

**TO BE CONTINUED...
FOLLOW-UP FOR OPEN FORMAL
GRAND JURY REPORT RESPONSES**



GRAND JURY 2015-2016

Table of Contents

EXECUTIVE SUMMARY	3
BACKGROUND	3
Scope.....	6
Prior Investigations.....	6
Reason for the Current Focus of This Investigation.....	6
METHODOLOGY	7
Documents Reviewed	7
Interviews.....	7
Grand Jury Review	7
INVESTIGATION AND ANALYSIS.....	8
Initial Response Consolidation Process.....	8
Investigation.....	8
Types of Recommendations Left Open	10
<i>Will Be Implemented (WBI).....</i>	<i>10</i>
<i>Needs Further Analysis (FA).....</i>	<i>11</i>
Report Continuity Outsourcing in San Diego County.....	11
Report Continuity History in Orange County.....	12
Non-Target Audience Open Items	13
Tracking Target Audience Open Items beyond the Past GJ Year	14
Costs Associated with Achieving Improved Report Continuity	14
FINDINGS	15
RECOMMENDATIONS.....	15
REQUIRED RESPONSES.....	16
WORKS CITED.....	19
WORKS CONSULTED	20
APPENDICES	21
Appendix A: Acronyms	21
Appendix B: Glossary	22
Appendix C: History of Report Continuity Recommendations in Orange County.....	23
Appendix D: Target Audience	25
Appendix E: Open Recommendations Analyzed	26

EXECUTIVE SUMMARY

When a California Grand Jury issues its reports each year, the affected agencies and departments referenced in those reports are required by law to respond to the report's findings and recommendations within a specified time (60 or 90 days). In practical terms, this means the sitting Grand Jury (GJ) must record, track, and evaluate the responses to the findings and recommendations of the prior year's Grand Jury reports. This process is generally referred to as "Report Continuity" or "Report Tracking." This is an important function when one considers that Grand Jury recommendations are thoughtfully formulated after serious, in-depth investigations requiring several months of study, and that commitments are made by the respondents to implement changes, or at least to do further analysis of the issues raised.

The 2015-2016 Orange County Grand Jury focused on recent years when tracking by County administration of the required responses to Grand Jury report recommendations fell short of the established practice of earlier years. The County Board of Supervisors (BOS) and the County agencies and departments they govern (referred to here as the Target Audience), left a number of responses open for fiscal years 2011-2012, 2012-2013 and 2013-2014 (referred to here as the Focus Period). This report looks at whether the commitments made by the Target Audience respondents were actually fulfilled and if open responses were ever resolved.

While each sitting Grand Jury has a central role to play in ensuring report continuity for the preceding term's reports, there is nevertheless often great difficulty in tracking the final outcome of non-rejected recommendations that could not reach closure within the statutory 60 or 90 day response period (aka open recommendations). The Grand Jury also determined that effective tracking by County administration of open recommendations has not been consistent over the years, despite a 1994 directive from the BOS that the County Administrative Office (CAO)/County Executive Office (CEO) track and provide an annual update six months after the initial response submission date. This commitment apparently got lost in the organizational and leadership changes that occurred in the CEO's office in recent years. The Grand Jury investigation concluded that this review process needs to be reinstated and formally integrated into the best practices and procedures of the BOS and CEO and that this review should include all currently open report responses originating from the BOS and the Target Audience.

BACKGROUND

One of the charges of a duly constituted California Civil Grand Jury is to investigate the functioning of county government. These investigations result in published reports that contain findings and recommendations. In Orange County, the County Executive Office (CEO) has the responsibility to coordinate and provide guidance on responding to all entities in the Target Audience (see Appendix D) in preparation for the formal Board of Supervisors' response to the

sitting Grand Jury. This guidance extends from what types of responses are acceptable under the California Penal Code (CPC), to the deadlines associated with the responses. The GJ's review of many years' report responses shows that the CEO has handled the initial coordination of the Target Audience response process well.

The Grand Jury report process is shown in Figure 1 below.

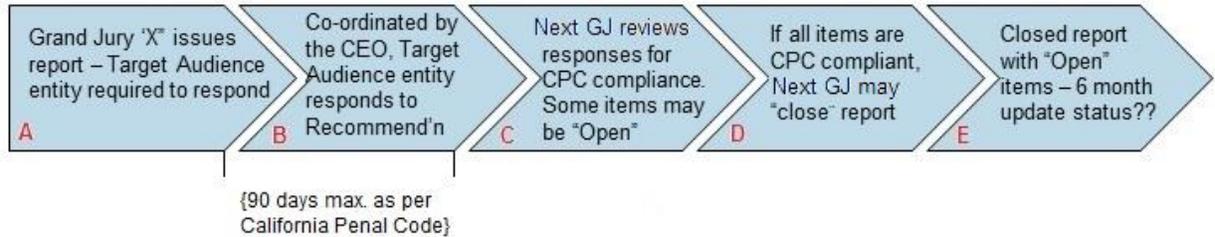


Figure 1: Grand Jury Report response process-flow

Under CPC sections §933.05 and §933, the responding entities must reply to the Grand Jury report within a statutory time period (either 60 or 90 days depending on the responding entity), and with recommendation responses limited to the following approved categories:

1. Implemented – The recommendation has been implemented, with a summary regarding the implemented action.
2. Will be Implemented - The recommendation has not been implemented, but will be implemented in the future, with a timeframe for implementation. (This report uses the acronym WBI to refer to this class of response).
3. Further Analysis – The recommendation requires further analysis, with an explanation of the scope and parameters of that analysis and timeframe. This timeframe shall not exceed six months from the date of publication of the Grand Jury report. (This report uses the acronym FA to refer to this class of response).
4. Will not be Implemented - The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation.

As defined in this report, an open response is one that falls into either the Will be Implemented (WBI) or Further Analysis (FA) category, but in which a final resolution has never been reached or communicated.

Figure 1 depicts the progression of Grand Jury reports from publication through formal closure. The maximum duration of this process for reports directed at the Target Audience is 90 days, but if open responses are submitted, can extend to 180 days or more. This long time frame often results in a loss of continuity of personnel involved in the process; thus complicating effective follow-up and closure of GJ report recommendations.

This Grand Jury believes when a respondent replies to a report recommendation with a “Will be Implemented” or a “Needs Further Analysis,” it is considered still open and in need of resolution or closure. It is a commitment for further consideration or action to which the respondent should be held. Currently there is no effective process in place within the County administration and Target Audience to track these commitments, resulting in diminished impact of the Grand Jury’s reports and its ability to effect positive change in Orange County. Indeed, the 2003-2004 Grand Jury published a report which states that public scrutiny “can improve the impact” of GJ reports (Declaration: More, 201); but such scrutiny is only meaningful if report recommendations reach a conclusion.

Over the years, the report continuity issue has been addressed in Orange County in different ways (see Appendix C). In the 1960s and 1970s, the practice of using outside auditors to help write and follow-up on report recommendations was common (Report on Follow Up, 181). Once this practice was abandoned, subsequent Grand Juries looked at different alternatives to provide report continuity. The 1990-1991 and 1992-1993 Grand Juries published reports recommending that the BOS adopt an ordinance allowing the Grand Jurors Association of Orange County (GJAOC) to assume the task of tracking open report recommendations (Grand Jury Implementation, AD-123; Implementation and Tracking, A-1). Grand Jurors Associations are non-profit, private groups made up of former Grand Jurors with a mission to promote and support the Grand Jury system. A successful Grand Juror’s Association engagement had been achieved in San Diego County since at least 1983. Other previous GJs and the County Administrative Office (CAO) suggested that the duty fall to the CAO or its successor, the County Executive Office (CEO) (Continuity: The Never, SI-9).

The BOS has supported different approaches at different times depending on the zeitgeist. Leading up to the county’s 1994 bankruptcy, fiscal concerns led the BOS to reject accepting any additional responsibilities that would require staff resources. The BOS asked the CAO to evaluate using the GJAOC as an alternative to managing Grand Jury report continuity. When the GJAOC was unable to deliver its GJ continuity report for the 1998-1999 term, the CEO reclaimed the task. CEO ownership of the process was in place and further endorsed with additional Grand Jury report recommendations (Tracking the Implementation, 198) for several years. Indeed, report continuity benefited between 2005 and 2011, roughly the span of one CEO administration. After the then current administration ended, the formal follow-up process seemed to lose its priority or the process was lost with the changes in leadership and, as a result, report recommendations from GJ terms 2011-2012, 2012-2013 and 2013-2014 were not properly tracked to closure.

Scope

Grand Jury continuity is a broad concept that encompasses the total set of responsibilities and tasks that must transfer between Grand Jury terms. Much has been written on the topic, notably a Grand Jury report from 1997-1998 entitled “Declaration: Improvement of Continuity In Grand Jury Activities” (Orange County Grand Jury Final Report, 217) that viewed the entire spectrum of issues from hand-off of promising study proposals, to ongoing complaint investigations, to report recommendations.

The current investigation examines the role of County administration with respect to report continuity, which entails tracking, and resolution of those recommendations still “open.” For this report, the Grand Jury examined responses by the Orange County Board of Supervisors (BOS) and the entities they govern, the Target Audience, for reports issued for the fiscal years 2011-2012, 2012-2013 and 2013-2014, the Focus Period. The GJ cannot find any County records indicating follow-up for open report recommendations from this period. For thoroughness, the investigation expanded its view to open items generated by non-Target Audience entities, to understand the unique challenges involved in tracking recommendations for this subset of respondents.

Prior Investigations

Providing continuity for Grand Jury reports has been a constant challenge for California Grand Juries (CGJ). A report entitled “The Effectiveness of Grand Juries” (Peat Marwick, 1982) stated that GJs as early as 1924 have been suggesting a change in either the make-up or term of Grand Jury panels to better support continuity and follow-up. Other California counties have also published reports that indicate that report continuity is problematic across CGJs. Since the early 1990s, at least six reports have addressed report continuity and the need for a permanent, reliable process to ensure proper follow-up by County administration of Grand Jury recommendations. Despite these repeated calls for improvements, no system for follow-up has survived functionally intact over the years.

Reason for the Current Focus of This Investigation

Despite earlier reports finding difficulty in tracking open report recommendations, and numerous suggested solutions, consistent and thorough response tracking by subject agencies has proven elusive. Lack of effective follow-up diminishes the impact of the civil function of the Grand Jury and also does a disservice to the community when thoughtful report recommendations go unheeded or unresolved due to a lack of systematic follow-up. The Grand Jury decided to first focus on open recommendations coming from the Target Audience in which the original solicitation of report responses has been managed by the CEO (box B in Figure 1). The Focus

Period was chosen since the Grand Jury could not find evidence of County Administration follow-up for these years.

METHODOLOGY

The investigation sought to understand the history behind how GJ report continuity has been addressed as well as how much of an issue it is. Historical research on the topic led the Grand Jury into its archives. The GJ looked at final reports going back to 1931 to determine when report continuity arose as an issue. The GJ tracked reports on the topic of report continuity against a time-line of historical events to gain an insight into priorities and potential limitations (e.g. financial or technical) prevalent at different times. The open recommendations from reports directed towards the Target Audience for the Focus Period were analyzed to understand the scope of the open report recommendations problem.

Documents Reviewed

Documents reviewed included the Orange County Grand Jury final reports for 1975-1976, 1990-1991, 1991-1992, 1997-1998, 2002-2003, 2011-2012, 2012-2013, and 2013-2014, as well as Grand Jury reports on the topic of report continuity from various other California counties. The Grand Jury also reviewed minutes from BOS meetings and the Memoranda of Understanding (MOU) between various BOSs and external parties such as the GJAOC.

Interviews

The Grand Jury conducted in-person and telephone interviews with:

- The Orange County County Executive Office (CEO) personnel including senior executive personnel
- A former Orange County County Executive Officer
- The Grand Jurors Association of Orange County
- A recent San Diego Grand Jury Foreperson
- County of San Diego, Chief Administrative Office Personnel

Grand Jury Review

In conjunction with this investigation, the Grand Jury also reviewed and implemented changes to the Grand Jury processes to increase the likelihood of effective follow up and implementation of recommendations.

INVESTIGATION AND ANALYSIS

Initial Response Consolidation Process

The CEO is tasked by the BOS to manage the entire Grand Jury report response process for the BOS and the Target Audience. The County Executive has assigned the task to the Chief Operating Officer (COO) to manage. The most recent process is detailed in a formal CEO policy letter updated in February of 2016 titled: “Grand Jury Report Responses.” In brief, all entities required to provide responses to GJ report findings and recommendations are informed by the COO of the responses required, the acceptable types of responses and the due dates. Since most GJ reports are issued in June at the end of the Grand Jury term, responses from the Target Audience are generally due by the end of September, 90 days being the maximum timeframe allowed by the Penal Code (box B, Figure 1). The COO provides the respondents with a response template and response examples. The respondent is required to research the issue and to draft a response that they first submit to County Counsel for review prior to returning it to the COO. The COO and CEO staff check the responses for completeness and Penal Code compliance and may slightly edit them. Ultimately, the formal response is placed on the BOS agenda for presentation, discussion, and approval by the BOS, before the formal response is submitted to the presiding judge of the Superior Court, with a copy to the sitting Grand Jury. The formal responses are posted on the Court’s Grand Jury website along with the corresponding GJ report at www.ocgrandjury.org. This process allows the public to read the GJ report as well as the formal response to the report's findings and recommendations.

The sitting Grand Jury studies all of the official report responses received during its term, reviewing them for compliance with the CPC sections §933 and §933.05 (box C, Figure 1). If all responses are compliant, the GJ can vote to close out the report in question (box D, Figure 1). It is important to understand that a GJ report can be closed even though specific report responses remain open (i.e., categorized as needing Further Analysis or as Will Be Implemented). Closure is possible because there is no restriction in the penal code to prevent report close out if certain items are unresolved. The Penal Code only requires that an open response (i.e., either FA or WBI) provide details as to either the analysis to be conducted or the route towards eventual implementation.

Investigation

The Grand Jury reviewed the published reports from the 2011-2012, 2012-2013, and 2013-2014 GJ terms. These are denoted as 11/12, 12/13 and 13/14 respectively. Reports for the 2014-2015 GJ term were not included since many report responses had not yet been submitted at the time of this GJ’s investigation.

Once the open recommendations were identified, the GJ researched a variety of sources to determine the outcome of the recommendation. Follow-up documents that were provided by the CEO were also examined. Additionally, the GJ viewed the respondent’s websites to look for evidence that a recommendation’s Further Analysis (FA) or future implementation (WBI) had made progress. Finally, for those open items for which no current status information was found, the Grand Jury sought the CEO's help to reach back to the Target Audience for an update.

The Focus Period netted 13 reports with a total of 27 open recommendations directed to the Target Audience. This represents almost 30% of Grand Jury reports issued during the Focus Period. These open recommendations were passed to the CEO for additional investigation and follow-up (see Appendix E). Table 1 below is a summary of the open report recommendations the GJ passed to the CEO. It shows the number of open recommendations by grand jury year and by type of response:

	Grand Jury Term		
	13/14	12/13	11/12
Will Be Implemented	14	0	2
Further Analysis	5	3	3

Table 1: Open Recommendation Responses from Target Audience

The CEO set about providing the Grand Jury with current updates on the open items in November 2015. From the updates, the GJ concluded that the large number of WBI responses from GJ year 13/14 was no surprise and could largely be explained by the longer time-frames needed to complete complex projects. In particular, the 13/14 GJ report titled “Orange County Information Technology Management: Good Job Overall; Disaster Recovery Must Be Addressed” dealt with complex technology and disaster recovery issues and netted six of the fourteen open WBI responses for that term (“Information Technology”, 1-38; Appendix E). It was furthermore determined that one of the two WBIs from the 11/12 term has indeed been completed (with slight modifications). The second WBI item remaining from the 11/12 term was ultimately deemed unworkable after the responding agency received RFP responses related to the recommendation.

In contrast, the updates provided for the “Further Analysis” (FA) items are less satisfying. There are a fairly constant number of FAs for each of the years in the Focus Period. Most of the recommendations in this category have neither been rejected outright, nor been completed. The Grand Jury has no authority to demand further action, short of initiating another civil investigation thus leaving the recommendations with an open FA unresolved.

Types of Recommendations Left Open

Will Be Implemented (WBI)

The Grand Jury's analysis revealed that report responses categorized as “Will Be Implemented” were less likely to drag on indefinitely and therefore easier to track to closure. The main causes of significant delay for items categorized as WBI were fiscal or implementation complexity. Recommendations aimed at fixing complex problems or calling for expensive solutions run up against the realities of the budgeting or procurement processes. It is therefore not surprising that the time frame for implementing a complex new initiative from start to finish can easily take 12 months or more. Paradoxically, despite these sometimes-long implementation times, report recommendations in the WBI category are easier to follow up. The WBI class of recommendations has often been taken on by the responding organization and its footprints can usually be seen in a trail of Request for Proposals (RFPs), budget requests by the affected agency(ies) and other ancillary evidence. Indeed, the Grand Jury got a sense that many of the report recommendations that resulted in a WBI response often reflected input provided by the affected entity during the investigation process. Therefore, there was a propensity to agree with the recommendation from the start. Following is a representative sample of WBI-responded recommendations from the Focus Period:

- ...each of the five jails should be funded for upgraded video surveillance...
- ...JWA should evaluate and recommend to the BOS, implementation of a separate cell phone waiting area...
- CEO/IT should establish policies and procedures, and recommend the format and timing for user satisfaction surveys of IT services users, including CEO/IT services, ...

When the Grand Jury had trouble determining the outcome of a WBI response item, it typically was due to the long time-period or phased approach required to achieve the goal. One report recommendation stands out; that the Sheriff should upgrade the video surveillance equipment throughout the county's detention facilities. A variant of this recommendation was made in many past GJ reports (Annual Inquiry 9-26, Annual Report 26, Detention Facilities 204). While the BOS' only influence over the Sheriff is budgetary, past GJ reports have usually asked the BOS to respond to gauge their support for the issues addressed. The cited video surveillance recommendations have often received a “Will be Implemented” (WBI) response. The Grand Jury's investigation concluded there are indeed agency budget requests and agency follow-ups that are moving the related projects (somewhat modified) toward completion sometime during the 2019-2020 fiscal year (See Appendix E, Annual Report on Jails and Juvenile Detention Facilities, 13/14).

Needs Further Analysis (FA)

The Grand Jury looked at all the open report recommendations from the Target Audience that resulted in a “Needs Further Analysis” (FA) response during the Focus Period. It appears the FA response to recommendations that are difficult or complex may be the fallback position to postpone making a final decision in a short timeframe or to avoid a commitment to action they do not really want to make. Grand Jury interviews also revealed that agencies might use the FA response when the position of the Board of Supervisors on the issue at hand was unclear or unknown. Regardless of whether the recommendation being considered actually required additional analysis, an FA response is technically compliant with the Penal Code requirements as long as the scope, parameters and duration of conducting the additional analysis are clearly explained.

Because it necessarily delays a conclusive outcome, without follow-up, an FA response can easily become a non-response. Following is a representative sample of FA-responded recommendations from the Focus Period:

- ...establish a commission with x,y,z goals...
- ...direct the Office of Performance Audit to evaluate an entity...
- ... develop a database...
- ...implement a pilot program...

The examples suggest very broad goals that regardless of merit might invite a response of Further Analysis. A review of many open report recommendations such as those listed above, revealed that those that were overly broad, or lacked clear outcomes or timeframes increased the likelihood of an FA response.

Recall too, that the California Penal Code requires that a “Needs further analysis” response must provide a scope, parameters and a time frame for the analysis, and that this time frame “shall not exceed six months from the date of publication of the Grand Jury report.” Too often, FA responses do not meet this requirement and thus should more accurately be answered with a “Will not be implemented” response.

Report Continuity Outsourcing in San Diego County

The Grand Jury's investigation found that the County of San Diego (SD) has successfully outsourced GJ report tracking since 1983. The SD BOS authorized the Past Grand Juror's Association of San Diego-Implementation Review Committee (IRC) to oversee the report continuity process on behalf of the SD BOS and the entities it governs. According to the SD County Administrative Office, this process has proven effective and has ensured GJ report

recommendation closeout with few problems. The Grand Jury noted several best-practices that San Diego County employed to arrive at this result:

- Strong endorsement by the SD CAO
- Ongoing support of the report continuity process by the SD CAO created a culture within the reporting entities to pay attention to open items and track them closely
- Continuous support and selling by the SD CAO within the IRC keeps the report continuity culture vibrant
- Small benefits from the county to IRC members lets them know their volunteer efforts are appreciated.

The success that the IRC has had in carrying out the report follow-up function on behalf of the CAO underscores that a strong endorsement from county leadership can have a positive effect. It also allows former Grand Jurors to further their contribution to civic life in San Diego County.

In contrast with the approach taken in San Diego County, and given the failed Orange County outsourcing experience in the mid-90's, current and past Orange County County Executive Offices appear to have taken the position that open recommendation follow-up is so important that it needs to be overseen by the CEO itself.

Report Continuity History in Orange County

The Grand Jury review of its archives found a pattern relating to the follow-up on GJ reports. Table 2 shows that for a seven-year period starting with the 2005-2006 GJ term (roughly corresponding to the duration of the then current administration), annual follow-up sessions were held with the GJ. Prior to that period, the Grand Jury could find no evidence of follow-up sessions. The same can be said for the period starting with the 2012-2013 GJ term. The pattern of follow-up years versus non-follow-up years leads the GJ to suspect that the report continuity process has been a victim of the sometimes chaotic re-organization that accompanies each new County administration. Grand Jury report follow-up simply fell off the priority list and lacked the presence of a champion.

Grand Jury Term	Follow-up update provided
14/15	TBD
13/14	none
12/13	none
11/12	3/25/2013
10/11	5/22/2012
09/10	3/22/2011
08/09	3/30/2010
07/08	3/24/2009
06/07	3/18/2008
05/06	3/20/2007
04/05	none
03/04	none
02/03	none
01/02	No evidence
00/01	No evidence

Table 2: History of Follow-up

The Grand Jury learned that another factor that contributes to timely and complete report continuity is the seniority of the staff within the COO who are directly dealing with the appointed agency leads tasked with drafting the responses. When senior staff oversee the report response process, the respondents seem to place a higher priority on properly completing the task.

Non-Target Audience Open Items

The Grand Jury was also curious about the effort required to track open report responses beyond the Target Audience (e.g. elected agency heads, cities, school districts). The GJ contacted a subset of such responding entities to ask what became of various open recommendations from the Focus Period.

The GJ discovered that this was a time-consuming effort, complicated by passage of time, change of personnel and contacts, and difficulty identifying individuals who could provide update information. The result was often an exhaustive sequence of messages left, phone calls not returned, inability to locate a knowledgeable party, and so on.

Tracking Target Audience Open Items beyond the Past GJ Year

Similar to difficulties experienced in tracking open report responses outside of the Target Audience, the GJ found it increasingly difficult to track older open responses. This report refers to such open items as long-standing open report responses.

As time passes, memories fade, personnel turnover and agency priorities shift. Re-visiting long-standing open report responses becomes difficult if an agency lacks internal processes to ensure tracking over time. It is the Grand Jury's belief that if respondents know that open responses will be tracked to closure over the long-term, they will adjust and establish proper procedures to ensure that open items will be brought to closure within the committed time frame and that this progress will be reported back to the CEO and ultimately, the Grand Jury.

Costs Associated with Achieving Improved Report Continuity

The CEO, through the county COO, currently manages the initial Grand Jury report response process for the BOS and its Target Audience. They have proven to be quite efficient in coordinating all of the activities required to produce initial responses and in meeting the deadlines established in the Penal Code. If the additional task of coordinating an annual open response update were placed on the CEO, it is estimated that a minimal additional burden on their staff would occur.

Since the CEO was originally involved in collecting the initial response, tracking an open reply through to closure would represent a small additional time commitment on their staff. The CEO estimates that the additional staff time required to track an open recommendation to closure would average one hour per item. The responding agency or entity would also experience a small additional workload in tracking and updating the CEO. If this response requirement were understood up front, each responding entity could be expected to carry out the additional reporting task with minimal additional time burden.

The effort to track and resolve long-standing open report responses will definitely be greater than for recent open items. Despite the greater difficulty and additional staff time required to track items over longer time frames, the GJ feels that the increase in time and effort is worthwhile and warranted.

FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2015-2016 Grand Jury requires (or, as noted, requests) responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled “To Be Continued... Follow-Up For Open Formal Grand Jury Report Responses,” the 2015-2016 Orange County Grand Jury has arrived at eight principal findings, as follows:

- F1. The beneficial impact of Grand Jury reports is diminished if recommendations are left open and not properly pursued to closure.
- F2. The credibility and impact of the Grand Jury watchdog function is diminished if recommendations are left open, without a process within County Administration for follow-up and for holding responding departments to their commitments.
- F3. Tracking and consolidation of open report recommendations directed to the Target Audience should be the responsibility of the CEO.
- F4. The process of tracking open Grand Jury report recommendations is most effective when formalized and instituted as an ongoing procedure by the CEO.
- F5. The follow-up of open report recommendations is best done in March of each year to coincide with the requirement that responses of Further Analysis (FA) must have been completed within 180 days from the original response date.
- F6. The Target Audience needs written policies and procedures from the CEO for proper use of the “Needs Further Analysis” (FA) response to ensure it complies with CPC section 933.05, including the scope, and parameters of that analysis and timeframe not to exceed six months.
- F7. Tracking open Grand Jury recommendations to closure becomes a higher priority for the Target Audience when promoted and endorsed by the Board of Supervisors and the CEO/COO.
- F8. The CEO is in the best position to track and consolidate long-standing open report recommendations directed to the Target Audience.

RECOMMENDATIONS

In accordance with California Penal Code Sections 933 and 933.05, the 2015-2016 Grand Jury requires (or, as noted, requests) responses from each agency affected by the recommendations

presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled “To Be Continued... Follow-Up For Open Formal Grand Jury Report Responses,” the 2015-2016 Orange County Grand Jury makes the following five recommendations:

- R1. The BOS should reaffirm their R1 response to the 2002-2003 Grand Jury report “Tracking the Implementation of Grand Jury Recommendations” in which the CEO assumes “the responsibility of following up on prior year open implementation items and provide a written status to the sitting Grand Jury no later than March of each year.” (F3, F4, F7, F8)
- R2. The CEO should institutionalize the follow-up procedures mentioned in R1 into its formal practices such that turnover of personnel will not negatively impact the follow-up process. This should be completed before the March 2017 follow-up meeting with the Grand Jury. (F1, F2, F3, F4)
- R3. The CEO should make clear to the Target Audience that open Grand Jury report recommendations will require follow-up. This should be completed before the March 2017 follow-up meeting with the Grand Jury. (F5, F7)
- R4. The CEO should advise the BOS and Target Audience that all open Grand Jury report responses of the type FA (i.e., needs further analysis) which still have not progressed by the March follow-up meeting will be changed, as appropriate, by the TA, to either Penal Code §933.05(b), (1) Implemented, (2) Will be Implemented or (4) Will not be implemented and reported as such to the Grand Jury during the March follow-up meeting. (F6)
- R5. The CEO should take on the responsibility of tracking updates on long-standing open Grand Jury report responses from the Target Audience, and provide the Grand Jury with a current status during each annual March follow-up meeting. (F8)

REQUIRED RESPONSES

The California Penal Code §933 requires the governing body of any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court). Additionally, in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such elected County official shall comment on the findings and recommendations pertaining to the matters under that elected

official's control within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Section §933.05 subdivisions (a), (b), and (c) detail, as follows, the manner in which such comment(s) are to be made:

(a) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

(c) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary /or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code Section §933.05 are required or requested from:

Responses Required:

Responses are required from the following governing bodies within 90 days of the date of the publication of this report:

Orange County Board Of Supervisors:

90 Day Required Responses:	F1	F2	F3	F4	F5	F6	F7	F8
Orange County Board of Supervisors	X	X	X	X	X	X	X	X

90 Day Required Responses:	R1	R2	R3	R4	R5
Orange County Board of Supervisors	X	X	X	X	X

Responses Requested:

Responses are requested from the following non-elected agency or department heads:

Orange County County Executive Office:

Requested Responses:	F1	F2	F3	F4	F5	F6	F7	F8
County Executive Office	X	X	X	X	X	X	X	X

Requested Responses:	R1	R2	R3	R4	R5
County Executive Office		X	X	X	X

WORKS CITED

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APPENDICES

Appendix A: Acronyms

Board of Supervisors – BOS

Chief Administrative Office -CAO

California Grand Jury – CGJ

Chief Operating Officer - COO

California Penal Code - CPC

County Executive Office – CEO

Further analysis – FA

Grand Jury - GJ

Grand Juror’s Association of Orange County –GJAOC

San Diego-Implementation Review Committee - IRC

Orange County Grand Jury – OCGJ

Request For Proposal - RFP

Will be implemented - WBI

Appendix B: Glossary

1. County Counsel – The legal advisor to the BOS, CEO, GJ and other county agencies.
2. Finding – A conclusion that a Grand Jury investigation arrives at after careful weighing of all evidence before it. A Finding is different from a Fact, in that a Finding includes a subjective conclusion based on a set of Facts analyzed.
3. Focus Period - fiscal years 2011-2012, 2012-2013 and 2013-2014
4. Independent Entity – An entity under the purview of the Grand Jury outside of the Target Audience (e.g., an elected agency head, a city council, school board)
5. Long-standing open report response – An open report response that originated with a Grand Jury report earlier than the prior year (e.g. if the current term is 2015-2016, any open report response from a report issued by the 2013-2014 or earlier would be considered a Long-standing open report response.
6. Open Recommendation – A report recommendation for which the response category was either “Further Analysis”, or “Will be Implemented” and which has not been updated since the original response.
7. Panel – A reference to the sitting Grand Jury
8. Recommendation – A proposed implementation of, change or update to an established process of an entity based on findings and which are relevant to the agency in question, specific, and can realistically be implemented.
9. Request for Proposal – An entity requiring a custom solution will issue a request for proposal to interested parties (aka vendors). The RFP will detail all of the entity’s requirements. The vendor’s response will detail the vendor’s ability to meet the entity’s requirements, a timeline and cost indicators. The RFP process often takes six or more months to collect and understand the entity’s requirements, write the RFP, allow the vendors to consider and respond, and ultimately for the entity to digest and rank the responses.
10. Target Audience – Those departments and agencies with appointed department heads, who respond to the Grand Jury through their governing body, the Board of Supervisors, (via the CEO).

Appendix C: History of Report Continuity Recommendations in Orange County

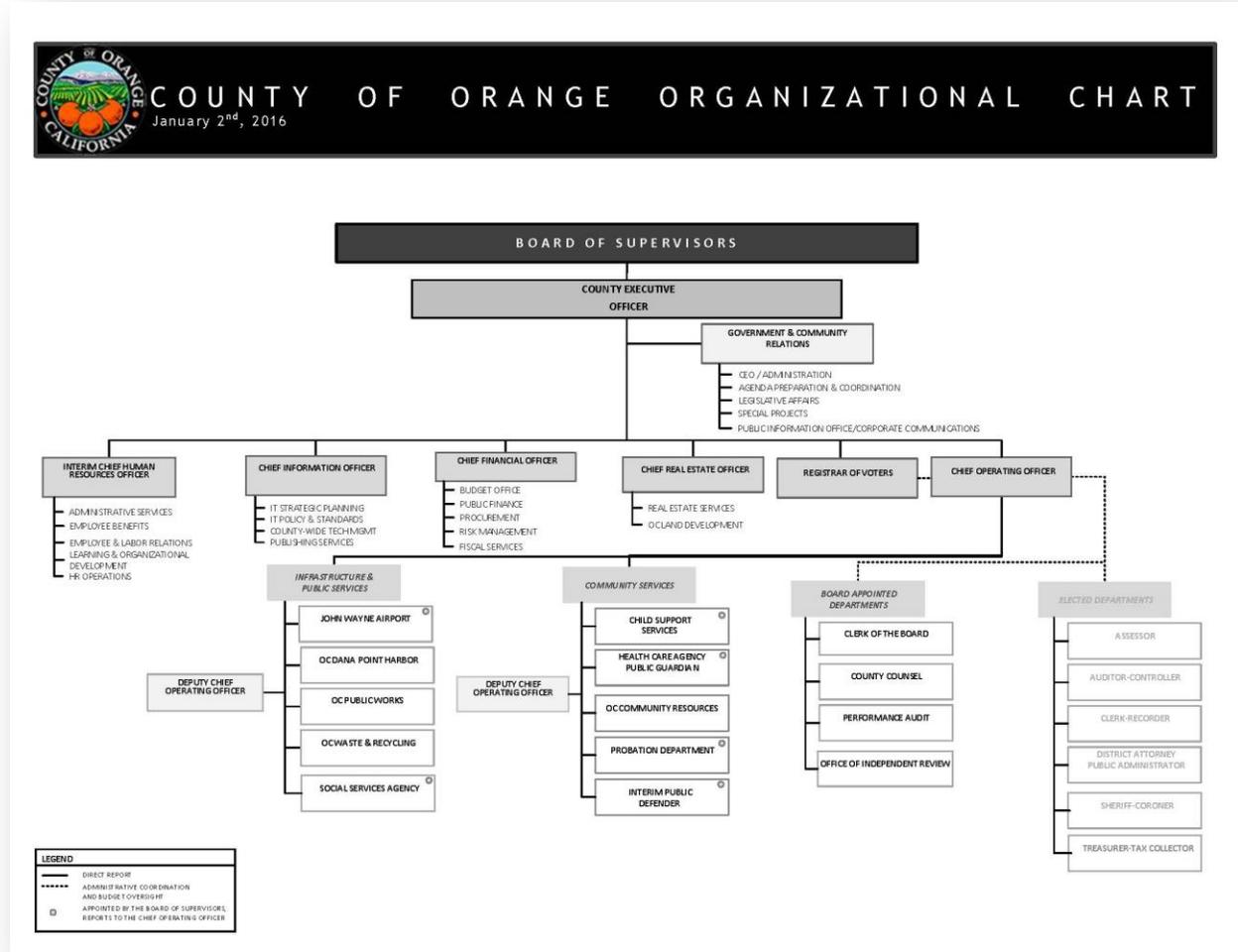
GJ Term	Respondent	Originating Document	Recommendation	Response
1945/1946	BoS	Preamble to Final Report	Note: Issued preliminary reports on 7 & 21 February 1946. Final report preamble followed-up on recommendations made in the preliminary report. The GJ listed a status of all items mentioned in the preliminary and urged continued focus. * Repair and renovation of the Courthouse buildings. (7Feb46) *County pound (rabies, stray dogs) (21Feb46)	
1975/1976	Report; no rec's	Report on Follow Up of Prior Contract Auditors' Recommendations for the 1975-76 OCGJ (Pgs 181-194)		Note: In earlier years OCGJs often used auditors to examine topics and to make recommendations. This 7576 report documents a follow-up audit by Author Young & Co., checking on the current implementation status of earlier auditor-recommendations.
1976/1977	Report; no rec's	Report on Follow Up of Prior Contract Auditors' Recommendations from 1973, 1974, and 1975/76.		Price Waterhouse & Co. conducted this follow-up analysis.
1987/1988		Orange County Grand Jury Final Reports Follow-up 1982-87		The goal was to analyze the actual status of recommendations made during the 5 previous GJ terms. A sweeping 'meta-report' of this nature gives the citizens of OC the ability to determine whether commitments made have actually been fulfilled to the intentions of the recommenders.
1990/1991	BoS	Grand Jury Implementation Procedure Study	R1. Adopt an Ordinance establishing a follow up committee similar to the "Past Grand Jurors Association Implementation Review Committee," as adopted by San Diego County.	Do not concur. Establishing an additional County organizational unit is not recommended in light of continuing County fiscal constraints.
1992/1993	BoS		R1. The BoS should adopt an ordinance or resolution which establishes a committee to follow up on the implementation of concurred recommendations. This committee should be conceptually like the former "Grand Jurors Association of Orange County Response Review Committee".	We believe that existing policies for follow-up on recommendations with which the Board has concurred assure that they are being implemented in appropriate and realistic time frames. However, the concept of establishing an Implementation and Tracking Committee is worthy of consideration if it would facilitate greater continuity between Grand Juries. The recommendation suggests a voluntary, no cost approach for this follow up committee. The County Administrative Office will return to the Board within 60 days with a feasibility study that identifies the benefits and cost implications of establishing such a committee.
3/29/1994	CAO	AIT to: BoS O.C.	Summary of request: CAO submits report on the feasibility of establishing a Grand Jury Implementation and Tracking Committee.	The BoS approved the recommendation that the CAO conduct a once a year follow-up with the sitting Grand Jury to discuss the implementation status of the prior year's recommendations with which the Board has concurred
				(Note: The CAO studied & rejected using the GJAOC-I&T, instead suggesting an annual meeting between CAO & sitting GJ to review the status of the prior years' recommendations)
Orange County Bankruptcy - 1994/1995 GJ serves 18 months (1July94 thru 31Dec95); the 1996-1997 GJ serves 18 months (1Jan96 thru 30June97)				

To Be Continued... Follow-Up For Open Formal Grand Jury Report Responses

7/23/1996	BoS	BoS Minutes	Grand Jurors Association of Orange County - Implementation and Tracking Committee: The CEO requests authority to facilitate the activities of the GJA's Implementation and Tracking Committee to review the implementation of Grand Jury report recommendations.	Motion: On motion by Sup. Stanton, seconded by Sup. Saltarelli, the Board moved to: 1. Authorize the CEO to facilitate the activities of the GJA's Implementation and Tracking Committee 2. Direct that the CEO keep the Board apprised of information and/or documents developed by the GJA's ITC and to coordinate additional follow-up activities as needed resulting from the Committee's review. Sup. Silva was absent. MOTION CARRIED.
1999/2000	BoS	Continuity The Never Ending Report...	The BoS institute a findings and recommendations follow-up program to ensure that, on an ongoing basis, all County elected officers and agency heads comply with Penal Code Sections 933 and 933.05.	The recommendation will not be implemented because it is not warranted. As explained in the response to finding #2, the County currently has a findings and recommendations follow-up program in place. Due to internal difficulties within the Association, it has been unable to provide its report on the FY1998/99 reports as specified in the Board's July 23, 1996 directives and agreed to by the Association. Staff is coordinating with the Association to determine if they are capable of continuing to provide this function for the County. Should this not be possible, the CEO will task staff to continue this function.
			The CEO comply with 4 directives of the BoS as set forth by the BoS in their March 29, 1994, minute order.	The recommendation will not be implemented because it is not warranted. As stated in the response to finding 2, the Board's directives of July 23, 1996 superceded those of its March 29, 1994 directive. Based upon the Association's request to perform this function for the Board, the Board formalized this relationship on July 23, 1996. The County believes utilizing the services of the Association to perform this service is still the best way to accomplish this function. Staff will be working with the Association to determine what resources it can provide the Association to allow them to continue the follow-up process on Grand Jury reports. ...
2002/2003	BoS	Tracking The Implementation of Grand Jury Recommendations	R1. The County Executive Officer review directions given in the Board of Supervisors motion of March 29, 1994, for tracking and reporting of pending or open implementation actions.	The Recommendation has been implemented. The motion carried by the Board on March 29, 1994 had the following four components: 1. Direct the CAO to meet with the Grand Jury each year to discuss open items. 2. Direct the CAO to provide the Grand Jury with a written report summarizing the implementation status of open items. 3. Direct the CAO to provide minutes from this meeting to the Grand Jury. 4. Direct the CAO to provide the Grand Jury with any additional requested information. The CEO will assume the responsibility of following up on prior year open implementation items and provide a written status to the sitting Grand Jury no later than March of each year. A meeting will be scheduled each year with the Grand Jury to review prior year open items. And as always, the CEO is available to support the Grand Jury on any information requests throughout the year.

Appendix D: Target Audience

The list of departments/agencies for which the BOS (via the CEO) has assumed responsibility for collecting and forwarding responses is depicted below. Elected department/agency heads provide separate responses to GJ report recommendations, but the BOS (via the CEO) are required to provide responses to those recommendations touching upon elected department/agency personnel or budgetary matters.



Appendix E: Open Recommendations Analyzed

Open items for years 2011-2012, 2012-2013, and 2013-2014 directed at the Target Audience:

Title of Report	Respd		Rec Num	Status	
	GJ Year	Entity		Code	Status Of Recommendation
Status Code: WBI=Will be Implemented, FA=Further Analysis					
ANNUAL REPORT ON JAILS AND JUVENILE DETENTION FACILITIES	1314	BoS	pg11 R1 pg25 R3	WBI WBI	Plan has been developed to upgrade video camera/recording equipment over the next 5 fiscal yrs (FY15/16-FY19/20) (check on FY15/16 progress) should be completed in FY14/15
Maximizing the Benefits of John Wayne Airport to Better Serve Orange County DANA POINT HARBOR REVITALIZATION	1314	BoS	R4	WBI	Cell Phone parking lot has indeed been implemented/ opened in Sept2015.
~ 15 YEARS OF PLANNING: WHAT HAS BEEN LEARNED?	1314	CEO	R1	FA	Report to BoS by 12/31/14
			R5	WBI	Contract Policy Manual will undergo thorough review in 2015 for mods to be approved by BoS
			R8	WBI	Prior to expiration of current East Basin Ops Agrmt in Feb2021, a cost analysis will be done for both basins
Improving The County of Orange Government's Multi-Billion Dollar Contracting Operations	1314	BoS	R1	FA	Contract Policy Manual will undergo thorough review in 2015 for mods to be approved by BoS. See above where same response was a WBI
		CEO	R2	FA	Contract Policy Manual will undergo thorough review in 2015 for mods to be approved by BoS. See above where same response was a WBI
Juvenile Offenders and Recidivism: Orange County Solutions	1314	BoS	R3	WBI	Agree, grant funds & donations to be solicited. Probation Dept to take the lead.
Orange County Information Technology Management: Good Job Overall; Disaster Recovery Must Be Addressed	1314	BoS	R2	WBI	Joint reply with CEO/IT. Will be implemented in FY14/15
			R3		CEO never replied on behalf of BoS on this. Only reply came from Sheriff-Cor.
		CEO/IT	R1	WBI	Will be presented to IT Exec C in FY14/15 for approval
			R2	WBI	in FY14/15
			R4	WBI	in FY14/15
			R5	WBI	in FY14/15
			R6	WBI	in FY14/15
			R8	WBI	Committee underway to determine if it makes sense to centralize County IT Services under the CEO office of InfoTech.
Revisiting Orange County Food Safety: Improving Placard Visibility for the Public's Best Interest	1314	BoS	R1	FA	Originally 90 days from 29Apr15. Continued until Jan15, when presented to BoS, where rec's failed for lack of majority
			R2	FA	Originally 90 days from 29Apr15. Continued until Jan15, when presented to BoS, where rec's failed for lack of majority

To Be Continued... Follow-Up For Open Formal Grand Jury Report Responses

Title of Report	GJ Year	Respd Entity	Rec Num	Status Code	Status Of Recommendation
Status Code: Wbl=Will be Implemented, FA=Further Analysis					
To Protect and Serve: A Look at Tools to Assist Law Enforcement in Achieving Positive Outcomes with the Homeless Mentally Ill	1213	BoS/HCA	R3	FA	Rec: The OC BoS will implement a pilot program for Laura's Law with the necessary accommodations to ensure the program will function effectively as an essential tool to help those with mental illness, thus benefiting law enforcement, and the citizens of OC. Answer: Once status of SB 585 is fixed, OC plans to reexamine any potential implementation of the law. Study Report due 9 Dec 13.
Fixing the Law-Cutting Through the Tangle of Child Support and Custody,	1213	BoS/CSS	R1	?	Response language was not compliant with Penal Code: "Disagrees with Finding" is not appropriate for a Recommendation. OCGJ would like an update as of Autumn 2015. Quote:"Disagrees with Finding-CSS is in support of specific language being placed in legislation to allow all local child support agencies, including CSS, to have the ability within its delivery of services to customers to establish..."
CalOptima Burns While Majority of Supervisors Fiddle	1213	BoS	R1	FA	Board of CalOptima should include more than one BoS on their board/ Ad hoc committee to evaluate and report back within six months from date of Grand Jury publication. (I.e., by July 25, 2013). Status?
			R2	FA	Remove County Employees from CalOptima. Ad hoc committee to evaluate and report back within six months from date of Grand Jury publication. (I.e., by July 25, 2013). Status?

Title of Report	GJ Year	Respd Entity	Rec Num	Status Code	Status Of Recommendation
Status Code: Wbl=Will be Implemented, FA=Further Analysis					
Sex Trafficking of Girls	1112	Probation, CEO	R2	FA	Police, Sheriff have additional training. 9-11-12
Orange County Detention Facilities: Part II- Juvenile	1112	BoS, OIR, Probation	R3	Wbl	Unit 1 paint maintenance problems by FY 1213. Current status OCPW issued work orders.
Elder Abuse: The Perfect Storm	1112	BoS, HCA, PG, CEO, APS-SSA	R1	FA	An evaluation will be conducted to determine the need for a volunteer commission to study the effectiveness of Elder Abuse resources. The following March 2013, the CEO office provided a further update, but indicated that still more time was required to analyze the Rec.
			R2	FA	BoS to analyze whether to add recommended evaluations as an Ad Hoc assignmt or direct OPA Dir. to include these performance audits in the next annual performance audit work plan (PAWP). The March 2013 update indicated no change or updates to the PAWP. Was a directive ever given?
			R3	Wbl	March 2013 update: Upgrade of the Public Guardian Computer system going to RFP by 14 Feb 13. System selection will be done by June 2013 pending budget and BoS approval. Was the Recommended upgrade ever completed?