell you it was terrible when those kid were just thrown to the wolves. And sometimes they'd come to me and say, "You know, we can't even rent an apartment because we don't have a credit history, and we need a first payment and last payment. Can you lend us some money?" So I did it twice, and both times I never got paid. Not only that, they kind of ruined the apartment, but I don't hold it against them. It's just, that's the way society treated them, as losers.

Well, I won't go on and on, but thank you so much. And it was said earlier, if you can get your reports in earlier, you really have a real weapon in your hands to be able to turn things around. Thanks.

JANET PRARIA: Thank you very much. I would like the members of the Excellence In Reporting Committee that did the judging to stand up. Linda is not here, so she can't. Cliff, weren't you on that? There's Bob and Deborah and Linda and myself. Thank you very much.

ELWOOD MOGER: The next award that we have to present is the Angelo Rolando Service Award for 2002, and before we do that, I'd like to go back to some of the roots of this organization.

There are two founding members of the organization that are here today. I'd like to have them stand Pat Yeoman who's over here. One of our founding members. In the back, of the room Mike Miller, who was at that first meeting.

This year the committee was formed by the president. I was the recipient last year. I was the chair and Bob Abeling, Audrey Lynberg, Linda Baker, and who else was on that? Mickey Strang from Humboldt County. And we got together, and I'd like to have, I think Audrey is here, and Bob is here, so would you please stand.

So with that I'd like to announce the winner of the 2002 Annual Angelo Rolando Service Award. It's Roger Loper. Would you please come up.

I'd like to say a few words about this young man. I present this award to you with great, great admiration. Roger has been an excellent, excellent director and member of this Association. He joined back in the year when we were down in Monterey. And he was the foreperson of the Monterey Grand Jury. 1997, he joined. He became a director. He's been a very, very active director with our Association. He's the vice chair of our Membership Committee. He's also the vice chair of our Operations Committee, and under Operations, he is the chair of the subcommittee on Policies and Procedures. He put together a very extensive Policies and Procedures Manual. Many, many drafts. Many, many mailings to all members of the board. And we got it approved in January of this year, thanks to this young man and all of his dedicated hard work. He's put in hours and hours of work. Roger, congratulations. Would you like to say a few words?

ROGER LOPER: I'm really speechless. I had the honor of serving on the committee last year, and I have the most respect for this award. I'm overwhelmed, but you will never find me speechless.

I'd like to paraphrase something I said to the Board of Directors. I think we have a very congenial Board of Directors. I hope you all appreciate them because they do all the tough work. But I said to them yesterday when I looked around the table, I looked at these 24 people, widely ranging talents, much dedication, much skill, much intelligence, all being devoted to the management of a \$60,000 enterprise. Well, if you look at it that way you wonder why it should be so, but then when you think about it a little more it's that plus a multi-million dollar acquisition of the talents and skills of the volunteers to keep this Association. So I think that the board is well fitted to its job, and they're wonderful people, close friends, good acquaintances and good fellowship. I hope you all have enjoyed the conference. I look forward to seeing you next year in Ventura, and I want to thank you. I can't tell you how amazed and taken aback I am because all I did was spend a year at the computer.

ELWOOD MOGER: I'd like to have our former president Jack Zepp stand up and come up here, please. And join me at the podium. Now, you have to notice the difference in the heights here. You know who's in charge.

But the board has given me the great honor to represent them in acknowledging the excellent leadership of Jack Zepp as our 10th president of this association. He served from 2000 to 2002. He did an outstanding, excellent job. He not only led us in our new organization of five standing committees, but he participated as a trainer. He formed a section of our training program on grand jury authority and law. He also helped us with our web site and any time there was a problem our president stepped in to make it happen. So it is a great honor here to present to him this award, and I'd like to have his wife, Meredith, come up here also. So a picture can be taken with both of them.

Jack, I do not want to touch this. I don't want to get my fingerprints on it, so I will let you take it out of the box, and you can show them.

JACK ZEPP: Well, first of all I have to thank you very much. I'm honored to receive the award. I don't know how to take the comment that, any time there was a problem I was there to make it happen. I'm glad my wife was able to be here because I know that most of the people on the board don't believe I have one, and it's nice to rent a person for the day. But I do thank you very much.

It's been a real privilege and honor to serve this organization. It is a wonderful group of people working very hard to try to keep alive and promote what I think is a fundamental part of our democratic system. So I thank you all very much.

ELWOOD MOGER: We're just going to take a short break now to set up for our next speaker because of an injury to his leg. So we'll take about a five-minute break.

BOB ABELING: Let's make it three to four minutes. It's going to be a help to our stenographer, and we prefer you not leave if you don't have to because we're trying to stick to a schedule. So we'll make it very brief. And thank you for your patience.

(break)

### ***INTRODUCTION TO DICK SPOTSWOOD***

GENE DYER: Thank you very much. Our speaker for the next session is Dick Spotswood, who insisted on coming even though he's had a problem with his leg. He won't tell me whether he was chasing his wife, or she was chasing him.

Dick has been a volunteering resident of Marin County. He was on the City Council of Mill Valley from 1980 to 1992, including three terms as Mayor. He was a Golden Gate Bridge Director from 1982 to 1992. He is a public commentator on KRCB, public television, and he's a political columnist for eight local newspapers. He's been very good to the grand jury. On the side, he's an attorney, and I guess that's how you make your living.

The format for this session will be that Dick will give a brief presentation, and then we'll open it up for questions.

### ***MEDIA RELATIONSHIPS - Dick Spotswood, political commentator and columnist***

DICK SPOTSWOOD: Thank you very much. I apologize for the set up. I did not know I would be part of the disabled community, and your understanding of the term "curb cut" increases greatly when you have to use a wheelchair or crutches. I had the unfortunate prospect of coming from a weekend with my wife. I was rested. I was relaxed. I was happy. I got up in the morning, the first thing I was going to do was give a talk on the election of November. I'm feeling great. I walked down my own front steps and fell. And the next thing, here I am. I had to undergo a little operation. So you can learn an awful lot. You are probably a better lawyer, a better writer, and a better person. Thank you and your committee for being so understanding and helpful to me in this situation.

You know when I give a talk every year, as I have for the last few years to the Marin County Grand Jury, I indicate to friends of mine that I've been summoned before the grand jury. It is an intimidating topic for them. They want to know what I did wrong. Could I talk about it, etc. I explain that it's actually none of those, it's really a group of good people in our county who does good.

The title, which you should relish, in fact, of course, the public has many misconceptions about what it means to be a grand juror, but it's a powerful title. And quite seriously, when I talk about your relationship with the media and your relationships in communication, it's fundamentally what I'm here to tell you how to communicate what you do and accomplish what you want to accomplish, and your best friend quite often, I know it's hard to believe your best friend quite often could be the media.

I have this perspective, which is kind of different I think from most people in the media, in that I served for a long period of time in public office. I was delighted to serve in

an elected office for 12 years when the grand jury of Marin County would make its comments. I served 10 of those years in an appointed position. So I have those two experiences where grand jury would comment upon as to what we as elected or appointed officials did, and I had a chance to see the relationship between the elected, appointed officers and the underlying staff in those situations.

And then when I left politics or left the elected office, I did what all politicians do, I went into the media and started doing some television work and column writing. So I had another aspect of seeing the grand jury that I had not seen as an elected official.

I just want to tell you that it is crucial that you work with all of these people, the elected, the appointed, and staff and media. I know your job is to get something accomplished, to do good for your community, to set out and determine what needs to be done. Those of us in the media love to see the headlines, but sometimes headlines might even get in the way of you doing your good job.

You know I can't tell you how often, at least in the city of Mill Valley- what a wonderful staff- that our staff would look at a grand jury recommendation not just for our community, but read the whole report and comment on how it could be resolved. We were blessed with a city manager who respected the grand jury process, and who wanted to work with the grand jury. When you have that situation, I would urge you to work with the staff to come to some conclusion. When you've come to a majority decision on what needs to be done, it's time then for a subcommittee to talk to the staff. I have to emphasize if you have a good staff, and you're real goal is to accomplish what you'd like to accomplish, then, heck, work with them. They're there for a purpose.

Now I am quite well aware that there are staffs which might be defensive when you make a comment or suggestion. Staffs that really don't want to change because they've always done it that way. Or unfortunately, staff who have to hide either from what they've done or perhaps what their elected representatives have done that they had no control over. You do have to understand that staff and the elected staff or the appointed don't necessarily have the same position, and sometimes you have a situation where you have an institutionalized staff that has been doing things for a long time and find it hard to change. There's a chance perhaps when the newly elected come in to work with them. You don't necessarily have to go to the papers and make a fuss if they'll work with you. Give them an opportunity before you start going to people like me. Give them an opportunity to actually make the correction.

This story that I just heard from your award winner is a perfect example where he and his grand jury were able to work with the public agency and the Board of Supervisors in Orange County and accomplish something that was really fantastic. That's not always going to happen, but you'd be remiss to pass that by.

Let's talk about times when perhaps you need a little help. Perhaps those tales of, even here in Marin County, where the Board of Supervisors would look askance at the recommendations from the grand jury. They became adept for a while at politely saying, "Thank you for sharing. We appreciate your thoughts, and here's what we're going to do next time. We're going to try harder. Thank you and good-bye." That was it. Nothing happened. Dead.

I am going to give you an example where nothing was accomplished, yet the grand jury held themselves out and ultimately acquitted themselves perfectly. The city of San Anselmo- I use this simply as an example- the city of San Anselmo had a problem with their law enforcement department. It was a community which did not have a city manager form of

government; it had a city administrator. This meant the council hired and fired the department head, in this case, the police chief.

In 1985 the Marin County Grand Jury highlighted serious problems with the provision of justice in San Anselmo related to the behavior of the police chief. It was in the grand jury report. It was clear. It made it to the papers once, and that was it. Nothing happened in that community because it was easier not to do anything. It was easier every council said to themselves, if we could just put this to the next council it would go away for us.

The problem is it got worse until it flared up, and it was a giant brouha in San Anselmo. The problem wasn't resolved, but clear in the paper, and it was important that since 1985 the Marin County Grand Jury had pinpointed the problem.

If only the public had paid attention. If only the media got on their back and did something, the community would not have had to undergo, really a terrible thing. The grand jury was not only ahead of the ball, it was ahead of the ball by 15 years. It saw it coming. It predicted it, but nothing happened.

So how can you avoid that scenario? How as collective grand juries in your individual counties can you avoid a scenario where you spot a problem, know something is wrong and give a solution, and it's ignored. That's not the worst thing that could happen. The worst thing that could happen is you don't spot the problem, or you spot the problem, and you don't have a solution. But if you spot the problem, and you have a solution then you have a further duty as a grand juror to make sure or do your best to make sure that your recommendations are brought before the public and stay before the public until something is accomplished. You can't achieve success 100 percent, but you sure can increase the probability of success if you go about this in a systematic fashion.

The topic of my presentation is media relations and media communications, but you know, that's too limited. Communications are really the topic. The media is part of that, but it's not all of that. In this county at the Rotary Club we had the grand jury make a presentation to us. That's part of it. There are opinion leaders in every county be they Rotary Club, be they newspaper editors, be they neighborhood associations, be they League of Women Voters, these folks are your allies. They need to know, not only that you exist, what you do, but what are you recommending.

You have got to communicate to them as well as to the print, television, and radio media, and I emphasize all three because although it's really important for us in the pencil press- those of us who write in the daily and weekly newspapers- that's just the press. The media is more than that. It's television and radio, as well.

And if you can somehow access those, and I'll give you some ideas, if you can somehow access those, you start to have a constant comprehensive process. Communicate your findings. Communicate, not only just your findings, but communicate the process and what government does in response to your findings.

I'm going to go back to an example of the Marin Board of Supervisors blowing off, two years ago, the Marin County Grand Jury. The public occasionally had an opportunity to see what the grand jury recommended. But they never had an opportunity to really see that blow-off from the Board of Supervisors. That didn't make the press. It wasn't advertised. It wasn't told. I suspect a lot of people would be outraged if they knew the grand jury had made a specific recommendation, and they were ignored.

That's where the press and community groups come in. They need to know that. We recommended "So and so." Here's the response. Let me show it to you. Now we need you,

ladies and gentlemen of the county. We need you to help us. If you're the press, we need you to print this, and we need you to actually ride them, and to say listen we want a response in an editorial, in a column like I write, in letters to the editor- and believe me people in elected office read letters. Believe me, they read editorials, and they watch television. If they hear that message, "I want a response. What's your response?" they're going to be between a rock and hard place because if they don't respond, the newspaper's response will be, "Remember last month when we wrote about this? Where is it?"

The San Francisco Chronicle had not been the proceeding newspaper for an awful long time. Something seemed to change a little bit in the last year. Those who look at the Chronicle notice there's been a box regularly appearing in the paper on relatively small items. "18 parking meters are out, nobody's fixed them for a month." "Bus stops with no signs." Relatively small things, and it says: "Here's the problem. Here's who you call, if you don't think that's right." Holymoly you bet people called them.

And then they say the next week: "Remember that story? Nothing happened." Wow. Now that's an interesting thing for a paper to do, and that's an interesting thing that weekly papers like mine could do. Depending on your county if you have weeklies. Weeklies are a force, even if there is a daily.

Go over to the daily paper and work with the editor. Work with a radio station that has public service announcements. And television stations as well, if they have a person who has on the newscast a feeling of community journalism.

So the media is primed right now. They're primed to carry stories which you have about your findings, about governmental agencies ignoring them, and about following up. But you have to have set it up because you're the ones that made the findings. You're the ones that came to the conclusion. You're the ones that have the knowledge. And you're the ones with that golden reputation of being a grand juror, an institution which I believe most people regard as being above politics.

I have never heard, I'm sure it's happen, but I've never heard of anybody using the grand jury as a political step. That's great. Keep it that way because your reputation is your currency. When you have a reputation of being above politics all of a sudden the public treats you differently.

We polled some year ago in this county, I was involved in an effort of -- futile so far -- having transportation improved in this county, and polled to see which groups were respected in this county and which were not. To our amazement the only group that had universal support was the League Of Women Voters because they had a reputation of being above the parade. That's a wonderful thing to have. You have that. That's your entry. That's your currency when you talk to a community group. And when you talk to your media, that's your credibility.

Hey we're not trying to lecture supervisor, council member, or special district person. Our job is to find out how government's working. If it's fine, hopefully you'll see that in the report. Hopefully you'll have some compliments in your report. But if it's not, let's pick an area.

We had a problem in this county, and the current grand jury has been terrific. A good example is about the abuses of certain special purpose districts- the forgotten level of government. The amount of money that special purpose districts control in this state is humungous, and there's barely almost no oversight of them. The law doesn't say the Board of Supervisors or anybody. If you're the Almonte Fire Protection District you're gone.

There's only one person who can take a look, officially take a look at your doings, and that is the grand jury or the District Attorney for criminal actions. Often it's not a criminal action. There's procedural abuses because they're not watching. City Council Members, Board of Supervisors, they got watch dogs. But the smaller you go, that's where in my mind you have to keep your eye on things.

So this Marin grand jury, they issued a report that was comprehensible to the media. It wasn't a lot of jargon. It was backed up by solid numbers. Believe it or not, we get lots of people saying, "Have I got a story for you." They carry their own agenda. Well, if you don't want to look like an idiot in the newspaper, you got to have something to back you up. And unless you write for the Wall Street Journal that gives you all the time in the world to do the perfect story, you don't have the time necessarily to follow-up on each and every one of these topics.

That's where the grand jury comes in, and that's where the grand jury's excellence has a chance to really be noticed. Not only have we made a finding of what the special districts of this county are really doing, a couple of things that might not be the way to go, but let me show the statistics we've compiled. All of a sudden now you've got my interest. I've got a story that's comprehensible. We might not be the smartest or have as much time as we want, so when the story is presented, or the findings are presented comprehensibly. The whole story and I can understand it. Wow, and I have backup numbers. Wow. That really helps.

You know it's not that we're just lazy, but we have limited resources and limited time. It's like somebody was talking to me about how to communicate a message when your findings come out. Most local papers are short staffed. Our papers are. How do you handle that? How does any community group that knows it handle it? You prepare your release for the paper in such a manner that if we print it in the paper, I mean they can just write it from an e-mail. I mean frankly, you know, that is the way the system works, and that's the way I can tell you as Rotary president, we knew that that's how we got our message across.

I can tell you that you should be aware that weekly newspapers are very short staffed. So you're going to present your message that's comprehensive, tell us what it's all about, and that they can understand it, and maybe with attachments, just so you know here's the backup data, and boy, you got to pick and choose your subjects.

I can tell you it's been a couple of grand juries I've seen in this county where somebody would pick a pet peeve, and maybe only one person's position. When you're going to make that big effort, and have only five or six or seven issues during your tenure they really need to be underlined.

Please pick and choose. Pick and choose issues that you think and that you have a consensus on, are worthy of the county and people and press and pay a lot of attention to it. Pick and choose because there's lots of things to talk about. You're going to staff in a county of any size that is going to say we can wait these guys out. There's not a staff member out there that doesn't know you guys serve for a year term, and some of them know a couple members go over to the next session to keep things going, but most of them, most of the bad ones, not the good ones, the one I talked to you about, those men and women who are really trying to do what's right, but there's that crowd that's, either by nature defensive, or has something to hide. Their first strategy is going to be to wait you out.

That's where you as alumni come in. Wouldn't it be wonderful if there were a number in every county, a great many, of those people who made a commitment to themselves that they'd stick together, and they would follow the issues of their year, and that they would work with the media and say, "Know that 1998 grand jury? Here's that report. You know,

it's still out there, and there's still no response. Mr. Editor, aren't you interested in that? Radio stations, aren't you interested in that?"

That's a big issue, and so you write letters to the paper, you talk to the editor, and you're just a citizen, you're not a grand juror, but as an interested citizen not only do you have a right, you have a duty to follow-up and get that message across and hammer it over and over. If you really believe in it, and you have the passion for your issue, why not? I can't think of one single darn good reason why not follow-up. You have every right to do so, and you have a powerful message which the public wants to hear.

Your job as communicators is to make life easier for the people who do this. The service groups, they're looking for speakers. They want to hear the Placer County or the Merced County Grand Jurors spokesman. That's a perfect afternoon luncheon topic because they don't know much about it. If you have a good spokesman, your alumni can do that. And when you're there telling them here's our history, here's what you can do: "By the way when I was on the grand jury, ladies and gentlemen, of Monterey County, when I was on the grand jury we made a recommendation on the Tulare School District (I'm picking something at random), and, you know, they have responded and blew us off. We went back to them and they blew us off. That was in 1998. That's still an issue in Tulare." The Rotary Club of Tulare may find that quite interesting, and you might even find that the local press person says: "Really that's an interesting follow-up story. Let's follow-up."

It's trusting these people. It's working with the media, and it's working with the community groups, and it's staying on target. Don't let the target go past. Don't let them outwait you. I mean I can't tell you how many people in government have said, "It will pass, just hunker down. It will pass." Well, the bad news is you can make sure it doesn't pass. You make sure it stays in the forefront of the media's attention. I'd love to have a call saying, "You know in 1995, we made a recommendation to the City of Novato or some stuff in Sonoma County, and I have a pet peeve with the Sonoma County Registrar of Voters because they don't seem to be able to count their votes with any speed."

And I'm on television, and it's very awkward for me on television on election night when you still have the absentee ballots going at 10:30. And I talked to them about it, you know, we don't regard speed as one of our jobs. You know it comes out accurate at the end. Voters and candidates would like to know. Is it that hard? Marin County they get it out by 9:00 o'clock. So you can do it. And you can say when we were on the grand jury we were doing this. It hasn't been followed, and I'm here to tell you that.

Part of my message to you not just a dutiful message because we're government, and how we want to recruit you to be a grand juror, but it's a message to tell you, hey, by the way I have something else to tell you. We really believe in this, nothing happened. I need you to help me. When you're doing that, you're doing your job. You're doing your whole job. To tell the truth -- that's where you have the court reporter -- the whole truth and nothing but the truth, and to be sworn in to be on the grand jury. You don't just do your job, you do your whole job and nothing but the job. And I'm going to submit to you today, that your whole job includes the duty, ongoing duty on follow-up. Heck, what would be more rewarding?

The best title in the world is former. Former mayor, former grand juror, former president of the association. It's just a wonderful honor. Seemingly, it doesn't have any work. I'm submitting to you that former sometimes carries in addition to the honor a little extra work, and that extra work is to follow-up. If you really believe it, do that extra work, and it's going to pay in improving your county and community. That's what it's all about. You guys do a great job.

The counties that are really on top of the grand jury system deserve to be applauded and they deserve to be noticed, and the counties because of their Board of Supervisors, because of the presiding judge, because of just an institutional attitude where it's perfunctory to the laws to the letter but not more than that, frankly deserve to be pointed out by people like us.

We're fortunate in this county that we have a good one. I think most of you folks that are here, you come from the county where the grand jury system is taken seriously. You wouldn't come to a statewide convention unless you believe that.

But that's the other thing we have to do as the media, sometimes the grand jury might fall down, you know, even then that's when, unfortunately, you might see the side of the grand jury in the media that you don't like. That's our duty as well, not just to praise you, but if you're falling down, maybe we got to say something too, but we got to praise you when you're doing it right. And I'd love to answer any questions. There's probably tons of things we haven't covered.

I have to worry about Cindy because she's a court reporter, and she is learning to be a court reporter. And I have a reputation to talk rapidly, so this is a true learning experience. Let's take some questions. We have not really perfected the hand-held mike in American technology, so we're up and running. First question please on any topic in the media, the weather.

AUDIENCE MEMBER: Gene Dyer, Marin County. I know that one of the things that you suggest has to do with the secrecy agreement that all jurors are sworn to, once they issue the final product can be openly discussed, but as you do talk to officials, they want to probe a little bit more, and there may be some reluctance to break that secrecy, or know what they can do, or what they can't do. So if there is anybody present to further that discussion.

DICK SPOTSWOOD: I'll give you a thought. I think you handle that quite easily because your report by definition is public, and you can talk about anything. I know that various county counsels will tell you it's temporary. I don't think there's any restriction whatsoever about talking about what's in your report. And if your numbers and your backup numbers are in your addendum, I mean, you really thought the process through.

So if you do your report in a way which I suspect most do in the form of a summary and the details, and the addendum, you've really given them more than they can handle. I don't think you have to give them something that's not in the report. I don't think you have to go, shhh, listen. I don't think you have to do that. I think the report is what you talk about. And you're supposed to talk about that. You want to take that far and wide in the newspaper and have it available to the public. That would be my reaction.

AUDIENCE MEMBER: For what publications do you write, and how do I subscribe?

DICK SPOTSWOOD: First of all, my column it jumps back and forth between local and not local. I just had an opportunity before I fell to go to the kickoff of the Iowa caucus, and it's not that hard to get an airplane to Iowa to the presidential caucus. It's really a great experience for a local reporter to do that.

I'm in the Marin, Sausalito, Mill Valley, Tiburon, Larkspur, Corte Madera, Ross Valley, San Rafael, Novato, and I'm in the Commuter Times which is another group entirely, and I'm online. You can send me an e-mail. It's SWOOD@PRODIGY.NET. We're also available on the Novato Advance web site which is complicated, and you might not want to know everything.

AUDIENCE MEMBER: Ormand Colbert, Riverside. Our paper, Press Enterprise, won't print anything unless you pay them for it. That's pretty much true. I've suggested, however, to the court system that the grand jury long about the time that we're recruiting for new people, that they call the Press Enterprise, and say, "How would you like to do a story? We'll show you around our new building. We'll show you how we do it," so forth. There is a lot of things we can tell them. There's a lot of things we can't tell them, but I think the grand jury is partly responsible, because in the past they've always had "no comment" to the paper. If we can't talk about that, well, there's a lot of things we can talk about, and as a consequence, if they'll follow through on this, I think it might be a breakthrough with the press.

DICK SPOTSWOOD: I have two thoughts for you. It is an unfortunate problem in the newspaper and I've seen this. First of all, the wrong person can get frozen out. I know of a person, a politician who refused to talk to the press a number of times, just refused to say anything to them. They said, "Fine, you won't see your name in the newspaper in the future."

You got a relationship that's important, but there's another way around it. You mentioned you're from Riverside County, don't forget that Press Enterprises owns that. Who owns that?

AUDIENCE MEMBER: Texas outfit, I think.

DICK SPOTSWOOD: That's the problem. By the way, we're all chains, all these companies, most of these companies. Your reaction and your relationship were a little different, but if one Senator says, oh, grand jury I'm not interested in that, you have a problem. So how do you go around them. You realize that in a county the size of Riverside- which is probably one of the fastest growing counties in the state if I am not wrong- that's not the exclusive media. There are lots of weekly newspapers out there who are desperate for material. You might even have an alternative newspaper, left or right. Whatever the persuasion. You've got radio stations, who are occasionally desperate to fill up some time. You may have a television station, action news at 7:00 from Riverside and it is a little desperate for stories sometimes.

So the tendency always historically has been to look at the one daily paper as "the media," and it's probably the most powerful media, most important media, but by far it's not the only one. So I suggest if you have a plan that goes to all the weeklies, to all those TV stations, and community groups, holymoly, all of a sudden you're reaching a heck of a lot of people.

I can tell you the Marinscope Papers aren't always distributed to as many people as the Independent Journal- that's a paying paper- except in the Ross Valley where everybody gets one. Weeklies can be powerful in their communities. I urge you to just take a look at them. You just need a lot of them, so I just urge you to take a look at the weeklies when you get frozen out by the daily.

Okay. Let's go to the weeklies and when the weeklies start printing it, the darn daily starts says, "How come we missed that?"

AUDIENCE MEMBER: Sherry Chesney, Placer County. We need the media because you disseminate our reports to the public basically, and there needs to be a better working relationship. I think that it might be helpful for grand jurors or representatives of the grand jury to go out and meet with their local media earlier. Talk to them about their deadline dates. For example, your weekly, if the grand jury is going to do a report in your area, it

would be nice to give it to you so it meets your deadline, rather than some other day when the daily is going to pick it up first, and then you're going to be old news, things like that. Whether you want yours electronically or hard copy. Those types of, you know, I'm sure there's other issues. I liked your comment on how else that could be expanded upon and improved.

DICK SPOTSWOOD: That's a good point. The special district story was hand delivered to me. The grand jury alumni said, "By the way the report is going to be out on Friday. I'm going to pick it up Friday and bring it to you." Well, you know talk about making it easy. It comes up to the house. And you know he said, "Boy, we have a big story right here. Take a look at the report. It's the official report, don't worry about secrecy here's the report." And I've been thinking about that for a while. It's been in my mind, because I got a tip on this from a city manager. And all of a sudden I said, "Hey, that's a good story. I'm interested in it." And I'll tell you now, I do a lot of public speaking, and I mention it. You know, that special district is a problem, or I give a talk to the Novato Leadership meeting. You see this guy, he handed me the report, public report, did everything proper and made it accessible to me, and I have talked it up.

Believe me, the people in the media tend to talk to each other, and I like to have it before the Independent gets it, and the way I can have it before the Independent Journal, frankly, is if somebody tells me. The Independent Journal gets the report, the same day I do. It's a big report, actually, and you need someone to point it out.

The other thing, I think this grand jury has also been good at giving interim reports, so that not everything is coming in at once. You're not saturated with, you know, all the reports. I mean I get some reports that frankly I'm sure are great. I really am, but you know that's a lot of work just to do for that report. I say to myself, that's going to be a long-term story. I'll put it in the long-term pile. I'd rather have it in the short-term box, and the way it was delivered to me, I knew it was right. I trusted these people.

AUDIENCE MEMBER: Nick Clark, the Marin Grand Jury. One of the things they did last year, you saw the result, is the summary report that the grand jury actually paid for, and then the IJ distributed, and this got around that if you summarized the reports you made it into something that's cheap enough to publish, and then just have the daily paper distribute it kind of like mad, and so you see the result of many.

DICK SPOTSWOOD: Well, you know it has another advantage, too. I've been in nonprofit groups that have done similar things. We have a group called the Mountain Plight, and we got the same insert that we use for a million purposes. So when your grand juror goes to Terra Linda Rotary Club, you bring them. All of a sudden you got a handout that doesn't cost you a nickel. Because when the newspaper prints this stuff, they always print tons more. That's just the deal, how many -- what's the press run 138,000? Fine, we'll print 45,000. Who cares, you got them.

AUDIENCE MEMBER: I'm Nancy Dykes from Marin County Grand Jury. Dick, is it a two-way street? If you have a concern the grand jury could investigate, have you thought of going to the grand jury and making a suggestion?

DICK SPOTSWOOD: The first time I spoke to the Marin County Grand Jury, was two or three years ago. I gave a talk on the organization of government to Marin County. It's just a history talk, maybe a little bit of opinion, a lot of opinion, and when I finished, they asked me the best question. They said, "You know, if you had to have only one item to investigate this year what would you have looked at?" And I said, "I was waiting for somebody to ask me that question for a long time." But, yes. I think you want to invite when you go to your

community groups and maybe columnist not only to recruit first-class people to raise their hands and say I'm willing to do this but also to suggest topics the grand jury should look at. The risk is every nut in the world is going to send you a postcard, and there's no question that will happen. Zero question.

Oh boy, have I got one for you. They've completely forgotten the extraterrestrial stuff. The papers won't ever cover this stuff, but maybe the grand jury will. What are you going to do? Well, that's the downside. When you go to community groups, particularly, neighbor groups, particularly those kind of folks, I don't think you're going to run into many nuts, and I think you're going to have a little more of a dialog. It's nice to hear it.

I will say that when I was in politics and city council, now I'm in the newspaper, but you get people calling up with some pretty good ideas, sometimes good suggestions which you think to yourself, how come nobody thought of that stuff before? There's solutions out there, and there are -- we're blessed in the county with really a very well-educated, interested population. So ask and you shall receive. How are we doing timewise, pretty good?

AUDIENCE MEMBER: Bob Abeling, Marin County. Conference Chair, and I don't know how to work the mike. Just as a follow-up and this is anecdotal, we in Marin County receive a signed complaint, this is not disclosed, but it is from Santa Claus each year. And it has been going on historically for many years. The person's address is in Sausalito, California.

DICK SPOTSWOOD: I am curious what the community was.

AUDIENCE MEMBER: It wasn't Mill Valley, but it was Sausalito. This is playing back on that. You do get those, but it's very quick to take care of them properly and so forth.

DICK SPOTSWOOD: It depends on the community. It really does. Even in any one county, I mean you know, I was a bridge director. One day I was talking to another bridge director by the name of Jack Molinari. Jack was a supervisor. He sat near me, and he said what's new, and I said I got this nut bothering me in Mill Valley. What do you mean, he says, you got a nut? Oh, to only have one nut. You cannot believe how many nuts I have.

And when I was involved in San Francisco politics many, many years ago, I remember talking to Diane Feinstein, running for the Board of Supervisors. She was receiving hate letters, really nasty hate letters at the time. That's out there. There's nuts out there and that's a fact of life. It's one of the reasons why it's hard for good people to run for public office, they don't want to put up with the nuts, and they're real. It's just part of life in a big country.

AUDIENCE MEMBER: You mentioned alternative media, along that line I suggested that we make a video and checked and found that one organization will do it for "X" amount of dollars, and also use people from the public television stations, and that they will be putting it on public television if we do it in that manner. Actually nothing much has been done about it. The court has agreed that they'll pay for it. We really don't want them to do it because I've seen one that has been done before, and I don't like any of them.

As a consequence we'll be finishing the script next week on what we think it should be. Sometime in the following two weeks we'll shoot a very amateur of what we expect them to do. That will be the pilot, and they can take it from there, and hope they'll do pretty much the same thing. That then, of course, will go to the library. It will go to schools. It will go to any organization that would like to show it. And it will go to public television, so we think that we're moving in that direction.

DICK SPOTSWOOD: If the public television station is going to produce the show- and I'm involved in a PBS in Sonoma County- if a public television station or any other television station is going to produce the show, it means they are responsible for the editorial contents. Just be aware that you might be setting yourself up for a little frustration.

AUDIENCE MEMBER: This is a private organization that would do it using their personnel.

DICK SPOTSWOOD: So, in effect, you're the producer?

AUDIENCE MEMBER: It would belong to us.

DICK SPOTSWOOD: Then it's just a question of having something that people -- that's watchable. That's the hardest thing in the world. It's one thing to have video, but something else to have people watch it. So that's the trick, keep that in mind and --

AUDIENCE MEMBER: We want this to be pretty much the same program that we put on for organizations.

DICK SPOTSWOOD: Anybody else? Let me just say it is an absolute pleasure to be here. I do think you folks do God's work. You're out there. Really one of the sole remaining good government organizations that's reliable. And if your county has an active grand jury, you should be proud, and your county should be proud of you.

I just urge you to stay active, especially as alumni. I have no doubt that you do a wonderful job in your year. My main message is stay active as alumni to make sure nobody forgets what you did that year. Pleasure to be here. Thank you.

GENE DYER: Okay. In the past few hours we had a very heated contest, and the victor is here to give a pep talk.

### ***CGJA'S NEW PRESIDENT'S REMARKS***

ELWOOD MOGER: Thank you, Gene. I just wanted to take a few moments to talk a little bit the about the future as the new president of the Association. I am very excited about what we're heading into- because we conducted a survey of membership in the spring, we compiled those results, and we had 44 additional people who indicated an interest in working on our committees.

Right now, we operate the Board with 24 directors who do a lot of the work with the help of the Chapters, and we are about to enter a new room of our advancement, going through the new door with 44 new people we're going to approve and bring into the organization. We have, in addition to these 44, according to the survey, 16 people who indicated that they would consider being directors in the Association. And that's a nice breakthrough for us.

The other interesting thing we found, we asked about people who wanted to be chairs in committees and lead activities, and surprising, there were some 27 of those 44 said they would take management roles in our various functions. So it was pleasing results that we got from our membership. We had a retreat, and we're going to take those results into consideration in our planning as we advance forward.

Let me tell you more about the survey and what it revealed for us. We asked about our programs, and training rated the highest for the Association. It is our biggest effort, most recognized in the state. Our Journal rated very high. We rated on a scale from one to five,

and five was the highest- for the Journal. Training rated next along with with our Annual Conference- both were four points or plus. The rest of our programs rated in the three range, three to four. A couple of our programs were below three. And when I look at the data, these were programs of one person, one director, maybe two directors struggling to get along, and we weren't doing well. When I looked at the 44 people who had an interest, some had interest in those areas. So what we're going to do is match up those people to our programs that are in need of help. We put out the list to all our committee chairs, and they're going to start contacting those people as we go forward.

Now, we had one disappointment, that means a challenge for us. We're going to go back and verify it. We asked about government contact, and the respondents did not have a lot of contact. We viewed that at our retreat, and we're going to evaluate that further, but if we have a problem in Sacramento, we need to have the support all the people in this room and all of our membership as such. So, it means that our people working on government relations are going to have a real challenge to build a real active program in Sacramento.

Now, let me tell you a little bit about our retreat. We met here, the Board of Directors for a day and a half. I think the Directors in the room would say it was rather rigorous. We started, not to have a lot of fun, at 10:00 in the morning on Thursday. We ended about 9:00 o'clock that night working just about every minute of that time except for lunch and dinner.

Then when we came back on Friday morning. What we created, as Jack has announced earlier, are new standing committees. We have Finance: Jeanne Forbes is going to head that up. Legal Analysis that has taken the place of Government Relations, and Jack Zepp is going to head that up, and we'll probably have subcommittees within that organization. We're going to have Clif Poole in Membership. He has done an excellent job, and he's going to continue in that role. We're going to have Jerry Lewi, who's here and wants to speak when I get done, on the Conference next year. He's going to head up Operation, and we're going to have Sherry Chesney as head of Training. She's done an excellent job, and over here is my dear friend Bob Abeling, and he's taken on the task to do Public Relations. We're going to try to do more outreach.

Now, let me tell you a little bit about our investigation for the future of these committees. I'm really excited because we laid out a lot of plans in the day and a half that we had the retreat. We're going to have the committees set more goals to bring back to our Board

I see our training as our big effort right now, and I see us expanding. Sherry has reported to you that we had 436 this year, almost 40 percent of the new grand jurors. That's wonderful progress. You may recall her charts. I think we can do better. We can go regional. We have in the data bank- Sherry what is it- like 25 people that want to be instructors. That's a wonderful resource if those people can qualify. A wonderful opportunity to go regional up and down the state, and really there is no reason- we're at 40 percent- there's no reason we can't be at 60 percent in the not too distant future. As we build more instructors into the system, we can go to the real top number.

Certainly there are the big counties down in the south doing training: they have their grand jurors train their successors, but there is no reason why we can't improve and touch many more grand jurors in the state. So we're going to look at that in training.

We're going to look at standardizing our curriculum. We have some very good people in the data bank that have done training for 20 to 25 years. They've worked on curriculum development, and so we see that as a real improvement coming down the road. Sherry is

talking about getting into some of the counties on an individual basis, the little ones, and I think we'll maybe look at that.

As we look at Operations, we're going to start a grand jury research and analysis section. We'll get surveys in, and we'll get all the data we can, and as we collect it we're going to analyze it and then put it out to the public.

In Membership, we're going to expand our membership further to chapters, and Clif has done an excellent job in getting information out to 300 people, and I think as we go forward, we'll have more chapters, and it's just going to be growing and growing.

In Financial Development, we're going to have more people doing fund raising, and so it's going to be a wonderful future. So I thank you all with that, and I'll turn it over to Jerry.

JERRY LEWI: Well, good afternoon again. Thank you El. I'm excited too, and I'm looking forward to being Chairman of Operations.

As you've already heard the next year's Conference will be in Ventura, City of Ventura, October 17 and 18, the third week in October. A little earlier than this time of the year, and the weather ought to be pretty darn good, certainly better than this week.

I'd like to tell you about the property. The conference is going to be at the Pier Pond Inn. We've signed the contract and made the deposit. So we're pretty much locked in. Pier Pond is quite a charming property. It's a small individually owned piece of property. It's not part of a big chain hotel. The conference facility quite frankly will blow you away. It's quite amazing and very adequate, but somewhat boring kind of rooms. Not like this one, so hopefully you'll enjoy the rooms. They will not be as nice as the rooms here. They'll be adequate, and we might even have the whole property to ourselves. It only has 75 rooms, so if you're curious, they have a pretty neat web site, and that's Pier Pond, P-I-E-R, P-O-N-D. Pierpondinn.com. You can get an idea what it's like, and where it is. We'll get out plenty of advanced information just as Bob did, in the Journal and the web site. I'm the webmaster, I guess I can do that.

I think we'll certainly look forward to any ideas on programs. We have plenty of time to develop that. I am certain Bob keeps nagging at me about the things he's forgotten, and certainly we'll take a very hard look at the evaluation forms. Now, El mentioned or Jack or El, someone mentioned, I've taken on a big job because I don't have a local Chapter to assist me. But quite a few people have promised to help. I have written your names down, and I shall be in touch with you, and I will be putting out an appeal to everybody from San Luis Obispo to Orange County to recruit some help, once I understand what is required. So I'm pretty comfortable I'll get the help I need, and I have your names and will be contacting you. If you have any questions or thoughts on that, see me, and again, I'll be in touch. I look forward to seeing you all next year. Thank you.

BOB ABELING: This is another housekeeping matter, and I don't need to go to the podium because it's going to be very short. I'm going to try to help Jerry as much as I can. This was done for me last year in Orange County. I would sure like it done for Ventura County. We have a little box, as you're leaving please put the badges in. It's just the thing to do. Recycle.

And the other thing. Would you please fill out the questionnaire. That's going to help our Association, and Jerry in particular, very much, and it's going to be another learning curve for me. Thank you. And, Gene if you would continue on with the program.

GENE DYER: Is Clif Poole here?

## **CHAPTER AND INDEPENDENT ASSOCIATION REPORTS**

CLIF POOLE: As most of you can see, many people have left for the day, so we may have even lost some Chapter reporters, but we're going to try to continue on with those that are here. We have a few substitutions that are different than the names on your list who are going to report for each of the Chapters. As many of you know we've changed our Chapter requirements this year. They have become controversial, but hopefully they're smoothing out little by little as more and more people understand them and understand the reasons why we went to them. Most of our reasoning was to comply more fully with our 501C requirements.

El as Operations Manager last year called an IRS agent and started talking to him about the laws and requirements and came back and scared the daylights out of a bunch of us. After we got our teeth back in our head, we sat down and said, well, okay we need to modify a few of our rules and change a little bit. It was felt that we would continue on with a mandatory membership, and, of course, that's been the controversial portion of it. I would say probably 99 percent of our directors or 90 percent of our directors fully agreed with the mandatory membership. There was hardly a question about that.

The real question and the heartache and the heartthrob and the knock down drag out battles were how do you implement a change. People don't like change. We have our existing chapter, how do we do. So we went through our internal world of wars. Finally came to a complete consensus and agreement and implemented the rules, and our Chapters have a year to come around and get straightened away. And if there are any questions, we're going to try to work with them. But in the meantime we feel it is the best thing for CGJA to continue.

And again, I'll say as I did yesterday, there is a place for a chapter or association. There is a place for CGJA. The purposes, although common, are not the same. CGJA does not belong in your county trying to take care of your court and your individuals. We'll try to help you, and if there's no chapter or association, then we're going to help. But if there's a chapter, we're going to work through the chapter. That's the place they are most effective. They know their people.

And we work through the state trying to protect the grand jury system, trying to share information with 58 counties. I'm sure most of you when you went to a training, or come to one of these conferences, you find out that your county is not isolated, and not every county believes the same way yours does, nor do they do the same things. I think that's probably the biggest benefit that this organization brings out: the diversity of the different counties and the different opinions.

And with that I'll get off the chair and off the podium, and I'd asked Audrey Lynberg to come up and give us a few words about Los Angeles County. Thank you, Audrey.

AUDREY LYNBERG: Just a short report because Andrew Bliss was going to do this, and I thought he mailed a report in. But I will tell you that Los Angeles County split their jury system a couple years ago. For new people that are not familiar with it, we do have a Civil Grand Jury separate from the Criminal. The Criminal Grand Jury got the prime seats. The Civil Grand Jury did not. They have a room that's outside of the men's restroom.

I went to speak before the last year's grand jury along with Andrew Bliss, and after we spoke, I said let's go see the presiding judge. Well, we saw the assistant presiding judge, and told him that we thought the situation was really a bad situation because they sit at long tables, shoulder to shoulder, and they really don't have a desk or anything to work on. So he informed us that building would be part of the state system within two years, and for us to give him some ideas, and he needs the help of the Board of Supervisors. So that's something on the agenda that he and I will pursue throughout the year.

So anyhow, the split was taken for very necessary reasons. And one of the reasons, we heard from a previous judge, is because in the past there was some lawsuits that were filed because it was an all one color grand jury speaking for a black man, and he filed a lawsuit, and it was taken back through the system twice. There were a couple of cases, and they realized that it was going to cost thousands and thousands of dollars.

One of the other points that I can tell you about is, we also spoke to him about having a booth at the fairgrounds. He liked it very much. He made arrangements for us to meet with a gentleman, and get a booth that was already accommodated, but when we saw the booth, and all its promotions of Los Angeles County, we decided it was not the proper thing to do for the grand jury.

So this coming year, maybe something more appropriate can happen, and then we can have volunteers go out to the fairgrounds. He welcomed that idea because he spent a few thousand dollars trying to recruit more grand jurors last year, and they only came up with one extra one.

We still have our four meetings a year, and we have our biggest meeting, the annual meeting, in June and we had Steve Cooley, who spoke to us. He's the District Attorney, and was very good. He spoke to us about the people who really don't follow the rules and regulations for elected office, and so they're using a law with the Attorney General's Office, and I don't have that off my head. If I knew I was going to speak I would have looked up what they had.

Those are a few points of what's going on in Los Angeles, and we're making changes, so that's about it. Thank you.

CLIF POOLE: Originally, I was going to use the hand mike and not come back and forth, but it seems like the battery went dead. It's like my plants, it dies when it looks at me.

Lois Everett, San Mateo. Is Lois here? Is there somebody from San Mateo Chapter that would like to speak on Lois's behalf? Dead silence and no movement.

Okay. Jeannie Forbes, Tulare.

JEANNE FORBES: Well, hi. My name is Jeanne Forbes. I'm from Tulare County, and there were five of us that came up, and I want to call attention to Phyllis Webster. She's kind of all our shining light in Tulare County. She's been on the grand jury many times. She's a teamer, and I'm here to tell you if Phyllis doesn't know it, it doesn't exist.

We have, as an association activity, spent the last three years building a unit that we teach in the high schools. So far we've been in seven classes. We give the book to the youngsters because most of them are too wiggly to try and sit long enough for you to read to them. I didn't think about that in the beginning, but we finally after those seven classes got to that one bright eyed youngster who loved everything we said. And that's the one we were looking for.

When we started out some of the people said, "They won't pay attention. They won't hear. They won't listen." And I said, "If we only get one out of it, it would have been worth it." So, we finally got our one. So it was a little less than 1 in 50, but she was worth waiting for.

And next week when we go home, we're going to drive down to one of the other little cities, Tulare County doesn't have too many cities, and try to get into one of their high schools, and that's how we're going to do it: one school at a time.

I will tell you, we're going to tackle our own school district last. Visalia has about 100,000 people now, and a very rigid set school system, although the superintendent printed all the material for us. They run a program, that helps with moving people out of state aid into jobs. People who need jobs. They train young adults, depending on the amount of money that HHSC gives them.

They maintain a small restaurant. We meet there the third Wednesday of every month, and so we help support them. They're delightful people, and it's a great cause, and they print our brochures for us. Right now it has a few mistakes in it, but you know what, those mistakes are fine because those young people tried real hard. They do have a print shop, so we talked about it. They printed, I think, 700 for us, and we wouldn't say, "Gee, you made a mistake, and we need 700 more." So far we haven't had any of the high schools complain. They start coming through.

We put some pictures in it, and it's not written above their heads, and we're glad to share. When I first sent these out a year or so ago, I told everybody that I stand behind the history of California part, and I do. When it comes to the county part, each county is different, and so everybody would have to rewrite what goes on in your county.

We feel very strongly about this. We feel if these youngsters don't know how the grand jury works, what it's for, how you apply to it, it's going to disappear, and then we're all going to sit in wheelchairs, and say, "You know, there used to be something called the grand jury, and it's gone."

So we have to work twice as hard to get through to some of these bright shining faces. Some of them want to listen. Some of them don't. But that was cool because we know we did it, and there's that one in 50 that's going to remember. So if anybody wants our brochure, tear it up, turn it around, do whatever, but please teach these kids. Okay.

CLIF POOLE: I know our next speaker is here. I see the red out there. Wanda Kiger-Tucker of Solano County.

WANDA KIGER-TUCKER: We have a small but dedicated group. I think there's four of us here. Our Chapter, Solano County Chapter is only two years old. Is there a chapter that's younger?

AUDIENCE MEMBER: Yes.

WANDA KIGER-TUCKER: So we're not the baby after all. Okay. We meet once a month for breakfast, and we conduct business while we have breakfast. This year we created and hosted a first annual picnic for all county grand jury chapters, and I think we had five counties that came to our picnic, and everyone seemed to have just a really fun time. We plan on hosting the second annual one, I think we're going to shoot for next June 2003, and we'll be sending dates and times out to everybody.

This past year our group assisted the Sacramento training at the Sacramento Training Seminar, and we hosted and sponsored a conference training seminar, and we got a 4.5 on

your scale for your evaluations. And once again, we printed and assembled all the training manuals and printed the name tags, manned the registration tables.

And this year our focus is going to be on new members. We're going to try to do some kind of a membership drive this spring, and we decided as a group, we're going to focus on community presentation and education and try to do much the same as the other group was doing, getting into the schools and organizations, and we look forward to seeing some of you maybe next year at the picnic.

CLIF POOLE: Our next speaker is Royal Lord. Is he still here? Royal Lord from Orange County Association.

ROYAL LORD: I'll stoop over to this mike because I want everyone to hear me.

I hate to start my announcement in a negative manner. On October 27th, we lost a great member of our organization, past president, and Board of Directors Jody Harrod. As many of you know, she was also the chair of this convention last year in Costa Mesa, and we're going to miss her greatly, believe me. I thought all of you should know that. She left us just barely less than a month ago.

On a more positive note, Orange County is alive and strong. Our last membership count was 198 members. We meet quarterly for luncheon meetings, and we have a chairman that provides excellent speakers for us which draws, not only just our membership, but members of the courts, from law enforcement, and other areas of government.

Our last meeting, we had Mr. Vasquez who is the head of Peace Corp. in Washington D.C. He was a former supervisor on the Board of Supervisors of Orange County, and he was our guest speaker. We had guest speakers such as our Superintendent of Public Instruction, Bill Havermill. We had our county assessor give us some pointers on assessment process. We have had excellent speakers and excellent programs.

We've also been able to convince, last year, the Board of Supervisors to raise the per diem of sitting grand jurors to \$50 a day plus mileage. I think we're probably one of the highest paid in the state, but it has allowed us to get some very talented people on our grand jury. I think you'll be hearing from them. They have already come up with some reports this year.

Our organization, our association is also involved in the supervising of the Citizens Oversight Committee of the Measure M. We are paid to do the recruitment for the Citizens Oversight Committee. We interview them, and make the recommendations as to who should serve on that committee as we're, of course, nonpartisan, and we do that each year.

We've also been active in this last year in the Council Proposal. We have our legislative chair keeping on top of current legislation that is coming before Sacramento, so that we can be on top of things, and, of course, join with the CGJA in a unified effort to inform our legislators on a local level to what is going on. We go to our state assemblyman in our district, you'd go to your assemblyman in your district, and if we each let our voices be known, we're going to affect grand juries in the future.

That's about all. We're a very active organization. Our board meets monthly. I'm fortunate to be the president of a very fine group of Board of Directors who are very hardworking, and I think we've accomplished quite a bit and our luncheon functions contain anywhere from 60 to 100 people. So, I'm very proud to be the president of that organization.

And I thank you all for coming, and we had five representatives from our county here at this meeting, and we'll look forward to seeing you in Ventura next year. Thank you very much.

CLIF POOLE: Our next speaker from Monterey County, Ray Wuco.

RAY: I was being obedient and putting my plastic thing there in the box, and now, I feel somewhat apologetic after hearing Royal Lord mentioned their 175 members in Orange County. My very first remark is paid memberships. Monterey stands at 45 and I felt very good about that. By the way I was not scheduled to be up here, but just a few minutes ago Roger Loper received the Orlando Award, Service Award, and he has been so awestruck and speechless since then, I have to take over for him.

The most significant thing this year was the first annual family reunion, family being defined as all past and previous grand jurors plus spouses and friends. A mailing went out to 300-plus known addresses. Some 85 or so attended. A retiring Superior Court judge was the invited speaker. The success was due to the efforts by our vice president, at the time, Carole Schmidt and crew that she volunteered for the job. They did a wonderful job, so much so that we're going to have a second effort.

The chapter attempted to staff a booth during Monterey's County Fair in August. Unfortunately, the rental of space was a little bit beyond our budget. Efforts are advancing to have meetings with the individual Superior Court Judges, even if necessary on a one-to-one basis. The objective is to work out difference of opinions and to obtain greater understanding and cooperation.

It is no secret that not all judges through the state are thrilled with the grand jury, so we're going to try to do something to at least improve conditions in our county. This coming Wednesday, for example, the Chapter Board will host a luncheon meeting with the Chief Administrative Officer of Monterey County. She's been very helpful in the past, and we're just looking forward to getting more of that help from her.

Another meeting is being scheduled in early January with one of the judges sympathetic to our case. We have a specific judge in mind because we are first going to work with those judges who are sympathetic to our case. From a different angle, we're going to ask these people one by one, if the Monterey County Chapter of the California Grand Jurors' Association can be of service to them. Then maybe have a report for you next October.

An excellent spreadsheet through 1999 has been created to illustrate the report's investigation frequency. Hopefully all of the counties will have something like that, and it will be of extremely valuable service to the upcoming jurors because they can see what departments have not been examined in recent times, or who may have been missed for great periods of time as much as 15 years in between an investigation. We hope by January or February that this- which is complete through 1999- will be completed up to or through 2002.

We encourage other counties to do something like that because it is extremely helpful. The work, major work, on the spreadsheet was by one of our members who has done remarkable work and is completely interested in what we're doing even though he is not a member of the board because of other involvements. But one of his major interests is that he is the Public Relations Director for the League Of Women Voters. As a devoted volunteer follower of our chapter, he goes around and speaks in the course of a year's time to perhaps 25 or 30 different organizations about what the grand jury is, and what they might be able to do to help.

The Chapter Board believes it would be greatly beneficial for any grand jury to report to the media and to the public in smaller segments so that attention will more likely be rendered. I wrote this fully a week ago, and if you recall in some of the remarks made today, at least twice speakers mentioned how important it is to get out pieces of information spaced out so that full attention can be given by the media to this information rather than just as one person said, instead of saturating the media with the bulk of the work in one day.

Finally there is a continuing effort to increase membership and to get a larger percent of that membership actively involved. I thank you very much.

CLIF POOLE: Bud Alne from Santa Clara County.

BUD ALNE: A preliminary comment- in the past couple of years, I've had occasion to see Jack Zepp represent this organization at several public functions, and I've got to tell Jack and all of you that I was always pleased to see him represent me at my organization. Thank you, Jack.

I'm Bud Alne. I'm speaking for Richard Ruth, our chapter president, who is recovering from surgery. We're a new chapter and we're just getting started. We've had a lot of help from the state organization in many ways and Richard has had conversations with many chapters around the state. You've all been very helpful.

We had about 25 people turn out for our initial attempt to form a chapter and eleven of them have become members of our new chapter. We're still somewhat behind Orange County. The thrust of our organization parallels that of the state organization. It's education. Education of sitting grand jurors, potential grand jurors, our public officials, and the public.

Public officials are probably the hardest to train. Most of them would seem to prefer to become full-time workers in the state's license plate factory than take part in this exercise. They will justify drawing the curtain of attorney-client privilege around any conversation that took place whenever an attorney was in view. These extreme views of Santa Clara County public officials became a problem for our grand jury.

Our County Counsel tried to expand these views when she wrote us a confidential letter telling us that the grand jury could not send observers to any operation of County government to which the public was not also invited unless the jury had a specific invitation to attend. I congratulated her on her originality and suggested that I should inform the County residents of her efforts to shield public officials from review.

She pointed out to me that her letter fell under the attorney-client privilege and could not be made public without both of us waiving the privilege; a theory of reciprocity that I had not known about.

Santa Clara County seems to be worse off than other counties in the state in this regard and we'd like your help in fixing that. The fundamental authority of California grand juries is the Penal Code section that says a jury can investigate and report on the "accounts, records, and operations" of local government. "Accounts" and "records" are not all that difficult, but then they can be amended and edited before they are submitted to a jury. Real-time observation of "operations," however, is another matter. What you see is what you get, unamended and unedited; the public's business as it really is. Making such information available to a grand jury is an anathema to most public officials

"Operations" was introduced to the statute by Senator Beverly to emphasize the investigatory role of grand juries. It was signed into law on 6 June 1977. In the ensuing quarter of a century, the term "operations" has not been defined. In Santa Clara County, the

only response to inquiries put to its public officials is for them to declare that any proposed investigation of local government operations is not covered by it.

Almost all current and potential grand jurors are unsure of the extent of a jury's authority. Public officials and the legal community, who have devoted page after page of statutes to define a peace officer, have not devoted a single statement to defining "operations."

Recent court actions in three California counties are starting to provide clarity to this issue. The CGJA could save the other 55 counties a lot of work by providing a well-researched definition of "operations."

I request that the CGJA appoint a committee to solicit and combine the opinions of representatives of the legal profession and the public to create a usable definition of the word "operations" found in Penal Code 923.

This definition will be published at the 2003 annual conference of the CGJA.

CLIF POOLE: Bud never ceases to amaze me, and I always enjoy hearing him speak. Thank you, Bud.

The next speaker, Lowell Smith is from our host county, Marin.

LOWELL SMITH: Good afternoon. I'm Lowell Smith. I've had the privilege of being foreperson of the 2001-2002 Marin County Grand Jury. I completed this past year. And then I was talked into being president of the Marin Chapter. We have 61 members. And we're on an active recruitment effort.

At the present time, we generally meet monthly here at the Civic Center. In fact, we meet in the Board of Supervisors' Chambers. So it's very elegant quarters, and we generally meet each month. We work through committees, and I know you have our report in your packet. But a couple of highlights.

First of all I want to recognize Bob Abeling and his committee. We did spend a number of many, many hours preparing for this conference, and have been pleased to host it. So I think we all are proud of you, Bob, and your committee for a great effort.

The Public Relations Committee works hard in getting outreach. We have that as a more aggressive plan for the coming year to get out. We've spoken to about 30 different organizations throughout the county, but we need to do more of that. The Orientation and Training Group every year spends, we have a two-week orientation period. For myself I was totally new to the grand jury process and found that training program, as well as, the one in Concord to be extremely valuable to me, and I know to our other jurors. So we've had very good participation in that, and our chapter does provide the training for the incoming grand jury along with county officials and the people from the judiciary.

The Records and Archives Committee has updated what I think is a very excellent manual. That's available for about \$25. And it's a three-ring format, so it will be updated and kept current in the future. So we certainly would commend that.

We have established a web site. We also have provided the judges with questions, so as incoming prospective jurors are interviewed for service, they have an interview format to follow. That has been helpful.

A real highlight has been the work of our member, Ted Freeman. Ted is over there on the edge. Ted with a number of eight or nine other members has prepared this 18-page training manual, educational manual that describes the grand jury system here in Marin

County that will be available to teachers in our schools. And Ted is very knowledgeable. We've already met with the superintendent of the schools to get that introduced into the curriculum at the appropriate time.

And finally, we're starting a new year, and we're going to be reviewing and planning a goal to work plan for 2003. I think we would like to, I heard some good ideas about speakers, and maybe have social events that will generate more interest of the alumni of the grand jury system and to further increase our membership. I'm very pleased to head up the organization. There's been a lot of good effort from our past members, and I think by some of the products that have come out of the Marin County, you can see that we take this work very seriously. Thank you very much.

CLIF POOLE: Ormand Colbert from the grand jury Association of Riverside.

ORMAND COLBERT: You are the lucky ones. Look around you. All the empty seats. They got out of here before the best part of the program. Actually, I spoke about the video before, and I've answered quite a few questions about what we were going to do, and so forth. And I'll say this, it's going to be a real amateur job. I don't expect it to be very good quality. It's an amateur job, but it will, though, show them what we think they should know.

I'm very disappointed in this group of people. I came to you last year, and I said, we've been trying to do follow-up ever since we were on the grand jury in 1994. What can we do? All right. I got suggestions that we go to the supervisors. Well, we tried that. We have tried that since 1992. That didn't work. You said go to the courts. That didn't work. You said go to the paper, and I explained before, they won't take anything unless you pay for it. I expected to get some kind of an answer that I could work with. I didn't get any because none of the elements that work for you were available to me.

So I don't know whether any of you remember what I told you at that time, but I said, "I'm tired of waiting. I'm going to go back and kick butt." I did, and I got my butt kicked.

Actually we have had a secretary for the grand jury for a long time. In their opinion they are the grand jury, and those other people just come and go every year, and they'll decide what they do, and what they don't do. Well, they decided that the grand jury was going to do the follow-up, except they didn't do it.

I've heard of the committees that you people have put together and are doing it. But they haven't done it. Consequently, we are in a process of doing it. We have appointed a committee. We went to the secretary of the grand jury, and said, all right. I assume we've done this. I'm supposed to get a report on this Thursday, but we were on our way here, so I didn't get this. But we said, okay. You give us one. You decide, the secretary and the foreman of the grand jury, and we'll follow-up on it. If you don't do that by the first of the year, we'll pick one, and we'll do it. So that's where we stand at the present time. We do have one thing that we've never had before, and that is that the presiding judge, Superior Court Judge, was one of the speakers at one of our meetings a couple months ago, and said that we are the organization that should be doing follow-up. Now we're supposed to be getting a letter from him to that effect. Perhaps we got it. So fine if we get that. Regardless, if we don't, we're going to do it anyway, but we're doing it the hard way because we're not getting cooperation from anybody.

One other program that we are part of since coming here last year. I've got to give you a little credit. That is, we need to do a better job with the media. The grand jury for a long time has taken the attitude that they can't tell the media anything. Everything is secret, and we all know that is a lot of boloney. There is a lot of things that are not. Where you meet is

not a secret. Who is on the grand jury is not a secret. The more we tell them, if we invite them in to do a story about the time we do recruiting, of course, then perhaps we can get a little better cooperation. The courts have decided that they're going to do this. Well, we'll show you how that works out. More P.R.

Well, last year I was very disappointed. Somebody from Orange County gave us some material that they used for recruiting. There must have been a half dozen brochures that they use. I've never seen anything from Riverside County along this line. I presented that to the courts, too, and we'll see what works with that. So actually everything is up in the air, and I hope to, in Ventura, tell you all these things are working great, but they probably won't.

AUDIENCE MEMBER: Who is this secretary you're talking about? Is that a person who is the personnel staff in the court room?

ORMAND COLBERT: Yes. Actually, just to make it worse is the fact that we've had one for about ten years, and that was her attitude. Then she retired, and another one came along. Boy, did that first one train the second one because they had exactly the same attitude. I could tell you a little more, but I think that's enough.

AUDIENCE MEMBER: I'm just wondering about the concept of secretary. We got practically nothing.

ORMAND COLBERT: Oh, she was a real secretary. This one was even deciding which one of the complaints that the grand jury should look into.

AUDIENCE MEMBER: Sounds like we don't want a secretary.

AUDIENCE MEMBER: We have a secretary in Tulare County, and she was on the grand jury for two sessions. And she's excellent. She closes the door and turns her radio up when the grand jury is meeting. Of course, they're overusing her now, and she's paid by the county, but everything is still secret, and she does a great job.

ORMAND COLBERT: But we have a little better handle on this now because they downgraded her position, so she quit. However, they hadn't filled it for a short period of time, and she came back. But she is a new hire and on probation. So maybe we're making some progress. Thank you. Any more?

AUDIENCE MEMBER: On the subject of grand jury's having secretaries, you may want to read the grand jury report, I think it was out of Stanislaus County this year, and once you read that, you may decide that there may need to be some changes, or you may want to look at some changes within your own grand jury, but that would be a very interesting report for anybody that has a secretary or thinking about a secretary.

CLIF POOLE: Are there any chapters or associations that I have missed by chance?

AUDIENCE MEMBER: Dick Boyd

CLIF POOLE: Oh, from San Luis Obispo, please.

DICK BOYD: Well, with about two seconds of warning, let me see what I can invent. The San Luis Obispo Former Grand Jurors meet monthly for lunch. I have to say that I'm concerned about the membership of our Association. I think it needs a lot of work, and when I go back that's going to be one of my major things.

Our Association has excellent by-laws, excellent objectives, but we're not accomplishing what we should be accomplishing, and one reason is membership. I'll give you, and I've mentioned it before, one specific example.

After some lobbying and using San Diego as a model, we convinced the County Administrative Officer that he should support a Follow-up Committee of former grand jurors. He was very supportive, and we began to meet and consider what kind of checking and follow-up items. The idea was that we would eventually make a report to the Board of Supervisors about follow-up recommendations to the grand jury. Well, the effort didn't quite materialize the way it should. The chair of that committee resigned, and so we're going to have to reenergize our alumni association. I think the comments from this conference give me some ideas about how to help reenergize that particular group. So I hope at the next conference, I'll be able to report that we have membership of 300, we're actively accomplishing a lot of objectives.

Thank you, Sherry. The training was held in San Luis Obispo, and we did get some volunteers that came out from that association and others, and I think that helped to have that training session occur in San Luis Obispo. One of our difficulties, and if anybody has an answer to this, is to convince the jurors as they complete their work to become alumni and become part of the Association and continue to help the grand jury as an institution. And so far we haven't had -- we've had a few attendees in our meetings, but we haven't received the active members that we need to from prior juries.

I'm sure that there are many excuses. You burn yourself out after a year of activity and sometimes two years. But somehow we need to convince those individuals that they should be active alumni as we were encouraged to do earlier in the presentation. That's all I can think of, so Clif?

### **CLOSING REMARKS**

BOB ABELING: I don't know how to start this portion. There's one heck of a lot of thank you's. One thing I want to make a comment to is, I'm sure looking forward to seeing Pat Yeomans down in Ventura County at the next conference. And like I just said, and I hate to reiterate, it's difficult to give all of the thank you's. I'll try to make it somewhat quick, and I hope everybody does pay attention.

I have to really thank, and I did speak to Jerry a couple of times, and Rose Moreno. And I have become a little more experienced because she co-hosted as conference chair in Costa Mesa. I'll tell you, she should have put out a booklet. I've already passed her material on to Jerry Lewi that's all I had to do. Not everything came out perfect. I guess nothing comes out perfect. And all I had to do was cross out Orange County and put in Marin County and change the date, in a way. So that I really have to thank them for.

I also have to thank El. He's put on a couple of these, and he's been very supportive. I want to again thank Jack Zepp for his presidency. Jack and I sat next to each other in the '98 jury system, and we interfaced and Jack moved on and I moved on, and then we've come back again. Well, we're sitting next to each other quite a bit.

I want to thank Don. I was going to thank him for the perfect sound system, but I want to explain that a little bit further. This is still a shake out, and it has been used in the training with Sherry, but what I just found out now, so great is my ignorance, is that with all of these speakers in the ceiling- in these types of rooms- you have problems with the cordless mikes, and like I said, it's shaking out now, but it got close to perfect.

I want to really thank our young person over there, Cindy. I got hold of her through our community college system. I did not have to go and get a professional stenographer, and she is going to be doing just as well as a regular professional would do that, so thank you very much.

I've got a partner, Gene Dyer. He was the program chair. I think you were more than satisfied with our warden as keynote speaker for the dinner- all of those who were in attendance there. This is another nice thing is Gene and I got to know each other better. You know, I did not serve on the jury with him. He was a little bit before my time, my senior. That makes me the junior, but we know each other now, and I've gotten to meet his wife. So this is a wonderful experience doing this. I've lost a couple of pounds of perspiration on the worry part, but that's the other part of the human nature.

There's a couple more. I want to talk about El a little bit. I've got to know him very well because he has assisted me. I don't really need to wish him good luck because he doesn't need the luck. He has the experience, the enthusiasm, and things of that nature that each past president has brought us, and we're moving up that scale. We're not a mom and pop anymore, I can assure you of that, and Mr. Kelso knows that very well.

Another nice thing now, I think all of you are going to thank me, at least you people, because we're adjourning a little bit early.

My goal was to please 51 percent. So I hope you all had a great time. I am proud of you sitting jurors. I hope you've learned, and I hope you become one of us. That's what I did. I came down in '97. We did not know anything about the California Grand Jurors' Association. Our executive officer from Marin County was nice enough to send two of us down to Asilomar in Monterey County for the conference, and that opened up our eyes. And I hope that sitting jurors here that have not known about us are going to open up their eyes. So thank you, again very much.