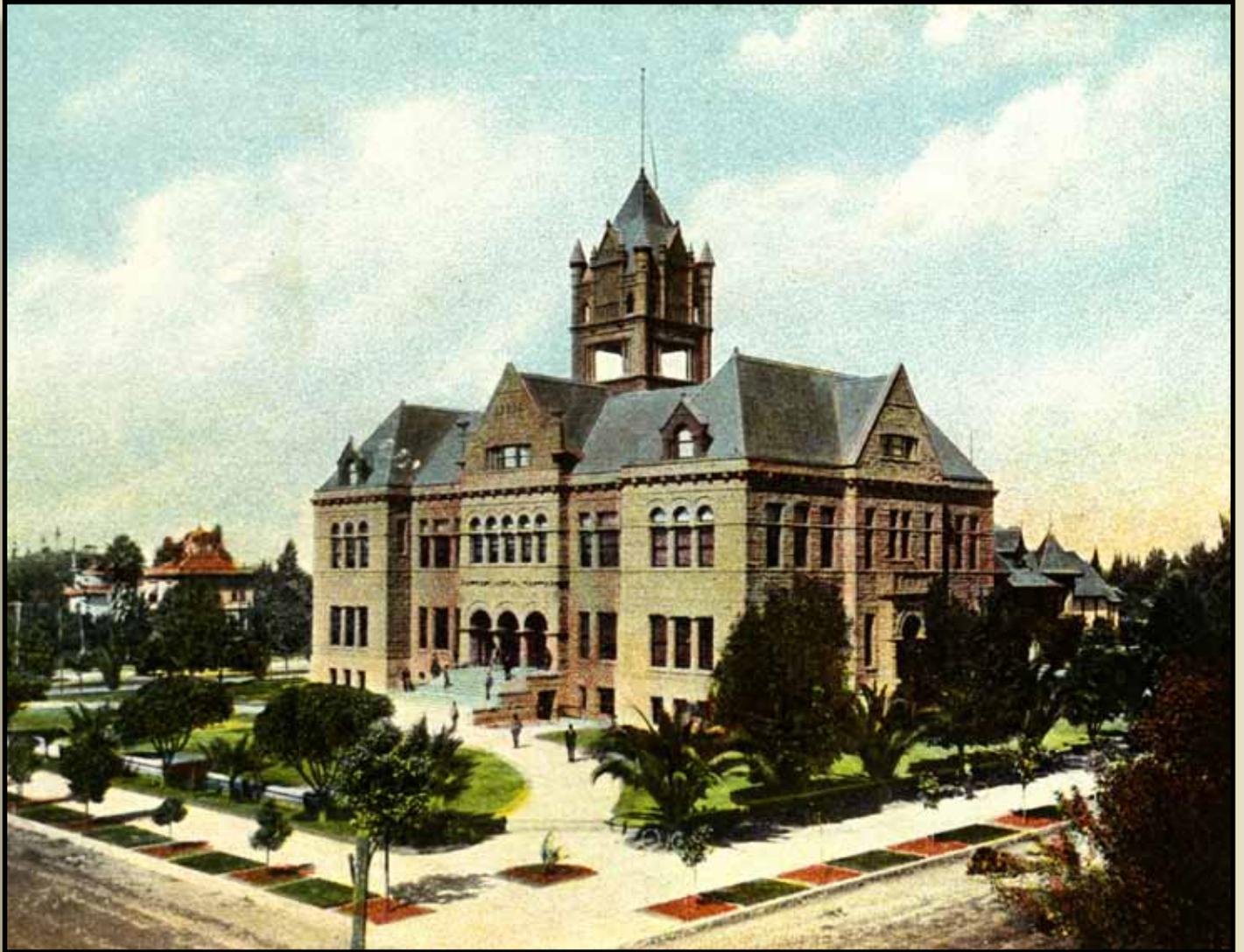


2011 – 2012 Orange County Grand Jury



Final Report



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ORANGE COUNTY GRAND JURY

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June 30, 2012

Honorable Craig E. Robison
Superior Court of California, County of Orange
700 Civic Center Drive West
Santa Ana, CA 92701

Dear Judge Robison:

The 2011-2012 Grand Jury was sworn in on July 1, 2011 and seated to begin work on July 5. One juror resigned before the Jury was sworn, and this juror was replaced by an alternate. There were nineteen jurors assembled as the year began. As the year progressed, four jurors resigned from the Jury and were subsequently replaced by two alternates. Seventeen jurors were on the jury when the term ended on June 30, 2012.

This year the Jury heard 25 requests for criminal indictments, and 2 requests for investigative hearings, from the District Attorney and the California Attorney General. These indictments covered such diverse topics as homicide, mayhem and torture, credit card and money laundering, and income tax evasion. These indictments took about 30% of the Jury's time.

The Jury was very conscious of its civil function as a watchdog for the people as it investigated and reported upon the affairs of local government agencies. The jury studied topics which it believed needed review or were of current importance. This report details the activities of the jury and its reports, findings and recommendations. It is the result of hundreds of hours of effort by the members of the Jury. The goal of these reports is to highlight to the public's attention issues in the County, and to provide some constructive, cost-effective recommendations to improve the areas reviewed. The Jury hopes that the insights gained from the reports will be used by all public agencies to review and improve their operations.

The Jury challenges the public to improve the effectiveness of the Grand Jury by becoming involved. The Grand Jury is charged to be the watchdog for the public and to identify in its reports what it perceives to be mismanagement or improper spending of public funds. It will be most effective only with involvement by the public. It is imperative that citizens review the report with its findings and recommendations, and to go to the Grand Jury website, www.ocgrandjury.org, to review the agency responses. The public should insist upon cost-effective, efficient government and challenge any agency whose responses it believes to be inadequate. The Grand Jury's efforts will be strengthened by public follow up.

One of the main concerns of this Jury was to maintain the integrity of the Jury system by ensuring that the agencies replying to the previous jury's reports had implemented effective action to improve the areas investigated. The jury reviewed all responses in depth to ensure that the replies were adequate and that corrective action was taken. This area has concerned previous juries, and the 2011-2012 jury encourages future juries to carefully review past reports and the respondents corrective actions to ensure that the actions were implemented.

The 2011-2012 Grand Jury has succeeded in obtaining internet access for the computers in the jury room. This access will be available for the 2012-2013 Grand Jury, and will be a significant improvement in the Jury's ability to gather information. The Jury sincerely appreciates the efforts of the County IT staff to obtain and install this service.

The Jury would not have been able to accomplish its work without the assistance and support of Donna Vinnacombe, our Grand Jury Administrator, our Administrative Assistant, Mary Booker, and the support of Robyn Samuelson and her staff in Jury Services, especially Theda Kaelin and Sandra Lopez. We are especially grateful to our skilled Court Reporter, Bob Sullivan, who diligently recorded every word of our many hearings. These people worked tirelessly to help the Jury complete its many tasks. The Grand Jury is deeply appreciative of their efforts. The Jury is also grateful for the cooperation of the many public officials and employees who provided the Jury insight into their operations during this past year.

The Jury is very much appreciates the support from our legal advisors in the County Counsel's office, Karen Prather, and in the District Attorney's Office, Rebecca Olivieri. Their sage advice and tireless efforts were invaluable as the Jury worked its way through the many investigations and criminal indictments.

The Jury is also grateful to the Honorable Thomas J. Borris, Presiding Judge of the Superior Court, the Honorable Craig E. Robison, Supervising Judge, Felony Panel, and Alan Carlson, Chief Executive Officer for their advice and continuing support throughout the year.

It is my pleasure to present to you and the people of Orange County the Final Report of the 2011-2012 Grand Jury. It has been a privilege for us to serve the citizens of Orange County, California.

Sincerely,

A handwritten signature in blue ink, appearing to read "Roy B. Baker III". The signature is stylized and cursive.

Roy B. Baker III, Foreman
2011-2012 Orange County Grand Jury

RBB:tk

*The most common way people give
up their power*

*Is by thinking they do not have
any.....*

Stan Ness....2011-2012

juror.... [with apologies to Alice Walker]

The Orange County Grand Jury, a duly selected and sworn body of citizens, is a powerful governmental watchdog institution. The Grand Jury has the legal power¹ to investigate and report on any and all County, City and District government affairs. This includes:

- County governmental officers, department or functions;
- Cities or joint power authorities;
- Special purpose assessing or taxing districts or local agency formation commission;
- Redevelopment agencies, housing authorities, or joint power authorities;
- Nonprofit corporations established by or operated on behalf of a public entity.

The report findings and recommendations resulting from the above Grand Jury studies are required by law to be responded to the Superior Court Presiding Judge within 90 days, by the governing body of any public agency subject to its reviewing authority. Similarly, County elected officials and public agencies have 60 days to respond. These reports and responses are posted as public documents at www.ocgrandjury.org.

Another example of the legal power of the Grand Jury, a county Grand Jury may present “an accusation against any officer of a district, county, or city, including any member of the governing board or personnel commission of a school district or any humane officers, for willful or corrupt misconduct in office.”² Specifically, this responsibility could involve misconduct in office, even when no criminal statute is violated, as the courts have also ruled that any act of malfeasance, misfeasance, or nonfeasance in office is sufficient to support removal.

The act does not need to be criminal, just willful. The accusation shall be delivered to the District Attorney, unless he is the officer accused, and the district attorney shall serve the accusation to the defendant to appear before the Superior Court.

Illustrative examples of selected past Orange County Grand Jury civil findings/recommendations and subsequent positive results are in the table on the next pages. This table was compiled by the 2011-2012 Orange County Grand Jury to spotlight the good work that results from the Grand Jury’s watchdog function, on behalf of Orange County citizens.

Many good government changes take more than one year to happen, some less, and are often the results of many forces that come to bear³. Grand Jury citizen volunteers are proud to be part of the process. The Grand Jurors Association of Orange County, composed of former Orange County Grand Jurors, was helpful in providing an institutional memory of the ongoing impacts of 10 of these past studies. For the sake of table brevity - findings, recommendations and results are paraphrased. As referenced above, these past reports may be found at www.ocgrandjury.org.

¹ California Penal Code - Part 2, Title 4, Chapter 3, “Powers and Duties of Grand Jury”

² California Government Code – Article 3 “Removal other than by Impeachment” - Section 3060 “Accusation by grand jury”

³ Two examples appeared recently in the Orange County Register – 1) “Grand jury empowered Orangewood” June 23, 2012 by William Steiner, 1997 Chair of OC Board of Supervisors, and 2) “Cities hop to action to boost transparency grades” June 22, 2012 OC Watchdog blog by Teri Sforza, Register staff writer

Citizens Watchdog Power ☐ The Orange County Grand Jury

<u>Year</u>	<u>Study Topic</u>	<u>Conditions/Findings</u>	<u>Major Recommendation</u>	<u>Results</u>
2010-2011	Compensation Study of Orange County Cities	Public disclosure of municipal compensation levels was widely inconsistent, ranging from good to non-existent. In 2011, no cities were rated excellent for Compensation Content and Clarity.	<i>All cities in Orange County should report compensation to the public on the Internet in easily accessible manner. Elements to be reported include Salary, Other Pay, Insurance Premiums, Pension Costs and Total Costs.</i>	<i>Still in progress. Most cities have upgraded their websites. In 2012, 74% of cities were rated excellent for Accessibility and 41% were excellent for Executive Compensation Content & Clarity. Pension cost transparency lags behind and is a focus of a 2011-2012 Grand Jury report.</i>
2010-2011	County of Orange Compensation Disclosure	Quality and Extent of compensation disclosure by the County of Orange on its Internet website was inadequate.	<i>The County of Orange should report comp. on Internet in easily accessible manner. Compensation for all elected officials & department heads should be reported, including Benefits/ Pension Costs.</i>	<i>2011 – Done. The 2011-2012 Grand Jury rated the County of Orange an “A” for Accessibility and an “A” for Executive Compensation Transparency.</i>
2009-2010	Lobbying: The Shadow Government	Orange County did not have a lobbying ordinance. This was in stark contrast to other large government entities.	<i>Orange County Board of Supervisors should adopt a lobbying ordinance that applies to elected/appointed County Officers as well as all County Department Heads.</i>	<i>The Board of Supervisors adopted a County Ordinance #11-014, effective July 1, 2011, requiring lobbyists to register with the County.</i>

Citizens Watchdog Power ☐ The Orange County Grand Jury

<u>Year</u>	<u>Study Topic</u>	<u>Conditions/Findings</u>	<u>Major Recommendation</u>	<u>Results</u>
2008-2009	Guardian of Last Resort	<p>Management of practices used since the separation of the Public Guardian from the Health Care Agency has significantly increased administrative management costs.</p> <p>Combining of the Public Administrator & Public Guardian in 2005 has not produced the anticipated cost reductions. The agency made ineffective decisions that have cost OC taxpayers significant amounts of money.</p>	<p><i>Board of Supervisors should report on feasibility & legality of converting Public Administrator to an appointed office. The Board should have a comprehensive independent review done of Public Administrator/ Public Guardian. Based on results of review & Grand Jury Report, reconsider whether separating PA/PG from Health Care Agency was cost & performance effective.</i></p>	<p><i>Public Guardian was replaced by the Board of Supervisors in 2011. Public Administrator resigned in early 2012. One person had filled both roles. On the June, 2012 ballot, there was an initiative to change the position of Public Administrator from elected to appointed that was rejected by voters.</i></p>
2006-2007	An In-Custody Death Reviewed	<p>Investigation of death of a female prisoner in O.C. Sheriff Women’s Central Jail revealed the County Health Care Agency staffed jail infirmary with nurses lacking adequate emergency medical skills/equipment knowledge and equipment maintenance training.</p>	<ol style="list-style-type: none"> 1. <i>Nurses should be required to regularly demonstrate emergency response skills.</i> 2. <i>Personnel should be regularly trained & evaluated on use of emergency medical equipment with drills.</i> 3. <i>Appropriate emergency equipment should be placed in Women Outpatient Housing.</i> 	<p><i>All recommendations were implemented by the Sheriff and the County Health Agency. The County Performance Auditor subsequently reviewed correctional medical services leading to further improvements.</i></p>
2005-2006	Orange County Vector Control District – Out of Control?	<p>Employees’ morale at OCVCD was negatively impacted by management actions. This was in spite of OCVCD granting sizeable employee compensation increases of 22% in 2 years.</p>	<p><i>Board should investigate causes of low morale and take necessary actions to improve morale.</i></p>	<p><i>General Manager was terminated in March, 2010. The 2011-2012 Grand Jury report stated that OC Vector Control District is now “well run and well resourced.”</i></p>

Citizens Watchdog Power ☐ The Orange County Grand Jury

<u>Year</u>	<u>Study Topic</u>	<u>Conditions/Findings</u>	<u>Major Recommendation</u>	<u>Results</u>
2004-2005	Can Orange County Afford to Lose Human Relations Commission?	Orange County Board of Supervisors was discussing no longer funding the Orange County Human Relations Commission (OCHRC).	<i>Orange County Board of Supervisors should support Orange County Human Relations Commission (OCHRC) & budget consistent, annual funding to it.</i>	<i>2005 OC Board of Supervisors voted to fund Orange County Human Resource Commission that has provided invaluable service since 1971.</i>
2000-2001	Kids in Adult Lockup - Bad Boys in a Bad Place	Juveniles in custody were housed at Central Men's Jail, which was built in 1968, and was in dire need of complete renovation.	<i>Central Men's Jail should not be used to detain Juveniles. A new permanent suitable location should be identified.</i>	<i>New housing mods were built at Theo. Lacy Jail in Orange, and are now used to house juveniles. Juveniles charged as adults are housed at Central Men's Jail.</i>
1994-1995	Wider Use of Orange County Reclaimed Water	Orange County's natural water resources no longer met the needs of the County's population. Most of wastewater was lost to the ocean.	<i>Use County's state of the art and award winning water treatment plants to reclaim wastewater for more than just parks, greenbelts and freeway landscaping.</i>	<i>Water which has been purified is now returned to the groundwater basins for reuse. The Grand Jury Report received a citation from the Orange County Water District.</i>
1994-1995	Orange County Government Structure	County Bankruptcy	<i>Create permanent position of County Executive Officer (CEO).</i>	<i>Permanent CEO position created and continues currently. The County Administrative Officer (CAO) position was abolished.</i>

ORANGE COUNTY GRAND JURY

2011-2012

Roy B. Baker III: Foreperson

Helen D. Alberts: Human Services; Environment & Transportation; Orientation

Lynn Cudd: Human Services Chairman; Editorial; Juvenile Services

Don Dillon: Human Services; Environment & Transportation; Orientation

Stuart J. Fuller, III: Continuity & Special Issues; Environment & Transportation;
Orientation

Frederick C. Gebhardt: Foreperson Pro Tem; Editorial Chairman; Continuity &
Special Issues; Environment & Transportation

Barton Harlan: Secretary; Parliamentarian; Orientation Chairman; Continuity &
Special Issues; Juvenile Services

Dianne Mitchell: Human Services; Editorial; Administrative Agencies

Stanley Ness: Continuity & Special Issues Chairman; Administrative Agencies;
Orientation

Richard Newman: Criminal Justice Chairman; Editorial; Administrative Agencies

Dorean Ora: Criminal Justice; Orientation

Patricia Place: Criminal Justice; Juvenile Services; Editorial

Arthur (Gene) Rosen: Criminal Justice; Administrative Agencies; Orientation

Jerry Sheppard: Editorial; Continuity & Special Issues; Juvenile Services;

Myra Spicker: Environment & Transportation Chairman; Editorial; Criminal
Justice

Jean Watson: Juvenile Services Chairman; Human Services; Editorial

William F. Underwood: Administrative Agencies Chairman; Continuity &
Special Issues; Orientation