

FOREPERSON'S STATEMENT – "A REBUILDING YEAR"

When an NCAA coach is facing the graduation of all or most of his starters, particularly after a winning season, he usually says something like, "It's all good – next year will be a rebuilding year." I've always thought that was a way to keep fans' (and alumni!) expectations in check because the coach hasn't a clue what next year's team will bring.

Being on the Grand Jury is like that. Every year a group of 19 county residents is sworn in and the mix of experience, talent, aptitude, ability, work ethic, personality and background is different every time. Most of them have never been on a Grand Jury and some are thinking they've signed on as extras in an episode of "Law & Order". Most of them have never conducted an investigation of any kind. Most of them would be hard pressed to name the five sitting County Supervisors, let alone the mayors of the seven cities within the County.

Every year is a rebuilding year for the Grand Jury. A new team is formed with a new foreperson that may or may not be a carryover from the previous year's Jury. Each year's term begins as a blank slate. No one knows each other. Most are retired. Many are used to being in charge and are not used to collaborating. Some are "numbers people"; some are "word" people. Some have computer skills; some do not.

Everyone is anxious to get started but no one knows what to do. The first month or so of the term is devoted to filling those gaps. Heads of County departments come to introduce themselves and talk about what their department does and how it fits in the big picture. The California Grand Jurors Association provides several days of offsite training classes to which new jurors are sent.

The Grand Jury's charge is to shine a light on community government in order to educate and to improve both government and citizens. The Grand Jury's "power" is to persuade through public opinion; stated another way, to influence policy through public opinion as expressed by the Grand Jury through its reports.

Those reports are the result of investigations which may have been generated by a citizen's complaint or by the interest of a Juror. They may also be sparked by the fact that an agency hasn't had a review by the Grand Jury in a number of years.

The Grand Jury may also decide *not* to look into a matter brought to its attention via the complaint process. If you are someone who sent in a complaint and are looking for a report in the pages that follow and you don't find it – there's your explanation. Due to the confidential nature of its deliberations, the Grand Jury does not, necessarily, let you know if your complaint is actually being investigated.

In order to get its arms around a topic, the Jury prepares an Action Plan for each investigation. That Action Plan may take the Jury on a direct line to the resulting report. Often, however, it is a circuitous route that ends up in a totally different place than was expected. And that's good. Preconceived notions have no place on the Grand Jury. Being open and inquisitive does. Interviews are completed; inspections of sites may be undertaken; relevant data is gathered and reviewed.

Eventually a report is born. It is often a difficult birth. And some don't make it. While some investigations result in "informational" reports, many contain Findings and Recommendations. Recommendations require responses from the head of the agency and/or from the governing body (Board of Supervisors, City Council, etc.) of the agency being reported on.

All this sounds so straightforward! However sometimes people don't want to talk to the Grand Jury. And how does the Grand Jury know who will have the information needed for a particular investigation? And sometimes an investigation reveals that allegations in a complaint cannot be proven or that there is no substance to the material derived in the investigation. *And*, for each report, at least 12 of the 19 Jurors have to be in agreement that the report is ready for publication for it to ever see the light of day.

The Grand Jury is definitely a team sport. It is only through the collaboration of the 19 members that anything gets done. Sharing of experience, talent and ideas is critical to the process.

NUTS AND BOLTS

The reports that follow are the work of the 2007-2008 San Luis Obispo County Grand Jury. The members of the Grand Jury are community members just as you are. The only difference is that they applied for and were chosen (by lot) to participate as Grand Jurors.

The proceedings of the Grand Jury are authorized in large part by Part 2, Title 4 of the California Penal Code. The Penal Code sections spell out the number of Grand Jurors (19 in San Luis Obispo), the term, and a number of other basic premises, including what the Grand Jury *can* investigate, what it *must* investigate and what it *must* inspect. Section 915 states: “When the grand jury has been impaneled, sworn and charged, it shall retire to a private room...and inquire into the offenses and matters of civil concern cognizable by it.”

The Grand Jury is an independent group that, within in the confines of the laws that regulate it, makes its own operational rules. It “reports” to the Presiding Judge of the Superior Court of California, County of San Luis Obispo. Its budget is passed by the San Luis Obispo County Board of Supervisors and operational matters are handled by the County. Its attorney is employed by the County Counsel. Its web site is part of the Superior Court web site. Its day-to-day Information Technology (IT) matters are handled by San Luis Obispo County IT employees.

Grand Jurors are paid the princely sum of \$15 per day that they are in session and generally meet 2 to 3 days a week. They share 4 computers (if they don’t have their own); share a half time assistant; make their own copies and coffee and bring their own doughnuts.

THE AGONY AND THE ECSTASY

When asked what they wish they had known at the beginning of the term that they know now, some of this year's Jury replied:

- I wish I had known that the Jury had the ability to study such a wide variety of things!
- I wish I had known the amount of work that goes into preparing a report for publication.
- I wish I had known how to use Microsoft Word!
- I wish I had known how to conduct an investigation.

When asked what made the whole experience worthwhile the message was more personal:

- Meeting the other Jurors – whom I would not have met otherwise – and seeing how so many different personalities can work together.
- The people I've met. Both members of the Jury and those we interviewed. The learning experience was well worth the effort.
- The introduction to County leadership.
- Each year, members of the Jury work together as a team and produce what can best be described as the "Grand Jury Miracle". Strangers become a working team that creates the final report. Along the way, Jury members meet many, many times in committee and in plenary session to consider, contemplate, plan, interview, write, rewrite, edit and rewrite again. At the end of the year, we are no longer strangers.

PERSONAL NOTES

The Jury would like to express its thanks and respect to the "band of County stalwarts and elected officials" who, every year, face yet another fresh-faced Grand Jury. They patiently answer our questions and counsel us in ways that leave us feeling as if our concerns and queries are new and unique.

We would be remiss if we did not recognize three people who were instrumental in whatever success this Grand Jury enjoys. The first is the woman with the hardest job on the planet. Sylvia Martinez, our administrative assistant, gets 19 new bosses every year. She does it with good cheer and diplomacy. The second is Rich Ivie, the secretary of the Grand Jury this year. Rich helped keep us moving forward by recording where we had been! The third is the person whose title is Foreperson Pro Tempore of the Grand Jury — ready to step in when the Foreperson is not available. He is, in fact, the co-Foreperson. He is even tempered, good humored, smart, tech savvy, and a heck of a nice guy: Charlie Felix. Thank you from me in particular, but from all of us on the Jury for all your hard work. We couldn't have done it without you!

The Grand Jury would also like to acknowledge

- AGP Video for providing us with recordings of the Board of Supervisors meetings agpvideo@agpvideo.com
- Dean Sullivan, Sullivan Studios, for taking our “class photo”. www.sullivanstudios.biz



Maryellen R. Simkins, Foreperson
2007/08 San Luis Obispo County Grand Jury