

TRACKING THE IMPLEMENTATION OF GRAND JURY

RECOMMENDATIONS

SUMMARY

Each year the Orange County Grand Jury investigates and reports on Orange County government activities. These reports include “Findings and Recommendations.” For each finding and recommendation, responses are requested from the affected departments and agencies pursuant to Sections 933 and 933.05 of the Penal Code. Most responses provide closure to a finding or a recommendation. Some recommendations, however, cannot be closed within the six months specified by the Penal Code. It is recommended that the County Executive Officer track promised implementations to completion. This approach should guarantee that the Grand Jury findings and recommendations are fully responded to and implementation commitments are tracked to closure.

INTRODUCTION AND PURPOSE

The Orange County Grand Jury is mandated to follow up on the responses made by County entities to the findings and recommendations of the prior year’s Grand Jury. Follow up to these responses by a Grand Jury is specified by the Penal Code and the charge given to the Grand Jurors by its Supervising Judge. Since the evaluation of the responses often cannot be done by the originating Grand Jury, the evaluation must be completed by the current one. Ensuring that implementation occurs remains a problem.

METHOD OF STUDY

- Reviewed the *California Penal Code* Sections 933 and 933.05 to identify the constraints on the County and the legal requirements imposed upon the responding entities and the Grand Jury.
- Reviewed the 1999-2000 Orange County Grand Jury report, *Continuity, The Never Ending Report . . .*
- Examined responses to the three most recent Orange County Grand Jury Final reports.
- Examined a proposal made by the Orange County Board of Supervisors at their meeting of March 29, 1994.
- Reviewed *A Report on the Grand Jury* by the Los Angeles County Citizens’ Economy Efficiency Commission, Recommendations of July 2001, by Chairman Robert H. Philibosian.
- Met with County Executive Office staff to discuss current tracking, reporting and implementation procedures.

BACKGROUND

The current Grand Jury has identified several responses from the 2001-2002 and earlier reports that need follow-up. A list of 46 long-term implementation commitments has been given to the County Executive Officer (CEO) staff as an agreed upon starting point for a progress status review. It is suggested that in the future these types of items be identified by the CEO staff at the time of the Board of Supervisors approval of the responses and then flagged by CEO staff for implementation evaluation.

Several agency or department responses indicated various degrees of completion. For example: 1) the issue was closed, or 2) partially closed with some remaining work to be done in the future, *i.e.* closed by a specific time or an unspecified time. In the second case, reasons such as lack of funding or personnel were cited for delays.

The Board of Supervisors (BOS) has twice addressed the continuity problem. Initially, on March 29, 1994, the Board put forth the following plan.

MOTION: On motion by Supervisor Vasquez, seconded by Supervisor Stanton, the Board moved to:

- 1. Direct the County Administrative Officer to meet with the sitting Grand Jury no later than January of each year to discuss the implementation status of the prior year's recommendations with which the Board has concurred.*
- 2. Direct the County Administrative Office to provide the sitting Grand Jury with a written report summarizing the implementation status of the prior year's recommendations at least three days prior to the meeting.*
- 3. Direct the County Administrative Office to provide minutes from this meeting to the sitting Grand Jury and each of the Board offices for informational purposes.*
- 4. Direct the County Administrative Office to provide the sitting Grand Jury with any additionally requested follow-up to or clarification of the recommendations. Supervisor Steiner was absent. MOTION CARRIED.*

Due to the County's bankruptcy this motion was never set in practice.

On July 23, 1996, the BOS gave the Grand Jurors Association of Orange County a directive and the responsibility to form an Implementation and Tracking Committee. For a number of reasons, including confidentiality within the Grand Jury, this directive was not followed.

A coordinated manner to track the status of implementation has never been in place. A Grand Jury recommendation could fail to be implemented over time unless the CEO staff has been tracking, monitoring and reporting on the progress of the planned effort. Instating such a plan would be an assurance to the CEO and the BOS that positive implementation activities have occurred.

Currently, the CEO staff does a commendable job of tracking Grand Jury report responses. They can similarly track implementation progress and report on the status periodically to the BOS and to the Grand Jury. It is suggested that a review of all County Grand Jury final reports and County responses to recommendations include the following.

- Follow-up on recommendations contained in the prior year's Grand Jury reports.
- Recommendations from other prior years that represent critical ongoing County issues and procedures.
- Reasons recommendations are delayed or not implemented.

This information should be submitted as an annual report to the BOS describing the status, and a detailed written report to the current Grand Jury by mid-March of each year.

FINDING

Under *California Penal Code* Section 933 and Section 933.05, responses are requested to all findings. The 2002-2003 Orange County Grand Jury arrived at one finding:

1. Currently, no procedure within the County Executive Office tracks, monitors or reports the implementation status of open Grand Jury report finding and recommendation responses.

A response to Finding 1 is requested from the County Executive Officer.

RECOMMENDATIONS

In accordance with *California Penal Code* Section 933 and Section 933.05, each recommendation must be responded to by the government entity to which it is addressed. These responses are to be submitted to the Presiding Judge of the Superior Court. Based on the finding, the 2002-2003 Orange County Grand Jury recommends that:

1. 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.
2. The County Executive Officer provide a summary report to the Board of Supervisors on implementation items that remain open.
3. The County Executive Officer prepare a detailed, written report for the Grand Jury by mid-March each year on the status of implementation items that remain open.

Responses to Recommendations 1, 2 and 3 are requested from the County Executive Officer based upon Finding 1.

BIBLIOGRAPHY

1. *California Penal Code: 2002 Desktop Edition*, West Group, Sections 933 and 933.05.
2. Charge to the Orange County Grand Jury of 2002-2003, Superior Court Judge Ronald P. Kreber.
3. Orange County Grand Jury Reports for 1999-2000, 2000-2001 and 2001-2002.
4. *A Report on the Grand Jury* by the Los Angeles County Citizens; Economy Efficiency Commission, Recommendations of July 2001, Robert H. Philibosian, Chairman.