

ANNUAL CONFERENCE EDITION



CGJA Grand Jurors' Journal Vol. 23, No. 5, October 2022

CGJA Annual Conference **Register Here Now!**

by Lloyd Bell, Chair, Annual Conference Committee



By the time you receive this journal, there will only be about three weeks to sign up for the 2022 Annual Conference – on **October 23-24, 2022**, in San Rafael – our first live conference in three years.

The theme is Celebrating Grand Jury Successes at the Local Level. CGJA has been on the move to highlight its activities throughout the state. Informative panel presentations will mark our successes in heightening awareness of the grand jury system and discuss how local chapters and associations can learn from the success of others.

The program will kick off Sunday afternoon with the keynote address by Ethan Rarick, Executive Director, of the **Little Hoover Commission**. It operates on a state level the way county grand juries serve local jurisdictions. Their last update to us was six years ago.

CGJA President, Lou Panetta, will report on the “State of the Association” with a question-and-answer session. He will introduce the recently elected board of directors and the new slate of officers that will lead our organization for the

next two years. We’ll celebrate the recipients of the Excellence in Reporting Awards.

After a break, there will be a panel discussion outlining the creative or unusual ways chapters generate excitement about the successes of the grand jury and publicize its value for improving local government. There will be discussion of the successful efforts to cooperate with the courts to attract more and stronger grand jurors. Concluding the day will be updates from the Grand Jury Effectiveness Workgroup and the Diversity Study Workgroup.

Sunday evening is time for our sumptuous plated dinner with complimentary wine. We will be introduced to the 2020 and 2021 Angelo Rolando recipients. The gala dinner is always a fun and enjoyable time where we mix, mingle and reconnect with those we may only see at these yearly events.

The session reconvenes Monday morning at 9 a.m. First up is a description of the two counties that have pioneered the use of volunteer administrative support to grand juries. They provide a road map for similar support in your county.

The final panel offers best practices on how to improve relations with the courts, how to keep your chapter’s tax filings up to date to retain your nonprofit status, and an overview of the Shasta Personal Services Agreement, an arrangement between the county court and the chapter for using the court budget to recruit new grand jurors.

An added feature of this year’s conference is the location – the newly-remodeled Embassy Suites, located in the north bay area of San Francisco with comfortable rooms, complimentary full breakfast, and an evening reception – close to the wine country of Napa and Sonoma and equally close to the cultural activities of the vibrant San Francisco Bay area. Everyone is encouraged to come early or stay a day or so after the conference to enjoy all that this beautiful slice of California has to offer.

And, we have our silent auction, another feature missing for several years. We are accepting donations from individuals and chapters to add to silent auction goodies already gathered. Back by popular demand, the silent auction provides an opportunity for chapters to assemble themed baskets or items representing the bounty from their county. We ask that donors let us know what is coming our way so that we can prepare the necessary display information. Contact us at annualconference@cgja.org with your donation. We will take it from there. Display-ready items are appreciated.

This program is one of the best we have put together in quite a while. We look forward to greeting you, renewing old acquaintances, and making new ones. There will be time and opportunities for socialization. Plan now to join your fellow CGJA members in San Rafael.

We look forward to seeing you there!

New and Re-elected Directors



Shirley Boracci



Jim Glover

Votes Cast

North

- 18 Shirley Boracci
- 20 Jim Glover

Central

- 36 Gary Cooper
- 38 Bob Finlayson



Gary Cooper



Bob Finlayson

South

- 22 Larry Herbst
- 22 Henry Rible
- 1 Richard Castro (write-in)
- 1 John Geiss (write-in)
- 2 Jerry Lewi (write-in)



Larry Herbst



Henry Rible

Report Writing Workshops

Register Now!

Improve the quality, readability, and effectiveness of your grand jury reports. Gain hands-on practice and tips on writing persuasive and effective reports, learn how to conduct an exit interview based on your final draft, and learn about the process of approving and releasing reports.

Sign up now if your county has not already scheduled a workshop for your grand jury. The workshop fee is \$50 per juror to attend a remote, multi-county workshop on Zoom (see dates below).

Find out more or register. Registration will close 10 days prior to each workshop.

(All workshops are from 9:00 am to 4:00 pm, with a lunch break)

Thursday, October 20

Friday, October 28

Wednesday, November 2

Monday, November 7

Tuesday, November 15

Ask the Trainer by Marsha Caranci, CGJA Training Chair



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

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

Q. Our grand jury is at odds regarding recusals. For example, if a juror has a family member who is employed within a department that the grand jury is investigating, does that juror need to recuse? What should the committee do if they feel it is a conflict but the juror refuses to recuse?

A. Conflicts of interest and recusals are covered in Tab 2 of the CGJA Training Manual at pages 7-8, but this is a difficult area of the law that many grand juries struggle with. Questions need to be asked, such as

1. How close is the family member and would others in the department know they are related?
2. Does this person work in the same division of the department, or is it a huge department with many divisions and hundreds of employees?
3. Would the family member even have knowledge of the topic that the jury is looking into?

We recommend using the “common law test” for determining if a perceived conflict exists by asking “Could a person who is informed of the relationship or association between the juror and the topic, entity, or official under investigation reasonably conclude that the juror is biased for or against that topic, entity, or official?”

Note that the test is not whether the juror feels they can be fair and unbiased, but whether a reasonable person might have the perception that the juror might be biased. Even the perception of a conflict is enough for recusal.

Assuming that the members of the investigating committee are reasonable people who have concluded that a conflict or perception of a conflict exists, this juror should recuse. If they refuse, the full panel can vote to ask them to recuse, or they can vote to discontinue the investigation based on the belief it would be tainted. Another option is to consult with your judge, who can order a recusal, or with your legal advisor, who may have other suggestions.

Q. Our Continuity Committee has been reviewing the responses to last year’s reports as they come in. Who is responsible for making sure the responses get posted on our website so the public can read them? Even if we do release a continuity report, it will not include all the responses.

A. CGJA strongly recommends that each grand jury report be posted individually on the grand jury website at the time it is released, and that the responses are promptly posted adjacent to the original report. (Counties that post only a consolidated report have no way to connect the responses to any particular individual report.)

In many counties the Superior Court maintains the grand jury website and it is the court that posts the responses. In other counties, the county is responsible for the website. Either way, the succeeding jury may need to ensure that this gets done. In some counties a press release is issued each time a report or the responses are posted, with a link, which is a good way to ensure that the reports and the responses get some public attention.

Ask the Trainer – continued on next page

continued from preceding page – Ask the Trainer

Q. Although the legislature did not pass the proposed law allowing for higher grand jury per diems, our grand jury is wondering if we can seek higher reimbursement from the county. Aren't some counties paying more than \$15 for days on which the grand jury meets?

A. Yes, a county can enact an ordinance that grants a higher per diem for grand jury work. They can also designate activities other than plenary meetings as eligible for reimbursement, such as committee meetings, interviews, or site visits.

In 2021, we conducted a survey to find out how much counties are paying for per diem. These results have not been verified and may not be current, but this will give you an idea of what other counties are doing. You can find the survey [here](#).

Longtime member

by Jerry Lewi

*Continuing our series on long-term members, the next in line is **Dianne Hoffman** who's many CGJA services were documented in the December 2020 journal acknowledging her **Angelo Rolando Award**.*

But we need to know more about her background in honor of her over 20 years of membership.

Dianne served on the 2000-01 Orange County Grand Jury (noting that she a member of a select class that served in two centuries) and was immediately recruited by the late Jack Zepp. Her first assignment was to be a trainer in Investigations under the tutelage of another late legend, Ron Miguel. She also joined the Grand Jurors Association of Orange County and served in various capacities for 19 years.



She was elected CGJA Treasurer in 2010 and served for seven or eight years. This automatically made her a member of the Finance Committee. Not being busy enough, she eventually served on the Training, Legislative and Legal Resources, Membership /Chapter Relations and Public Relations Committees and as Assistant Treasurer over various periods of time.

As a member of MCRC, she was the database manager for four years. She was a pioneer in setting up the email service that we contracted for, and helped with the development of two CGJA websites.

Dianne expanded her training skills by becoming qualified in the areas of Interviewing and Grand Jury Reports, including the Report Writing Workshops.

In 2012, she uprooted herself from Orange County and moved to Las Vegas. She continued her committee and training assignments for several years. Most commendable were her frequent jaunts to such out-of-the-way locations (for her) from Las Vegas to Visalia, El Centro and Bishop, surviving a blown tire in the mountains between Las Vegas and Bishop.

Dianne worked for many years for the telephone company and was very active as a shop steward. She is a dog lover and we all got to meet her canine loves when she would bring them to training or even an annual conference.

Asked what brought her to CGJA, she responded "Jack Zepp, Rose Moreno and Bob Geiss. I met them at an annual conference in Orange County while on the GJ and they recruited me: First to an election committee and then as a trainer."

Her primary motive for involvement was "Education of new grand jurors that I did not receive as an incoming grand juror." Asked about her major achievement, she replied "Definitely training new jurors and then helping out with the treasurer job when we were in a bind."

As suggestions for the CGJA's future, she offered "Continue the good work, be prepared to defend against attack through legislation and recruit new volunteers."

Tracking Responses to Grand Jury Reports

by Jerry Lewi, CGJA Trainer

We recently reminded current grand jurors of our best practice suggestions in reviewing responses to reports from the previous grand jury. Here is additional information to consider.

As required by Penal Code section 933.05, elected county officers (such as the sheriff or county clerk) are allowed 60 days to respond. A governing board (such as the board of supervisors, a city council, or a district board) has 90 days.

Their responses to Findings must state if they agree or disagree. If they disagree, they must explain why.

For the Recommendations, only four responses are allowed: have implemented, will implement, need more time, or will not implement.

Based on the results of its review, a grand jury may release a report about the responses. These "continuity reports" can be released early in the term.

The most common continuity report is a compliance report that documents responses that failed to meet the legal requirements (as described above). Details on these requirements are in our training manual in Tab 1, pages 13-15, and in the **Continuity Video** found on our [website](#).

Grand jury reports, including a compliance report, must include Findings (and Recommendations when applicable). See our website – [Examples of Well-Written Reports](#) for compliance reports.

CGJA's Public Relations Committee reviewed the continuity/compliance reports from 25 counties for the 2021-22 term. Many include statistics on the number of responses that were or were not compliant. Some include the number of responses for each of the four categories (have implemented, ...). These preliminary results show that an average of 58% of the responses were either "have implemented" or "will implement."

We train juries to critically review responses to past reports and to look for ways to further increase the percentage of positive responses. Factors to consider are

- Were any of the findings really just facts?
- Were the recommendations clear and achievable?
- Was the report clear and persuasive? And
- Was it clear that exit interviews were conducted (which increases the likelihood of agreement with the findings)?

Other types of continuity reports are 1) "follow-up reports" – where the current jury feels that another investigation and report is appropriate, and 2) "implementation reports" – an investigation to see if an entity actually complied when their response was "will implement."

A final thought: If your grand jury decides to publish one of these reports, publicize its release. The rationale for monitoring responses is to let the entities and the public learn of the work of the grand jury, especially when it produces significant benefits to their county.

If you have questions about continuity reports, contact us at cgjatraining@cgja.org.



News from Around the State

from Placer, by Al Witten, Chapter President

Many GJs encounter the issue of receiving incomplete responses to their final report recommendations. The classical problem is the failure of the responders to specify a "time frame to review for future implementation" or a "time frame to implement a specific recommendation."

The Placer County Grand Jurors' Association (PCGJA) suggested to our sitting grand jury that a simple addition to the "Response Form" should eliminate or minimize this problem.

Our suggestion was to add BLANKS that must be filled in with a date. Thus adding ..."with a target date of _____." And "analysis will be completed by _____" should force most responders into entering a date in the blank in order to complete the form.

Here is a sample of the letter and document that your CGJA Chapter can send to your sitting Grand Jury.

Foreperson of _____ County Grand Jury,

Our chapter of the CGJA is agreed that we forward over two suggested changes to the "Final Report Response Form". The changes we suggest are to add verbiage forcing the responders to fill in an estimated Date for completion of either Future Implementation or Further Analysis when responding to Grand Jury Recommendations. Here is the relevant section with wording (in red) that you might consider.

FINDINGS

- I (we) agree with the findings, numbered: _____
- I (we) disagree wholly or partially with the findings, numbered: _____

(Describe here or attach a statement specifying any portions of the findings that are disputed or not applicable; include an explanation of the reasons therefore.)

RECOMMENDATIONS

- Recommendations numbered _____ have been implemented.
(Describe here or attach a summary statement regarding the implemented actions.)
- Recommendations numbered _____ have not yet been implemented but will be implemented in the future, **with a target date of _____**.
(Per Penal Code § 933.05(b)(2), a time frame for implementation must be included. Describe here or in an attachment.)
- Recommendations numbered _____ require further analysis. **This analysis will be completed by _____**.
(Describe here or attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six (6) months from the date of publication of the grand jury report.)
- Recommendations numbered _____ will not be implemented because they are not warranted or are not reasonable.
(Describe here or attach an explanation.)

continued from preceding page – **News from Around the State**

from Santa Clara, by Mike Krey, Chapter Co-president

In an August 16, 2022, article, two members of the Santa Clara County Chapter of the California Grand Jurors' Association, Peter Hertan and Henry Groth, give an overview of grand jury service.

The insights are geared to anyone who has ever mulled applying to serve on the civil grand jury.

Read from the *Mountain View Voice*, [What's It Like to Serve on Grand Jury](#).



from Contra Costa: "Volunteer Clerks" by Laura Griffin, Chapter VP

Volunteer clerks are former grand jurors who provide training, administration, and institutional knowledge to help a grand jury be more efficient and effective in its government watchdog role. The Contra Costa County Grand Jurors' Association worked with its Superior Court to develop a volunteer plan similar to a successful effort pioneered in Santa Cruz County.

Lou Panetta, CGJA president, is hopeful the Contra Costa County initiative will be a model for other counties. He said, "Contra Costa has built on the successful Santa Cruz program to establish an efficient way to share former grand jurors' experience and knowledge so new grand jurors can be effective earlier."

Two volunteer clerks were appointed by the Contra Costa County Superior Court to assist the 2022-23 Civil Grand Jury beginning July 1 – Charles Cerjan, who served on the 2020-2021 grand jury, and Laura Griffin, who served on both the 2018-19 and 2019-20 grand juries. They will train jurors unfamiliar with preparing shared documents and assist on other technological issues.

The former grand jurors also will help the new grand jury get organized; review report responses for compliance; train alternate jurors brought aboard during the term; and work on the annual campaign to recruit grand juror applicants.

NOTE – *the use of volunteer clerks is the subject of a panel discussion at the [2022 CGJA Annual Conference](#).*



Recent Board Actions

Board Meeting, August 23, 2022

Approved CGJA 2023 Annual Conference budget, location and dates.

Approved website software conversion expense.

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

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

Keep us Posted

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

DEADLINE for submitting articles for publication in the next issue

November 28, 2022

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

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

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