

Grand Jurors' Journal

Vol. 8 No. 6 CGJA Journal December 2007 Page 1



Annual Conference Chair Serena Bardell expresses her thanks to all who supported the conference and we all thank Serena and her committee for a job well done. And thanks to all who attended. We hope you found it productive.

Highlights of the conference begin on page 3

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President's Message

Judi Lazenby

Dear Colleagues,
We have just concluded an excellent annual conference. There was a common thread throughout, with speakers representing interlocking orbits - those in which grand juries function, and those grand juries strive to influence. I want to thank all new and veteran members, as well as all seated jurors, who attended and or participated in the 26th annual conference. I also congratulate newly elected and reelected Directors with thanks to the Nominations and Teller Committees for conducting a smooth election.

We are fast approaching the end of a very successful year. One success was a joint meeting, which took place at the annual conference of representatives of CGJA, its Chapters, Independent Associations, and Court Liaisons (Court and/or County personnel who support the grand jury). It is our hope that this effort will result in a permanent coalition of these



groups. We are all working toward one common goal: strengthening, and promoting California's grand jury system.

California's grand jury system had its beginnings in the American Colonies in 1635, but by 1940 had been abolished in all but two states; Nevada and California. The grand jury system, although protected by California's con-

stitution, remains endangered. In addition to proposed legislation that would greatly limit the powers of grand juries, the greatest enemies are the usual suspects: **ignorance** and **apathy**. California's grand juries have no enforcement powers, and this system must rely solely on quality jurors, and efforts of successor juries, to advocate for change through the recommendations advanced by former juries. Continuity is key.

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Editor's Message

By Jerry Lewi

You will see that this issue concentrates on our Annual Conference in San Francisco in October. We are indebted to several sources for these articles. One is the audio transcript recorded by Irwin Taranto and made available via a compact disk prepared by Ivor Thomas. The other major source was Association Secretary Joann Landi's excellent notes. Serena Bardell helped by editing several articles I drafted by listening to the audio transcript.

In rereading and listening to the conference proceedings I was again impressed with how many of the speakers spoke of common issues and themes. Example: Chief Manheimer talked about policing in the new millennium that includes dealing with youth issues before they become criminals. Patrick Boyd echoed the same theme as one area of investigation that county grand juries should look into. Another: Several speakers spoke of the need for good media relations to help get grand jury reports the attention they need. This is, of course, no surprise to trainers who preach this theme at out training seminars.

My personal congratulations to Serena Bardell and her committee for an excellent conference.

Many Photographs were taken by Sandra Parker.

MEET DIRECTOR

Anthony (Tony) Noce



A native of California whose family settled in San Francisco in 1875. Tony spent most of

his life between San Francisco and Santa Cruz before retiring in Bakersfield, California.

Tony's career in the construction industry expanded from a carpenter to a licensed General Contractor. He experienced a wide variety of construction from custom homes to multi-million dollar projects from Hawaii to Utah.

Along with his career and raising a family Tony found time to coach Pop Warner football, Little League baseball, the Indian Y Guides, a Boy Scout leader, and a church youth and adult leader.

Since relocating to Kern County in 1991, he has served three terms on Kern County Grand Jury. He is a member of the City of Bakersfield Historic Preservation Commission; a Kern County Ombudsman for the Elderly, owned a small bookstore, graduate of the Bakersfield Citizen Police Academy, volunteer for the DA's Office, Past President of Kern County Chapter CGJA, served on the CGJA 2006 Teller's Committee and the 2007 Nominating Committee. Tony presently is the coordinator for the 2008 CGJA Annual Conference for the Kern County Chapter.

Tony and his wife Jerilee have four children.

Tony is a strong believer of the grand jury system and its need to be preserved.

President's message continued

The necessary elements imperative to defeating ignorance and apathy and perpetuating California's grand jury system are well trained jurors, quality oriented juries, and well publicized credit given to grand juries for beneficial changes in the community. A coalition of CGJA, its affiliates and the Court Liaisons can be instrumental in achieving these elements.

As we welcome the New Year, we pause to acknowledge the service of Director Irwin Taranto who has resigned.

2008 promises unique opportunities to build on our successes, to utilize new ideas for state-wide outreach, and to make grand jury awareness priority one. We invite all members' ideas and assistance to make this a successful campaign.

Warm Holiday greetings,
Judi

2007 ELECTION RESULTS

Kathy Wylie, Chair of the Nominations Committee, explained that the Board of Directors used the League of Women Voters-Marin Chapter, to conduct the ballot counting for this election. She announced the following assorted details and election results:



- 273 ballots were mailed on August 10-11, 2007.
- 195 ballots were received by the League of Women Voters post-marked by the 9/21/07 deadline; 8 were disqualified because the inner envelope had no name or signature.

Ballot Measure No. 1 correcting a conflict in two Bylaw Articles relative to election of Officers passed by the following vote:

Yes = 160 No = 12 No vote registered = 15

Ballot Measure No. 2 changing the number of Directors from a fixed number of 24 to a range of not less than 5 or more than 12 passed by the following vote:

Yes = 111 No = 65 No vote registered = 11

<u>North Region</u>	<u>Central Region</u>	<u>South Region</u>
Sherry Chesny = 140	Judi Lazenby = 130	Anthony Noce = 89
Diane Masini = 131	Catherine McKown = 126	John Sitton = 86
Ivor Thomas = 114	Karin Hern = 115	Mary Johnston = 74
Ray Hoffman = 102	Serena Bardell = 81	Dianne Hoffman = 62

The results were verified by the Teller Committee: Walter Hofmann, Joann Landi and Irwin Taranto.

The Nominations Committee is recommending that CGJA continue using the League of Women Voters to receive and count the ballots for future elections.

THANKS

Although I thanked my extraordinary full and part-time committee members both publicly and privately for their dedication, hard work, and reliability, I need to add these heart-felt thank you's for contributions to the success of the '07 Annual Conference (AC): Although claiming, "It's my job," Di Masini nevertheless went above and beyond the call in responding quickly to several rush requests for graphic design along with changes as the schedule firmed up; aside from his contributions to the conference program itself, Jerry Lewi went out of his way to help by providing timely reminders and graciously acting as a sounding board, as well as providing all the space requested in '07 issues of the Journal; after working all year and from dawn to dusk at the conference, AC Committee member Mimi Mueller put in many post-conference hours, with assistance from Sara Segal, summarizing the evaluation forms; and my husband, Bob, donated his considerable expertise to designing the registration forms and the conference program, as well as lending a hand to committee members throughout the conference itself.

2008 Annual Conference

The Board of Directors has approved the selection of Bakersfield, Kern County as the site of the 2008 Annual Meeting on October 23-24th. The Kern County Chapter will be our host, under the leadership of Director Anthony Noce. Tony has assembled a large committee and is well into the planning for this event.

AWARDS 2007

Angelo Rolando Award



This award is given to a member who has given outstanding service to CGJA. This year's Committee included Audrey Lynberg (Chair), Les Daye, Sherry Chesny, Jeanne Forbes and Ron Miguel. This year's award goes to Bob Geiss. Bob is a former board member, a trainer and was Chair of the Legal Affairs Committee 2006-07. Bob expressed his appreciation. Former recipients Linda Baker, Mike Miller, Jack Zepp, Ron Miguel and Audrey Lynberg were recognized.

Audrey Lynberg presents this years award to Bob Geiss

Excellence in Reporting

The 2007 Committee was comprised of Les Daye, Linda Baker, Orley Ryals and Earl Heal. Les Daye pointed out that reports must meet specific criteria. This years' award goes to the Kern County 2006-2007 report on mandatory curbside recycling. It was well written and technically complete. Larry Walker accepted the award on behalf of the jury. Certificates will be given to each of the 19 jurors.



2007 Annual Meeting Session:

President Lazenby reported that the annual meeting is convened solely to provide a report to the membership. This year, Committee reports are contained in the conference booklet.

Mimi Mueller, on behalf of the Conference Committee, presented Conference Chair Bardell with a token of appreciation.

President Lazenby said that when this administration began, we asked to be judged on what they did going forward, She stated we had a good year,

- All committees with one exception have written clear, concise policies, This helps to promote continuity of successorship,
- Bylaw Article 3 has been corrected to reflect that Directors elect Officers, and Article 6, Section 8, which misstated that the Board could remove a director, has been

corrected, The Board did make provision for removing an officer.

- The new budget has gotten us back on our financial feet.
- We have tried to strengthen communications with chapters.
- Have added chapters in San Benito, Humboldt, Madera, and Fresno Counties,
- Eliminated the dual membership requirement resulting in the return of the San Mateo County Chapter.
- Will now work with chapters to update their bylaws.
- Kern Chapter and San Diego Association began inquiries to have the Governor sign a proclamation declaring a grand jury day/week/month, Have heard from the Governor's office that issuing a proclamation declaring February as Grand Juror Awareness Month is in the works,

Q&A

- Bob Geiss--Orange: Has the IRS trouble due to the illness of the prior Treasurer been resolved? Current Treasurer Ivor Thomas reported that CGJA worked with the IRS and is now back in good standing.
- Les Daye--Trinity: (1) Commented that the conference organizing committee did a good job, (2) CGJA trainers who receive low marks have not been counseled in the last two years, (3) Alpine County did not seat a jury in 2002 or 2004; CGJA should try to help, (4) In the last couple months, the Board agenda has not been posted 7 days in advance, The President said this was due to problems with the website.
- Sandra Parker--San Luis Obispo: Members should receive a roster, President Lazenby advised that the membership list and information are corporate assets with a market value, Further, the Board decided in January, 2004 to not make the list available to all members, A member may request the list for a specific purpose; the board has the option of offering an alternative, Many members do not want their email information publicized. The California Corporations Code permits a list of names and addresses to be requested for a specific purpose consistent with an organization's mission,
- Director Thomas reported that CGJA is developing an email chat site, And he also stated that, in general, there has been a shift in attitudes regarding privacy.
- Director Lewi reminded conferees that director and chapter contact information is in each edition of the Journal.
- President Lazenby said CGJA is developing a list to be used to email members (with their permission) news in months when there is no Journal.
- Director Sitton said that the Membership Relations Committee will continue to identify counties that don't have a chapter.

2007 CONFERENCE HIGHLIGHTS Guest Speakers

The Honorable David L. Ballati

Conference Chair Serena Bardell introduced the Honorable David L.



Ballati, San Francisco Presiding Judge. The Judge reviewed his background including his serving two terms on the grand jury in

the early 90's, one as Foreperson, and more recent being chosen as Presiding Judge by his peers. He has implemented strategies to make the jury more effective and professional. Seeing the need to develop public education/awareness of the grand jury, San Francisco created a DVD introducing people to what the civil grand jury does. It is shown in the jury assembly room where summoned potential petit jurors wait to be selected. The DVD was shown. Copies of the DVD are available and can be obtained from SF Court Liaison Gary Giubbini at 415-551-3605.

Continuing, the Judge reported that the court uses chapter members to conduct screening interviews and they also go out into the community to encourage citizen participation. Q&A followed. In response to a question from Jack Zepp, Judge Ballati said he had not shared the DVD at the presiding judges conference but that he may request to do that at their next meeting.

In closing, Judge Ballati made the following recommendations:
Work with the foreperson
Set timetable for reports
Be prepared for interviews – have a game plan

Ask open ended questions
Focus the scope of the inquiry – is it timely?
Air your opinions at the grand jury meeting
The body of the work is of the entire jury – work together
Have some fun along the way – holiday gathering, offsite retreat

Aaron Peskin, President, San Francisco Board of Supervisors

Serena Bardell introduced Supervisor Peskin whose topic was "Timing Is Everything." Following are some of the highlights of his presentation:



- In 2000, more relevance was given to grand jury reports in San Francisco.
- A jury needs to figure out what the issues are.
- The demographic composition of the juries must stay relevant and meaningful.
- Three years ago established a three-member Government, Audit, & Oversight Committee to review grand jury reports and determine if recommendations are carried out.
- Les Daye–Trinity: What does Supervisor Peskin get out of CSAC? He doesn't serve on CSAC, which is really a lobbying body. The League of Cities has been more helpful. When he needs assistance, Supervisor Peskin goes straight to San Francisco's state legislators. for help.
- Albert Lozano–Marin: How can we include working people on juries? The Supervisor said that money is part of the problem and that the courts are under-funded.
- Kathy Wylie–Mendocino: Is there a supervisors group that could be

provided with a copy of the San Francisco outreach video? No.

- Dianne Hoffman–Orange: What happens to a good report with bad timing? Nothing.
- Ivor Thomas–Butte: Calaveras County has a bond issue to build more jails. The grand jury issued its report early at the Sheriff's request. What do you think of grand juries helping to serve such a need? Supervisor Peskin thinks that is inappropriate; the grand jury should remain independent.
- Irwin Taranto–Marin: Is the SF concerned with taxi permitting? Supervisor Peskin explained the regulations enforced by the City & County of San Francisco. He feels they are unenforceable and believes the taxi commission should be eliminated.
- Larry Walker–Kern: There is only one reference to the grand jury in the Brown Act. If a council or board is invited to meet with the grand jury, it is not subject to the Brown Act. However, only grand jury business may be conducted. Supervisor Peskin wasn't aware of that.
- Monika Hachiya–Stanislaus: How does a grand jury report travel through the system? Supervisor Peskin said it goes to the affected department, the county administrator, board clerk, and the Board of Supervisors, then a public hearing is held to discuss/solicit comment. Next the Board of Supervisors considers and/or adopts recommendations and sets out implementation.
- Anya Schandler–Marin: What can be done in education to retain the middle class population who can't afford private school? In San Francisco housing costs are a problem. Sixty million dollars has been distributed to schools, which has made a difference in the ensuing four years. Prop 13 hurt.



2007 CONFERENCE HIGHLIGHTS Guest Speakers continued

Alex Clemens



Mr. Clemens is President of Barbary Consultants, which specializes in strategic communications, government relations, and community out-

reach. He discussed the challenges he perceives grand juries encounter: inscrutability and secretive nature of the process; small

number of "exciting" topics; and dearth of well-known names. He offered a "toolbox" of ideas to assist grand juries achieve their goals. They include getting well-known officials to advocate grand jury recommendations; finding proper spokespersons for the grand jury, who may not be the same person or persons who wrote the report; getting to know local media; and, perhaps most important, focusing on the single most important issue in order to get maximum attention. Grand Juries must also follow through. "When your work is done, it isn't done," he stated.

Pat Boyd

Patrick Boyd is the Chief Deputy Adult Probation Officer for the City and County of San Francisco. After expressing his familiarity with what grand juries can and cannot do, he directed most of his remarks to how grand jurors and those who support and train them can improve the prison and jail system by focusing on two primary areas: Prison facility operations and reentry of the detainee populations to their communities. These



issues are both important public safety issues and highly political, mostly because they involve money.

Movies and other media portray prisons in a highly unrealistic fashion because the reality wouldn't sell. Grand juries can help by providing a more accurate picture.

He provided a lengthy list of suggestions for planning jail visitations, among them: observing major portions of facilities including all high security areas, clinical areas, and randomly selected (by observers) housing units; visiting at peak capacity times (generally weekend evenings for juvenile halls and county jails); evaluating efforts to preclude sexual assaults talking privately to staff, detainees, and families; and reviewing detainee appeals or grievances. *(Note from Serena Bardell: I was particularly struck by two things: His openness about how juries can/must do a far more thorough job and his explaining that jurors may insist on speaking privately to detainees and guards are obligated to give them privacy! Our visit was completely pro forma/rote.)*

(Ed note: Good to his word, Boyd provided a complete list to conference chair Serena Bardell. To receive a copy, contact Serena or your editor.)

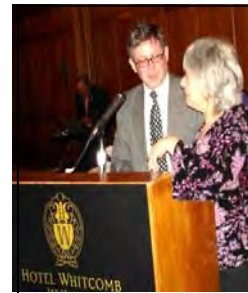
With respect to reentry, Boyd believes the prison system is focusing on too many prisoners detained for a short period of time (less than one year), which does not contribute to public safety. Suggestions for grand juries in this area include evaluation of foster care systems, elementary education, substance abuse prevention, juvenile justice systems, the adult system, and mental health facilities.

Boyd concluded by stating that systems must be evaluated on evidence-based information, improve-

ment efforts must focus on what works, and systems that don't work should be discarded. San Francisco is doing just that to improve its systems.

Stuart Drown

Stuart Drown is Executive Director of the Little Hoover Commission, an independent bipartisan commission that studies state government activities and, through an open process of hearings and research, develops fact-driven recommendations to improve the efficiency and effectiveness of state operations.



Serena Bardell introduces Dinner Speaker Stuart Drown

Drown described the origins of the commission, which began under Governor Pat Brown as the brainchild of State Senator Milton Marks (San Francisco). The formal name of the commission is the

Milton Marks Commission on California State Government Organization and Economy. By statute, the commission is bipartisan and consists of volunteers from all walks of life appointed by the governor and the legislature. The commission terms are staggered for continuity purposes. Drown praised CGJA's training efforts on continuity as grand juries do not inherently have continuity because they are all empanelled on a single date.

Like grand juries, the commission decides its own studies but may respond to suggestions from the legislature or the executive branch. Also like grand juries, the commission has subpoena powers, but, in contrast to grand juries, its process is totally open and the commission focuses on broad issues with systemic implications.

2007 CONFERENCE HIGHLIGHTS continued

Susan Manheimer



Susan Manheimer is the Police Chief of the City of San Mateo. She described her many years as a street cop in San Francisco including the very neighborhood

where the Hotel Whitcomb lies. Her theme was policing in the new millennium and about how the approach is no longer arrest and lock up. Law enforcement is part policing, part social worker, and other requirements. There is more effort made to see that habitual offenders get the help they need. She mentioned problems related to homelessness and crime, offenders suffering from mental illness. She also mentioned a program she began in San Mateo dealing with youthful offenders. The premise is to get to the young people before they become repeat offenders.

Open Forum

Moderator: Ron Miguel

Panel Members:

Jack Zepp, Walter Hofmann, Judi Lazenby

This is a time for comments and questions about grand juries. Questions regarding how CGJA is run or other internal issues will be addressed during the Report to Membership session tomorrow.

▪ Dianne Hoffman-Orange: How can CGJA help counties get started in an orderly fashion? Hofmann: they need common sense procedures. Lewi: The law provides that a jury adopts its own procedures. A jury can review prior years' procedures and adopt or not.

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Panel: How to Publicize Grand Jury Reports and the Institution Itself to Public and Media

Moderator: Rich Matthews, San Francisco Chapter

Panel Members:

Ken Garcia (SF Examiner), Rachel Gordon (SF Chronicle), Barbara Taylor (KCBS), Tom Vacar (KTVU) and Barry Witt (SJ Mercury).

Following are the highlights of this panel discussion that focused on what Grand Juries can do to improve their effectiveness:

- Grand Jury reports must be newsworthy, interesting and not old news. Grand Juries sometimes have expectations for coverage that are may be too high.
- Issue reports quarterly, not all at once at the end of the term.
- Pre-cultivate press relationships.
- Understand you have to market your report.
- Target specific findings to specific media outlets.
- When using statistics compare to other entities.
- The more complicated the report, the more lead time is necessary for the press to prepare is helpful.
- Confidentiality is frustrating—there is no way to corroborate conflicting information.

A panel member asked, can a grand jury release the topic of a report before issuing? Member Jack Zepp responded that the jury has to vote to approve before release.

- If there is to be a press conference, it would be helpful to know the general topic so the proper personnel can be assigned.
- Reports should be released at 10 AM not 4 PM.
- Don't ignore the smaller, diverse communities.
- The average citizen in California doesn't know anything about the grand jury. (*Ed note: Big surprise!*)
- Encourage Board of Supervisors to assign review of grand jury reports to an audit committee.
- Know your media and your market.
- Association websites could pick an issue/report and give a deadline for change. Then follow-up and keep on it. An entity may be embarrassed into action.
- Help the press by putting a human element to the story.
- The grand jury could investigate itself; they did everything right, but nothing happened.
- Ask someone from an advocacy group to attend a press conference—it gives the press someone to talk to.
- Hold a mock grand jury meeting for the media.
- Request a list indicating which reporters report on what type of subject matter



Media Panel

L—R: Rich Matthews, Barbara Taylor, Rachel Gordon, Barry Witt, Ken Garcia, and Tom Vacar

2007 CONFERENCE HIGHLIGHTS continued

Panel: Educating the Public

Moderator: Orley Ryals

Panelists:

Barbara Dabul, Ted Freeman, and Debbie Smith

Serena Bardell told the audience that educators were invited to this session; unfortunately, none appear to have accepted the invitation.

Ted Freeman: Taught high school social studies for 30 years. Freeman said that during that time, he was not familiar with the grand jury and didn't teach about it. He would like grand jury education in all high school government classes. The Marin Chapter has authored a 15-page reading. Three teachers expressed interest in a one day project. Ted believes it went well and the students were interested. He was disappointed there wasn't more interest. He is going to make another attempt at San Anselmo High School.

Barbara Dabul: The concept of the Osher Lifelong Learning Institute is we can be a community of adult learners and choose what we want to learn and find speakers. These sessions can be long or short and can be held at various sites. Barbara can provide a list of all the Osher Institutes in California. CGJA made a presentation in Santa Clara County. It had three 2-hour components: legal, day in the life of a grand jury and examples of reports. Jerry Lewi reported that the Public Relations Committee is working on developing four more Osher presentations

Debbie Smith: One goal of the newly formed Madera Chapter is to educate students and to encourage people to serve on the grand jury. She has found only two books in the library about the grand jury. One likened the grand jury to the Supreme Court: they are both independent, they operate in secret and they decide what they will look at. They will go into schools to make presentations and also invite parents and PTA members. The presentation will consist of: overview & function, investigations & interviews, investigating county officials, entities that must be investigated, findings & recommendations and distribution of final reports.

Joann Landi reported that the San Mateo Chapter's website has two learning units which can be used by educators and students. Much effort is put into marketing the site. She distributed a pamphlet and pens—two of the marketing tools.



Panel: Grand Jury Achievements

Moderator: Jerry Lewi

Panel Members:

Catherine McKown(Marin), Sandra Parker(San Luis Obispo), Jean Ellingsen(SF) and Bill Rose(San Diego)

Lewi started this session by describing with the aid of a presentation the objective of this Board initiative which has been reported in recent Journals. The concept is to document effective grand jury reports from throughout the state in order to publicize the good work grand juries do. An effective report is defined as a report whose recommendations are agreed to and implemented with a verifiable public benefit. A database has been created that currently has 56 entries from a variety of sources including the recently published Grand Jurors' Cookbook. The purpose of this panel is to provide several examples in order to stimulate other members and chapters to come with more to expand the data base infinitely.

Each panelist then presented their contribution and in the follow-up session the next day, a number of conferees offered other cases. Lewi encouraged all to document their cases on the form available on the association website, by clicking on the Grand Jury Achievement tab and downloading the form.

The discussion concluded with the acknowledgment that the next challenge for this effort is to find ways to "market" the results.

Forum continued from page 7

▪ Barbara Carolan-Humboldt: Is it possible to allow anyone to attend the foreperson training? Could they be held at all seminars? Miguel: It's possible.

▪ Roberta Robinson-Marin: When someone in the public writes a letter to the editor with incorrect information regarding a report, can the grand jury respond? Zepp: It depends on what was

written. But it may be best to find someone else to address the issue.

▪ Leone Harrison, President-Kern: The local association could respond to correct the misinformation.

▪ Mike Lusse-San Francisco: San Francisco's training began before the panel was sworn.

▪ Barbara Carolan-Humboldt: Is it common in California for civil jurors to also be sworn as criminal jurors? Miguel: It's less than 25%.

▪ Earl Heal-Solano: It's about 25% of the counties; most in the south.

▪ Patricia Hibben-Marin: What are the legalities or rules for publishing reports? Zepp: No legal guidelines other than confidentiality. You can use press conference, mail, etc. The jury adopts its own policy. Miguel: Focus on an important report at a press conference. Hofmann: San Diego Association has an implementation review committee that follows up and issues a summary.

▪ Sandra Parker-San Luis Obispo: Her chapter has a continuity committee. Some forepersons

have delusions of grandeur—what can a jury do? Zepp: That's why foreperson training was initiated; they need to know what they can do. A jury could talk to the presiding judge.



- Les Daye-Trinity: Policies of a jury can be an area that a jury studies. Names of committee members should not be made public.
- John Sitton-San Benito: Pro Tems should also go to the training.
- Bob Abeling-Marin: Juries can use public access TV to air their reports.
- Serena Bardell-San Francisco: How can a jury unhappy with a foreperson ever get together? Also, has issues about confidentiality—how do you balance? Zepp: Don't talk about what you're doing before the report is issued. You cannot disclose evidence or how jurors voted. The California Supreme Court holds that juries must issue findings of fact not the evidence, witnesses, how jurors voted, discussions in the grand jury room, etc. California grand juries could announce what they are investigating before they start.
- Bill Rose-San Diego: Confidentiality is a double edged sword.

Agenda and Minutes of Board of Directors Meetings Can be read online at www.cgja.org

Training Committee Report

By Bette Flick

On November 16, 48 grand jury members from 14 counties gathered at the Maidu Community Center in Roseville for an all-day Report Writing Workshop. It was a lively group and participation was enthusiastic. At the end of the day the workshop was given an overall rating of 4.2 out of a possible 5. Although report writing is covered during the summer seminars, this workshop expanded on that presentation by giving those attending additional tools and an opportunity to practice their reviewing and editing skills.

Comments throughout the day indicated that the jury members found it very helpful and the instructors were gratified to know they would take useful information back to share with their panel members. The evaluation sheets this group filled out provided helpful comments that will assist the committee in improving the workshop. The Training Committee is giving consideration to offering two workshops in the future: one each in the north and south of the state to enable more counties to attend and participate in them.

Work is underway to update and significantly modify the current annual training program brochure which is used to announce the summer seminar schedule. Target date for completion is the end of March 2008.

The Training Committee will hold a retreat in May 2008 in Sacramento where current trainers will review and polish the current curriculum as well as consider ideas for additional training offerings. In the meantime, the committee is seeking additional trainers and issues an open invitation to CGJA members to join us in sharing your knowledge and expertise with incoming grand jurors. Contact the Training Committee Chair, Lew Avera, Jr., or speak with any of the current training committee members about what's involved..

Attorney General's Opinion Revalidates Grand Jury Investigation Reach

By Bob Geiss

In an important opinion dated October 4th, 2007, the State Attorney General released an answer to El Dorado Grand Jury's query regarding possible need that the grand jury has to negotiate procedures with government (city or county) counsel for the purposes of duly investigating the conduct of a peace officer or custodial officer and agency or department that employs these officers.

The Attorney General concluded that... "so long as the grand jury is duly investigating the conduct of a peace officer or custodial officer, or an agency or department that employs that officer, the grand jury has the right to review all documents located in personnel files, including those listed in Penal Code § 832.8, without negotiating a procedure with government counsel."

This conclusion is consistent with provisions of the Evidence Code § 300, and a prior conclusion to a question brought before the AG's office by San Luis Obispo County counsel in 1996 (Citation: 79 Ops Cal Atty Gen 185) which asked three questions:

- ... "1. When a grand jury is conducting a civil "watchdog" investigation of local police agency, does it have the right to examine peace officer records, including citizens' complaints, or information compiled from such records, without obtaining issuance of a subpoena or court order?
2. Must a grand jury be investigating a specific case or citizen's complaint in order to examine such records?
3. May a grand jury require that such records be provided without the elimination of officers' names or statements or other alterations?"...

Three conclusions drawn at that time for San Luis Obispo were important precursors to the El Dorado opinions and stated:

"CONCLUSIONS"

- "1. When a grand jury is conducting a civil "watchdog" investigation of a local police agency, it has the right to examine peace officer personnel records, including citizens' complaints, or information compiled from such records, without obtaining issuance of a subpoena or court order.
2. A grand jury need not be investigating a specific case or citizen's complaint in order to examine such records.
3. A grand jury may require that such records be provided without the elimination of officers' names or other alterations."

As the chief law officer of the state, the California Attorney General provides legal opinion upon request to designated state and local public officials and government agencies on issues arising in the course of their duties. AG opinions do not have the force of appellate court or Supreme Court decisions. However, in the AG's words, "the formal legal opinions of the Attorney General have been accorded 'great respect' and 'great weight' by the courts."

Grand juries conducting peace officer investigations should be aware of these opinions and their impact on their investigation's reach.



Summary of Board Actions

By Joann Landi

November 27, 2007 Board action

- Set Board of Directors meeting schedule for the next six months.
- Approved changing dates for 2008 Annual Conference to October 23-24; Board Retreat October 25, 2008.
- Approved Public Relations Committee readiness ideas for Grand Jury Awareness Month.
- Accepted report from Ad Hoc Bylaw Review Committee.
- Approved vacating the language in Policy 3.003 re Committee Chairs.
- Approved 5 point recommendation from Ad Hoc Publications-Merchandise (review) Committee.

Reports from Chapters and Associations

During this session, we heard brief reports from the following chapters and associations. Each of these organizations is working closely with other groups within their community to promote the grand jury activity. We will report more extensively on their activities in future issues.

- Kern Chapter (Anthony Noce)
- Los Angeles Chapter (Audrey Lynberg)
- Madera Chapter (Debbie Smith)
- Marin Chapter (Catherine McKown):
- San Francisco Chapter (Serena Bardell)
- San Luis Obispo Chapter (Sandra Parker)
- San Mateo Chapter (George Habeeb/Joann Landi)
- Shasta Chapter (Marsha Caranci)



Behind the scenes work as Treasurer Ivor Thomas, President Judi Lazenby, and Secretary Joann Landi reconcile conference expenditures long after the conference was concluded.

- Solano Chapter (Earl Heal)
- Orange County Association (Bob Geiss)
- San Diego Association (Walter Hofmann)

Stuart Drown Continued from page 5

When, as happens frequently, the state legislature formulates changes based on commission reports, commissioners and staff make themselves available to help shape new legislation.

In response to a question, Drown said that whistle blowers can be protected as long as their discussion is with staff and not part of the open hearing process.

Drown concluded by describing two recent reports, one on the state Medi-Cal system and another on the corrections system. (*Ed note: these reports may be found on the commission's website, www.lhc.ca.gov.)* He also described a current study on the Juvenile Justice system.

REQUEST TO FELLOW MEMBERS

By Serena Bardell

I tried very hard to make every aspect of the '07 Annual Conference attractive and appealing, from the choice of a beautiful, historic setting to the information on cultural and entertainment schedules. The AC Committee and I balanced the program between outside experts and CGJA members. For what I believe was the first time, both departing and incoming jurors received flyers promoting the conference, as did all trainees. I also reached out to directors, chapters, and associations. Despite all of that, turnout was disappointing. To help 2008 and future conference planners, I ask those of you who did not attend to please contact me or the editor and explain why you chose not to come and what might make the difference in your decision next time. If you'd rather remain anonymous, drop a line to: Serena Bardell, 1922 Filbert, San Francisco CA 94123

HELP WANTED

Don't just be a member of CGJA, become a participating member. All committees will welcome your involvement as new people and their ideas is what will keep our organization moving ahead in both educating the public and training grand jurors.

CGJA Officers

President
Judi Lazenby
 1961 Main Street #198
 Watsonville, CA 95076
 831-724-0790
judilazenby@aol.com

Vice President
Kathy Wylie
 P.O. Box 309
 Mendocino, CA 95460
 707-937-4228
kathy@mcn.org

Secretary
Joann Landi
 178 South Palomar Drive
 Redwood City, CA 94062
 650-365-4184
joannelandi@aol.com

Treasurer
Ivor Thomas
 6078 Maxwell Drive
 Paradise, CA 95969
 530-872-4127
ithomas@cgja.org

CGJA Directors

North

Sherry Chesny, Placer
sherry.c@cebridge.net

Tim Colbie, Butte
tcolbie@vacation.com

Ray Hoffman, Nevada
nrhoffman@comcast.net

Diane Masini, Nevada
domasini@sbcglobal.net

Ivor Thomas, Butte
ithomas@cgja.org

Kathy Wylie, Mendocino
kathy@mcn.org

Central

Serena Bardell,
 San Francisco
sbardell@aol.com

Earl Heal, Solano
helearlniki@earthlink.net

Karin Hern, Marin
Karin.hern@sbcglobal.net

Joann Landi San Mateo
Joannelandi@aol.com

Judi Lazenby, Santa Cruz
judilazenby@aol.com

Katherine McKown, Marin
cdmac1@aol.com

South

Lew Avera Jr., Orange
lewavera@cox.net

Dianne Hoffman, Orange
zmeflyhigher@yahoo.com

Walter D. Hofmann MD,
 San Diego
wdh438@gmail.com

Mary Johnston, Kings
grammiemj@comcast.net

Jerry Lewi, Ventura
cgjaprguy@roadrunner.com

Anthony Noce, Kern
anthonyskids@yahoo.com

John Sitton, San Benito
sitton_john@yahoo.com

CGJA Chapters

Fresno County Chapter
Joan Niboli Gray, President
joanegrays@comcast.net
 Website: fresno.cgja.org

Humboldt County Chapter
Allan Edwards, President
allanbedwards@yahoo.com

Kern County Chapter
Leone Harrison, President
gjaminis@earthlink.net

Kings County Chapter
Mary Johnston, President
grammiemj@comcast.net

Los Angeles County Chapter
Bill Turner, President
billturner26.2@att.net

Madera County Chapter
Debbie R. Smith, President
drdebief@aol.com

Marin County Chapter
Betty J. Mattea, President
bjmattea@sonic.net
 Website: www.mgja.org

Monterey County Chapter
Ray Wuco, President
carmelwuco@redshift.com

Napa County Chapter
Sue Branson, President
suebtax@aol.com

Nevada County Chapter
Ray Hoffman, President
nrhoffman@comcast.net

San Benito County Chapter
John Sitton, President
sitton_john@yahoo.com

San Francisco County Chapter
Jack McNulty, President
jlmn413@hotmail.com

San Luis Obispo County Chapter
Jim Ragan, President
jimragan@charter.net

San Mateo County Chapter
George Habeeb, President
habeeb490@aol.com

Website:
www.co.sanmateo.ca.us/smcagi/

Santa Clara County Chapter
Richard Ruth, President
rruth8592@aol.com

Solano County Chapter
Wanda Kiger-Tucker,
 President
kigertucker@juno.com

Standing Committee Chairs

Finance Committee
 Ivor Thomas
 530-872-4127
ithomas@cgja.org

Legal Affairs
 Kathy Wylie
 707-937-4228
kathy@mcn.org

**Membership &
 Chapter Relations**
 Tim Colbie
 530-624-4656
tcolbie@vacation.com

Operations
 Serena Bardell
 415-931-7249
sbardell@aol.com

Public Relations
 Jerry Lewi
 805-492-0122
cgjaprguy@roadrunner.com

Training
 Lew Avera Jr.
 949-388-8910
lewavera@cox.net

Our website is a great informational resource for grand juries to use. Our "links" and "local Grand Jury information" pages will take you to websites that can assist in research and information
 Visit us at www.cgja.org



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Jerry Lewi, Editor
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Celebrating

**26
Years**

**The Mission
of the
California
Grand Jurors'
Association
is**

**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**

**Format for submitting
letters and articles to the
Grand Jurors' Journal**

Articles should be e-mailed to
Jerry Lewi, Editor
cgjaprguy@roadrunner.com

Articles submitted by e-mail should be saved in Rich Text Format and transmitted as an attachment to the e-mail message.

If e-mail is not available, articles should be faxed to Jerry at 805-241-7912

Letters to the editor are limited to 200 words. (One hundred words for "Kudos" thank-you letters).

The Journal will highlight opinion articles written by readers, experts, and issues advocates. They may be 500 to 600 words in length.

We are especially interested in articles on Grand Jury issues or solutions to improving public education of the grand jury system in California.

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Opinions: The views expressed in the Grand Jurors' Journal are those of the writers unless otherwise stated.

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