

# **GRAND JURY RECRUITMENT AND PRODUCTIVITY**

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## **A DECLARATION**

Prepared by an Ad Hoc Committee  
of the 2001–2002 Orange County Grand Jury

May, 2002

## **ACKNOWLEDGEMENT**

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## TABLE OF CONTENTS

	Page
ACKNOWLEDGEMENT .....	ii
LIST OF TABLES .....	iv
EXECUTIVE SUMMARY .....	1
INTRODUCTION .....	2
BACKGROUND .....	3
METHOD OF STUDY .....	3
CIVIC OUTREACH ACTIVITY .....	3
Targeted Populations .....	4
Importance of Representative Demographics .....	5
Grand Jury Indictment Decisions.....	5
Fair and Equal Opportunity to Serve .....	6
The “Age” Demographics.....	6
The Current 2001–2002 Panel .....	6
Applications Received for the Incoming 2002–2003 Panel .....	6
The “Gender” Demographics.....	7
The Current 2001–2002 Panel .....	8
Applications Received for the Incoming 2002–2003 Panel .....	9
PRODUCTIVITY AND COMMITMENT.....	9
Individual Commitment.....	12
Productivity-Related Attributes .....	12
Experience.....	12
Individual Characteristics .....	14
Specific Knowledge.....	14
CONCLUSION.....	16
APPENDIX A.....	18
ORANGE COUNTY GRAND JUROR “AGE” DEMOGRAPHIC DATA FOR PRIOR FIVE YEARS, AS COMPARED TO ORANGE COUNTY PROFILE .....	19
ORANGE COUNTY GRAND JUROR “GENDER” DEMOGRAPHIC DATA FOR PRIOR FIVE YEARS, AS COMPARED TO ORANGE COUNTY PROFILE .....	20
BIBLIOGRAPHY.....	21

## LIST OF TABLES

Table	Page
1. Recruitment Sources and Percent of their Associated Response.....	5
2. Current Grand Juror “Age” Demographics as Compared to Orange County Profile.....	7
3. “Age” Demographics of 2002–2003 Applicants, as Compared to Orange County Profile.....	8
4. Age and Gender Distribution in Orange County .....	9
5. Current Grand Juror “Gender” Demographics, As Compared to Orange County Profile, by Age .....	10
6. “Gender” Demographics of Applicants, as Compared to Orange County Profile, by Age.....	11
7. Weighted Beneficial Grand Juror Traits, and the Recommended Minimum Number of Panel Members with Each Trait .....	13

# GRAND JURY RECRUITMENT AND PRODUCTIVITY

## A Declaration

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*Note: This document is a declaration as specified in Penal Code Section 939.9. The declaration pertains largely to internal operations of the Orange County Grand Jury and has no findings or recommendations. The study described herein was of such importance that the Grand Jury intends to distribute it broadly and make it part of the permanent record of the 2001–2002 Orange County Grand Jury.*

### EXECUTIVE SUMMARY

A two-pronged review of grand juror recruitment strategies utilized by the Superior Court of California, Orange County was conducted. It included:

1. An examination of the community outreach process used to establish the grand jury venire<sup>1</sup>, and its effectiveness in achieving a fair representation of certain age and gender demographic groups; and
2. Identification of applicant attributes and skills which would enhance grand jury productivity.

With regard to county representation, the demographic profile of both the current 2001–2002 Grand Jury and the applicant venire for the 2002–2003 incoming panel were reviewed. Although the demographic representation among the applicant venire for the 2002–2003 panel was slightly more favorable, the findings of both groups were generally consistent. Neither population was reflective of county statistics. The profile, across both populations, indicates:

- People under the age of 44 are under-represented by an average of 98 percent.
- Those over the age of 60 are over-represented by an average of 345 percent.
- Women, in general, are under-represented an average of 35 percent.

In addition, a trend analysis of grand jury panels of the prior five years was conducted. It was found that, historically, gender and age representation follows a similar pattern as above. (Refer to Appendix A.)

The second area of recruitment strategy explored is the concept of grand jury productivity. Juror attributes and skills, as well as computer-based support tools that would be beneficial to maximizing productivity were identified. Although personal

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<sup>1</sup> “Venire” is defined as the pool of applicants from which grand jurors are selected.

attributes of experience, characteristics and specific knowledge are not qualifying criteria for grand jury placement<sup>2</sup>, it is the opinion of this Grand Jury that they can be predictors of productivity and should be recognized as desirable grand juror criteria.

## INTRODUCTION

This study is unusual in that most of the subject matter lies under the control of (1) the *Penal Code*, an instrument of the State of California Legislature because the State Legislature is the only institution that can change the *Penal Code*; (2) the Superior Court of Orange County; and (3) the Orange County Grand Jury itself. These entities are not within the legal jurisdiction of the Grand Jury. Consequently, this declaration has no findings or recommendations. However, this Grand Jury believes that further study of the grand juror recruitment process, as well as consideration of grand jury productivity will enhance subsequent grand juries in Orange County.

Productivity is defined as the rate of output per unit of input. In a company, productivity can be measured by the ratio of revenue per employee. In the context of a county grand jury, productivity is indicated by the positive impact its members will have on county matters of civil concern in the short and long term<sup>3</sup>.

This declaration presents three areas of consideration for maximizing the productivity potential of the Orange County Grand Jury. They are:

1. Targeting the outreach effort to applicant populations more representative of the demographic makeup of Orange County;
2. Focusing on productivity-related characteristics and skills of applicants during juror selection and subsequent listing; and
3. Reviewing the availability of productivity tools in the grand jury facility.

A search of the current areas of study published in Orange County Grand Jury reports during the past 20 years found that:

- Although the subject of demographic representation has been addressed, the main focus of concern was that of ethnicity<sup>4</sup>. No previous Orange County Grand Jury studies have addressed county demographics and grand jury representation of age or gender.
- There were two Grand Jury reports that discussed juror productivity<sup>5</sup>. Both were in response to the 1978 Hawkins Decision, which shifted the major role of the grand jury from indictment functions to that of civil oversight. They conclude that this shift led to an associated shift in necessary juror skills. The current rationale for exploring the area of productivity is consistent with the 1987–1988 report.

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<sup>2</sup> Cal. Penal Code § 893(a) (2002).

<sup>3</sup> Cal. Penal Code § 888 (2002).

<sup>4</sup> Orange County Grand Jury Final Reports 1990–1991, pp. SI-7–10, 1993–1994, pp. SI-1–12, and 1994–1995, pp. 117–120.

<sup>5</sup> Orange County Grand Jury Final Reports 1982–1983, p. SR-19 and 1987–1988, pp. SR-1–9.

## BACKGROUND

The ad hoc Grand Jury Recruitment Committee was initially formed for the purpose of conducting outreach activities to promote grand jury awareness. The Superior Court carries out this function each year, with assistance from grand jury members, to encourage citizens toward serving on the incoming panel. The effort took place during the months of December and January.

During the same period, the panel, as a whole, began to evaluate its own performance in terms of progress and productivity. It was agreed that, in both areas, enhancements in resources, commitment, and skills would have a beneficial effect on grand jury productivity.

## METHOD OF STUDY

The committee, comprised of 11 panel members, examined the functional limitations of the 2001–2002 Grand Jury. These members included the foreperson, chairs of the Administrative Agencies, Criminal Justice, Editorial, Environment & Transportation, Human Services, Orientation, and Special Issues committees, as well as three non-executive members. In that the panels' profile, itself, served as the focus and catalyst for this report, the method of study was to look inward for limiting factors.

### **Civic Outreach Activity**

Certain outreach activities for recruitment of grand jurors are conducted each year. The strategy combines the use of mailing lists, television, radio, and print media, as well as contacts with community organizations. The following outreach was conducted for recruitment of the 2001–2002 Grand Jury panel<sup>6</sup>:

1. KOCE, an Orange County public television channel, presented a co-interview of the Assistant Presiding Judge of the Superior Court of California, Orange County, with an administrative manager of the Superior Court;
2. OCN, a second Orange County news channel, interviewed the Assistant Presiding Judge;
3. Vietnamese community outreach was conducted via both television (KSCI, Channel 18) and radio (KVMR–AM 1480) interviews of a Superior Court Judge, in Vietnamese;
4. Grand jury awareness presentations were delivered at meetings of city counsels and chambers of commerce;
5. Presentations were made to petit jury assemblies;

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<sup>6</sup> Based on *Orange County Cities, City Counsel Meetings and Community Organizations* (a signup sheet used to organize recruitment participation) and *Recruitment Efforts through Mail-outs and Personal Contact – 2001/2002 Grand Jury*, provided by Superior Court administration.

6. Various outreach efforts targeted service organizations, such as Rotary, Lions, Kiwanis and Assistance League;
7. Culture-specific organizations were contacted, e.g., Los Amigos and the Orange County Japanese Association;
8. Brochures and letters were mailed to city offices, community centers, businesses, ethnic organizations, and to persons who have previously applied; and
9. Miscellaneous and unsolicited newspaper articles were published.

Recruitment activities for the 2002–2003 Grand Jury were similar, with the following<sup>7</sup>:

1. Advertisements were published in the Orange County Register, the Excelsior, a Spanish affiliate of the Orange County Register, and Vietbao, a Vietnamese newspaper;
2. The OCN interview was deleted;
3. Radio stations KFWB, KNX, KFI, and KSBR interviewed the Assistant Presiding Judge; and
4. The KOCE TV interview included a member of the current Grand Jury.

As shown in Table 1, the most effective mediums for generating applications were newspaper articles and advertisements, the mailing list, petit jury assemblies, and personal referrals. It is also interesting to note the differing results of the outreach strategies between the two years. Responses from newspaper and jury services increased 56 and 43 percent, respectively, while those of personal referral decreased by 44 percent.

### **Targeted Populations**

In response to the outreach effort for the 2001–2002 Grand Jury, 173 applications were received. Although the “number of applications received” was adequate for the purpose of juror selection, the resulting demographics of gender and age are not reflective of the Orange County profile. In like manner, although the response to outreach for the incoming 2002–2003 panel is among the highest in recent years (241), the applicant demographics are, again, disproportionate to county statistics.

The problem may lie in the first phase of the jury selection process – civic awareness. Simply stated, the gender and age profiles of the populations targeted by outreach activity do not reflect the full demographic breadth of the county. While continuing to utilize the four most effective avenues for generating applications: newspaper articles and advertisements, personal referrals, petit jury assemblies, and the mailing list, a new emphasis might be placed on altering the demographic targets of the civic audience.

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<sup>7</sup> Based on *Recruitment Efforts through Mail-outs and Personal Contact – 2002/2003 Grand Jury Recruitment*, provided by Superior Court administration.



Table 1  
Recruitment Sources and Percent of their Associated Response<sup>8</sup>

Source	Percent of Total Response to Outreach Activity		Average Percent Total	Outreach Strategy, Percent Difference <sup>9</sup>
	2001–2002	2002–2003		
Newspaper	27	42	34.5	(+) 56
Television / Radio	6	5	5.5	(-) 17
Personal Referral	18	10	14.0	(-) 44
Community Organizations	2	2	2.0	No change
Mailing List	30	23	26.5	(-) 23
Petit Jury Assemblies	7	10	8.5	(+) 43
Council Meetings	2	1	1.5	(-) 50
Website	2	2	2.0	No change
Other	6	5	5.5	(-) 33
Total	100	100	100.0	

### Importance of Representative Demographics

There are two important factors that are dependent on a grand jury demographic profile that is representative of Orange County. The first factor has to do with the viability and authority of grand jury indictment decisions. The second factor refers to presenting an opportunity, to a fair cross-section of the community, to participate in the grand jury experience.

#### Grand Jury Indictment Decisions

According to the Sixth Amendment to the United States Constitution, “a criminal defendant has a right to a trial by an *impartial* jury drawn from a representative cross-section of the community. Also, the 14<sup>th</sup> Amendment to the United States Constitution extends this Sixth Amendment requirement to State courts in criminal proceedings.”<sup>10</sup> This implies that the venires from which grand juries are selected must be representative of persons in the community. For the purpose of this study the “venire” is considered to

<sup>8</sup> Based on *Orange County Cities, City Counsel Meetings and Community Organizations* (a signup sheet used to organize recruitment participation); *Recruitment Efforts through Mail-outs and Personal Contact – 2001/2002 Grand Jury*; and *Recruitment Efforts through Mail-outs and Personal Contact – 2002/2003 Grand Jury Recruitment*, provided by Superior Court administration.

<sup>9</sup> Computed as  $[(2002-2003 \text{ minus } 2001-2002) \div 2001-2002]$ .

<sup>10</sup> Good, Phillip, *Memorandum of Law: A Jury of One's Peers*, December 26, 1994, pp. 3-4, [Users.oco.net/drphilgood/jury.htm](http://Users.oco.net/drphilgood/jury.htm).

be the pool of grand juror applicants that is obtained through the current outreach strategy.

### Fair and Equal Opportunity to Serve

The opportunity to effect change in county matters of civil concern, as afforded to a grand jury body, is available to all citizens who are:

- Eighteen years of age or older;
- A citizen of the United States and a resident of Orange County;
- Possessing of ordinary intelligence, sound judgement and a fair character; and
- Able to demonstrate sufficient knowledge of the English language<sup>11</sup>.

Outreach activities have the effect of broadening the awareness of opportunity in the community through its promotion strategies. To the extent that they might reach a demographic audience that is disproportionate to the community, the awareness of opportunity will also be disproportionate.

### **The “Age” Demographics**

According to *Penal Code* Section 893(1), a person is competent to act as a grand juror at 18 years of age or older. To ensure that ideologies and diversity in life’s experiences are fairly represented on the grand jury panel, it is important to strive for a mirror image of Orange County’s demographic profile on age. Neither the current 2001–2002 Grand Jury panel, nor the applications profile for the incoming 2002–2003 panel, reflects a fair cross-section of Orange County.

### The Current 2001–2002 Panel

Based on 2000 census data from the U.S. Census Bureau, the age profile of the current Grand Jury does not well represent that of Orange County. As shown in Table 2, 79 percent of the current panel are over the age of 60, while jurors over the age of 65 exceed the county profile by 450<sup>12</sup> percent. In contrast, persons under the age of 45 are not represented at all, with only 10.5 percent of the panel aged 45 to 54! It could be said, the people with the most long-term stake in the county, i.e. those under 54, are the least represented.

### Applications Received for the Incoming 2002–2003 Panel

A total of 241 applications were received for the incoming 2002–2003 Orange County Grand Jury. The demographic data for “age” is presented in Table 3. As shown, 76.7 percent of the applications received are from persons over the age of 60, while applicants over the age of 65 exceed the county profile by 311 percent. In contrast, only 2.9 percent

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<sup>11</sup> Cal. Penal Code § 893(a)(3) (2002).

<sup>12</sup> Center for Demographic Research (2001), *Orange County Progress Report 2001*, “2000 Population by Age”, p. 15.

of the applicants are younger than age 45. They are, therefore, underrepresented by 97 percent!

Table 2

Current Grand Juror “Age” Demographics, as Compared to Orange County Profile<sup>13</sup>

Age Group	Orange County Profile		2001–2002 Panel		Age Representation <sup>14</sup> (% difference between Orange County target # and actual # jurors)
	%	Target # <sup>15</sup>	%	Actual #	
18 – 19	No data	No data	0.0	0	(–) 100
20 – 24	9.53	2	0.0	0	(–) 100
25 – 34	23.33	4.5	0.0	0	(–) 100
35 – 44	23.90	5	0.0	0	(–) 100
45 – 54	18.06	3.5	10.5	2	(–) 43
55 – 59	6.40	1	10.5	2	(+) 100
60 – 64	4.84	1	21.1	4	(+) 300
65 – 74	7.40	1	47.4	9	(+) 800
75 +	6.54	1	10.5	2	(+) 100
Total	100.00	19.0	100.0	19	

It should be noted that the statistics reflected here, for “applications received”, are slightly more representative than those of the current 2001–2002 Grand Jury panel (see Table 2). This suggests that the modifications to the outreach strategy for this population reached a more representative audience. In particular, the number of applicants who responded to newspaper media and jury services increased 56 and 43 percent, respectively, while those of personal referral decreased by 44 percent, from the prior year (see Table 1).

### The “Gender” Demographics

The basic viability and authority of a grand jury indictment verdict may be at risk when decided by a jury that was derived from a venire that was skewed in its demographic makeup. Recently, the Los Angeles Times reported, on 2/5/02 and 2/10/02, that a Santa Barbara judge overturned the indictment of an accused murderer after ruling that the 2000–2001 Ventura County Grand Jury was “too male-dominated and not reflective of the county’s population.” In this case, women were underrepresented by 48 percent, the underlying cause being the profile of the applicant pool.

<sup>13</sup> Center for Demographic Research (2001), *Orange County Progress Report 2001*, “2000 Population by Age”, p. 15.

<sup>14</sup> Computed as [(actual number of jurors – target number of jurors) ÷ target number of jurors].

<sup>15</sup> Computed as [(Orange County profile percent) (19)].

Neither the current 2001–2002 Grand Jury panel, nor the profile of applications received for the incoming 2002–2003 panel, is representative of the Orange County community.

Table 3  
 “Age” Demographics of 2002–2003 Applicants<sup>16</sup>, as Compared to Orange County Profile<sup>17</sup>

Age Group	Orange County Profile		2002–2003 Applications Received		Age Representation <sup>18</sup> (% difference between Orange County target # and actual # applications received)
	%	Target # <sup>19</sup>	%	#	
18 – 19	No data	No data	0.0	0	(–) 100
20 – 24	9.53	23	0.0	0	(–) 100
25 – 34	23.33	56	0.8	2	(–) 96
35 – 44	23.90	58	2.1	5	(–) 91
45 – 54	18.06	43	10.8	26	(–) 40
55 – 59	6.40	15	9.6	23	(+) 53
60 – 64	4.84	12	17.4	42	(+) 250
65 – 74	7.40	18	42.7	103	(+) 472
75 +	6.54	16	16.6	40	(+) 150
Total	100.00	241	100.0	241	

The Current 2001–2002 Panel

According to 1990 census data from the U.S. Census Bureau, 49.9 percent of the population in Orange County are male, while 50.1 percent are female (see Table 4). However, the profile of the current Grand Jury panel is 68.4 percent male and 31.6 percent female (see Table 5). Women, therefore, are underrepresented by 36.9 percent, computed as  $[(31.6 - 50.1) \div 50.1]$  Women under the age of 45 are underrepresented by 100 percent, while men between the ages of 60 and 74 are over-represented by 900 percent!

<sup>16</sup> Based on Superior Court statistics, *2002–2003 Grand Jury Applicants by District*, January 24, 2002.

<sup>17</sup> Center for Demographic Research (2001), *Orange County Progress Report 2001*, “2000 Population by Age”, p. 15.

<sup>18</sup> Computed as  $[(\text{number of applications received} - \text{target number of applications}) \div \text{target number of applications}]$ .

<sup>19</sup> Computed as  $[(\text{Orange County profile percent}) (19)]$ .

Table 4  
Age and Gender Distribution in Orange County<sup>20</sup>

Age Group	Number			Percent		
	Male	Female	Total	Male	Female	Total
18 – 19	No data	No data	No data	No data	No data	No data
20 – 24	121,458	102,962	224,420	7.0	5.9	12.9
25 – 34	257,073	228,532	485,605	14.7	13.0	27.7
35 – 44	189,153	187,804	376,957	10.8	10.8	21.6
45 – 54	126,845	128,756	255,601	7.3	7.4	14.7
55 – 59	47,766	48,518	96,284	2.7	2.8	5.5
60 – 64	40,515	44,789	85,304	2.3	2.5	4.8
65 – 74	56,986	72,864	129,850	3.3	4.2	7.5
75 +	30,747	60,516	91,263	1.8	3.5	5.3
Total	870,543	874,741	1,745,284	49.9	50.1	100.0

Applications Received for the Incoming 2002–2003 Panel

Of the 241 applications received for the incoming 2002–2003 Orange County Grand Jury, 80, or 33.2 percent, were submitted by women (see Table 6). Since, according to the 1990 census, women represent 50.1 percent of the Orange County population older than 19 (see to Table 4), the pool of potential female panel members is underrepresented by 33.7 percent, computed as  $[50.1 \div 33.2] \div 50.1$ . Furthermore, women under the age of 45 are underrepresented by 96 percent, while men over the age of 60 are over-represented by 630 percent!

However, similar to the findings within the “age” demographic data, these statistics are slightly more representative than those of the current 2001–2002 Grand Jury panel (see Table 5). Again, one might conclude that modifications to the outreach strategy for this population, especially in the categories of newspaper media, jury services and personal referral, reached a more representative audience (see Table 1).

**PRODUCTIVITY AND COMMITMENT**

This study assumes a premise that productivity in the grand jury setting can be predicted, in part, by two variables. The first has to do with individual commitment and its synergistic effect on teamwork. The second refers to a panel profile possessing functional strengths in specific experience, characteristics, and skills.

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<sup>20</sup> Center for Demographic Research (2001), *Orange County Progress Report 2001*, “Age and Gender Distribution In Orange County: April 1, 1990”, p. 182.

Table 5

Current Grand Juror “Gender” Demographics, As Compared to Orange County Profile<sup>21</sup>,  
by Age

	Age Group	Orange County Profile		2001–2002 Panel		Gender Representation <sup>22</sup> (% difference between Orange County target # and actual # jurors)
		%	Target # <sup>23</sup>	%	Actual #	
Male	18 – 19	No data	No data	0.0	0	(–) 100
	20 – 24	7.0	1.0	0.0	0	(–) 100
	25 – 34	14.7	3.0	0.0	0	(–) 100
	35 – 44	10.8	2.0	0.0	0	(–) 100
	45 – 54	7.3	1.0	0.0	0	(–) 100
	55 – 59	2.7	0.5	5.3	1	(+) 100
	60 – 64	2.3	0.5	10.5	2	(+) 300
	65 – 74	3.3	0.5	42.1	8	(+) 1500
	75 +	1.8	0.5	10.5	2	(+) 300
	Total	49.9	9.0	68.4	13	(+) 37
Female	18 – 19	No data	No data	0.0	0	(–) 100
	20 – 24	5.9	1.0	0.0	0	(–) 100
	25 – 34	13.0	2.5	0.0	0	(–) 100
	35 – 44	10.8	2.0	0.0	0	(–) 100
	45 – 54	7.4	1.5	10.5	2	(+) 33
	55 – 59	2.8	0.5	5.3	1	(+) 100
	60 – 64	2.5	0.5	10.5	2	(+) 300
	65 – 74	4.2	1.0	5.3	1	0
	75 +	3.5	1.0	0.0	0	(–) 100
	Total	50.1	10.0	31.6	6	(–) 37
Total		100.0	19.0	100.0	19	

<sup>21</sup> Center for Demographic Research (2001), *Orange County Progress Report 2001*, “Age and Gender Distribution In Orange County: April 1, 1990”, p. 182.

<sup>22</sup> Computed as [(actual number of jurors – target number of jurors) ÷ target number of jurors].

<sup>23</sup> Computed as [(Orange County profile percent) (19)].

Table 6

“Gender” Demographics of Applicants<sup>24</sup>, as Compared to Orange County Profile<sup>25</sup>, by Age

	Age Group	Orange County Profile		2002–2003 Applications		Gender Representation <sup>26</sup> (% difference between Orange County target # and actual # applications received)
		%	Target # <sup>27</sup>	%	Actual #	
Male	18 – 19	No data	No data	0.0	0	(–) 100
	20 – 24	7.0	17	0.0	0	(–) 100
	25 – 34	14.7	35	0.4	1	(–) 97
	35 – 44	10.8	26	0.8	2	(–) 92
	45 – 54	7.3	18	4.6	11	(–) 39
	55 – 59	2.7	7	5.0	12	(+) 71
	60 – 64	2.3	6	12.9	31	(+) 416
	65 – 74	3.3	8	30.7	74	(+) 825
	75 +	1.8	4	12.4	30	(+) 650
	Total	49.9	121	66.8	161	(+) 34
Female	18 – 19	No data	No data	0.0	0	(–) 100
	20 – 24	5.9	14	0.0	0	(–) 100
	25 – 34	13.0	31	0.4	1	(–) 97
	35 – 44	10.8	26	1.2	3	(–) 88
	45 – 54	7.4	18	6.6	16	(–) 11
	55 – 59	2.8	7	4.6	11	(+) 57
	60 – 64	2.5	6	4.2	10	(+) 67
	65 – 74	4.2	10	12.0	29	(+) 190
	75 +	3.5	8	4.2	10	(–) 25
	Total	50.1	120	33.2	80	(–) 33
Total		100.0	241	100.0	241	

<sup>24</sup> Based on Superior Court statistics, *2002–2003 Grand Jury Applicants by District*, January 24, 2002.

<sup>25</sup> Center for Demographic Research (2001), *Orange County Progress Report 2001*, “Age and Gender Distribution In Orange County: April 1, 1990”, p. 182.

<sup>26</sup> Computed as [(number of applications received – target number of applications) ÷ target number of applications].

<sup>27</sup> Computed as [(Orange County profile percent) (19)].

## **Individual Commitment**

Clearly, *Penal Code* Section 896(a) provides for the court to obtain, from each qualified applicant, a signed declaration of commitment, as defined by number of hours required by the county. Although the declaration of commitment currently used in Orange County refers to “a minimum of four days per week and, not infrequently, a full five-day week,” it does not indicate number of hours. Also, the court may be understating the expected commitment of hours during the Orientation Program held for grand jury applicants. The current Grand Jury understands the appropriate commitment of hours to be defined *only* by the activities to which they have volunteered. This understanding can lead to a misbalance in workload.

## **Productivity-Related Attributes**

Although *Penal Code* Section 893(a)(2) addresses qualifications in terms of ordinary intelligence and sound judgement, it does not address productivity skills. Furthermore, it is not the opinion of this Grand Jury that personal attributes, such as experience, characteristics, and knowledge, necessarily be qualifying criteria for grand jury placement. However, they may be a predictor of productivity and, as such, should be considered when making selection decisions from among applicants, where possible.

To maximize productivity of an Orange County grand jury, a balance of certain attributes of experience, individual characteristics, and specific knowledge among its members is recommended. Each is described below and listed with an associated “importance weight” in Table 7. Also shown in Table 7 is a recommended minimum number of panel members with each attribute.

### Experience

Experience has to do with general knowledge and abilities that are developed over the long term. They include research, writing, conducting interviews, and organizational perspective.

- Research

The most basic individual ability required when performing the civil oversight function of the grand jury is, in the broadest sense, an ability to seek answers. This activity, when approached with confidence, gives structure and purpose to the investigative process.

- Writing

Every standing committee and, in particular, the Editorial Committee requires a strong base of experience in quality writing. Nearly all panel members should have writing experience that required attending to complex rules of grammar.



Table 7

Weighted Beneficial Grand Juror Traits, and the Recommended Minimum Number of Panel Members with Each Trait

Beneficial Traits	Relative Importance of Each Trait 1 = somewhat important 2 = very important 3 = required	Recommended Minimum Number of Panel Members with Each Trait
EXPERIENCE		
Research	2	19
Writing	3	16
Conducting interviews	2	10
Understanding “committee” dynamics	3	19
INDIVIDUAL CHARACTERISTICS		
PERFORMANCE-RELATED		
Able to self- motivate	3	19
Tendency to be goal-oriented	2	19
CREATIVE FACTORS		
Intellectual curiosity	3	19
Objectively questions the status quo	2	19
COMMITTEE SYNERGISM		
Effective team player	3	19
Willing to accept differing opinions	3	19
Attentive listening skills	3	19
FUNCTIONAL REQUIREMENTS		
Will commit up to 40 hours/week	3	19
Adherence to Confidentiality	3	19
SPECIFIC KNOWLEDGE		
Sufficient knowledge of English	3	19
Microsoft Word, or equivalent	3	19
Computer search engine usage	1	12
Microsoft Excel, or equivalent	1	6
Microsoft Publisher, or equivalent	1	1
Microsoft PowerPoint	1	1

- **Conducting Interviews**

Interviews should be planned, directed, and goal-oriented. It is most often necessary to obtain background information during investigative activity. Every standing committee should have at least one member with interviewing experience.

- **Organizational Perspective**

The appropriate style of group dynamics for grand jury committees is that of equal standing, equal participation, and equal responsibility among its members. Committees are self-directed and self-supervised. Furthermore, all members are equally responsible for the production of output. All panel members should understand this perspective of committee dynamics and responsibility.

### Individual Characteristics

Individual characteristics refer to those intrinsic factors that, in part, define an individual. Each plays a role in determining the effectiveness and efficiency of the grand jury committee experience.

### Specific Knowledge

This category of attributes includes two areas of literacy, English language and computer software. English-language competency refers to both written and verbal skills. Computer software includes tools for research, word processing, spreadsheet development and graphical presentation of data, designing and producing documents that merge text and graphics, and presentation viewgraph design.

English-Language Competency. First and foremost, according to *Penal Code* Section 893(3), a qualifying requirement to be listed for grand jury service is being “possessed of sufficient knowledge of the English language.” To be an effective participant on the grand jury, one must have good comprehension of daily grand jury business and be capable of producing effective written works of clarity. Thus, it is imperative that, while striving for cultural diversity, English-language competency be firmly established. This requirement cannot be overstated.

Computer-Based Productivity Tools. There are five categories of computer-based, productivity tools, in common use today, that are particularly helpful in facilitating grand jury activity: search engines, word processors, spreadsheet applications, publishing packages, and viewgraph presentation tools. However, these tools are not available on all of the grand jury computers. Furthermore, computer literacy in the use of these products has not been a focus during juror recruitment and selection.

Each category is described below. Also presented is the current status of the availability of these tools in the grand jury facility, as well as a suggested guideline on constituting grand jury panels with associated expertise.

- Research via the World Wide Web

*Yahoo*, *Lycos*, *AltaVista*, and *Excite* are names associated with search engines available in the grand jury facility. A search engine is a tool for conducting word or concept searches across the World Wide Web. Familiarity with the use of any search engine requires little effort, though the advantages are immeasurable when used as a research tool. A panel comprised of at least 12 members with experience “searching the net” is desirable.

- Word Processing

*Microsoft Word* is available on all the of the grand jury computers. It is used for document preparation, including letters; minutes; agendas; committee reports; and interview questionnaires. It is also used for performing word searches and, therefore, is particularly useful for developing and maintaining extensive notes. As these are common, daily activities of the Orange County Grand Jury, a panel with 19 jurors having some exposure to *Word*, or an equivalent word processor, would be beneficial.

- Spreadsheets and Graphing

*Microsoft Excel* is a popular and easy-to-use “spreadsheet” application that stores, manipulates, analyzes and graphically presents textual and numeric data. It is a tool that spares the researcher tedious, time consuming, and error prone computations, and is capable of presenting data in graphical formats, such as pie charts and bar charts. Use of *Excel* in the context of grand jury activities would be particularly beneficial in the generation of reports, both for compiling and analyzing data and for presenting statistical information. Although *Excel* resides on the desk computers of the administrative staff, it is not available on the shared grand juror computers. Access to *Excel* and expertise among at least six panel members is desirable.

- Publishing

*Microsoft Publisher* is among the most widely used computer tools for creating documents that contain merged text and graphics. Graphical images can be created, selected from a library, or imported from other sources. The user “lays out”, or arranges the document by positioning text and graphics, as desired.

This software increases productivity in two areas. First, it allows members to be more independent of county departments for merging graphics and photos within their reports. Also, it is particularly useful to the Editorial Committee for designing the Final Report book.

This year, for the first time, the Grand Jury utilized *Publisher* to design the book’s front and back covers, dedication page, divider pages, and photo pages. As a

result, the Orange County Publishing Department used most of the computer files generated with no additional work required. Currently, the grand jury facility does not possess the *Publisher* software. Access to *Publisher*, or widely used equivalent, and expertise of, at a minimum, one panel member would be advantageous.

- Presentation Viewgraph Development

*Microsoft PowerPoint* is the most commonly used tool for creating viewgraph presentation material that is displayed and projected from a PC. The product assists with viewgraph design, creation, management, and delivery in electronic form. It was particularly useful by the 2000–2001 Orientation Committee for training the 2001–2002 incoming panel.

Although the software is available in the grand jury chambers, the current panel does not possess experience in its use. For the purpose of updating the training program for the incoming panel, outside consultation was required. At least one juror with knowledge of *PowerPoint* is suggested.

## CONCLUSION

Three areas of grand juror recruitment and productivity were explored: a) county demographic representation, b) juror attributes and skills, and c) availability of computer-based productivity tools. Conclusions can be drawn from each and are presented here. Also, other subjects relating to the recruitment and selection processes are suggested for future consideration.

First, the court has a statutory obligation to ensure a sound jury selection system that has been seen, recently, to include the process of obtaining a representative applicant pool. The associated benefits are:

- It ensures the viability and validity of grand jury indictment decisions; and
- Diverse and representative points of view, interests, and priorities will appropriately drive the civil oversight function.

Second, it is also desirable to seek beneficial skills and attributes among grand juror applicants that can lead to an effective and productive balance within the panel. With modifications in the outreach process, the grand juror recruitment effort can be rendered more effective in both areas. The outreach activities can be streamlined by continuing to use only those strategies that have produced the greatest response, i.e., newspaper articles and advertisements, the mailing list, petit jury assemblies, and personal referrals. Also, new outreach targets that specifically reach the desired populations can be added. In this manner, the profile of the applicant venire will more closely reflect that of the county and that of the skills set being sought. Consequently, the selection process will likely yield a sound and productive grand jury panel.

Lastly, providing the computer tools and associated user documentation described herein, among the shared computers in the grand jury facility, will aid in maximizing panel productivity overall.

As an addendum to these conclusions, there were two areas of recruitment and selection that have not been addressed, but deserve consideration. The first topic has to do with the timetable for outreach activity, while the second one is specific to the applicant interview. They are:

1. The timetable for implementing the various outreach strategies might achieve greater success with an earlier start date and coordination with the targeted audiences; and
2. Evaluations of applicants, based on the interview, can be standardized across interviewing judges if adherence to a uniform checklist of qualifications can be established.

A quote from Aristotle aptly concludes this report of the 2001–2002 Orange County Grand Jury.

*“If liberty and equality, as is thought by some,  
are chiefly to be found in democracy, they will be best attained  
when all persons alike share in government to the utmost”*

## **APPENDIX A**

### **GRAND JURY HISTORICAL DEMOGRAPHIC DATA**

Table 1: Orange County Grand Juror “Age” Demographic Data for Prior Five Years, as Compared to Orange County Profile

Table 2: Orange County Grand Juror “Gender” Demographic Data for Prior Five Years, as Compared to Orange County Profile

**Table 1**

**Orange County Grand Juror “Age” Demographic Data for Prior Five Years, as Compared to Orange County Profile**

Age Group	Orange County Profile (%)	1996 – 1997 Grand Jury		1997 – 1998 Grand Jury		1998 – 1999 Grand Jury		1999 – 2000 Grand Jury		2000 – 2001 Grand Jury		Average (Grand jury % across 5 years)	Age Representation <sup>28</sup> (% difference between Orange County profile % and 5-year average grand jury %)
		#	%	#	%	#	%	#	%	#	%		
18 – 19	No data	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0	(–) 100
20 – 24	9.53	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0	(–) 100
25 – 34	23.33	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0	(–) 100
35 – 44	23.90	0	0.0	1	5.3	2	10.5	0	0.0	0	0.0	3.2	(–) 87
45 – 54	18.06	2	10.5	3	15.8	1	5.3	1	5.3	2	10.5	9.5	(–) 47
55 – 59	6.40	5	26.3	3	15.8	2	10.5	5	26.3	5	26.3	21.0	(+) 228
60 – 64	4.84	4	21.1	7	36.8	3	15.8	6	31.6	4	21.1	25.3	(+) 423
65 – 74	7.40	7	36.8	4	21.0	10	52.6	5	26.3	5	26.3	32.6	(+) 340
75 +	6.54	1	5.3	1	5.3	1	5.3	2	10.5	3	15.8	8.4	(+) 28
Total	100.00	19	100.0	19	100.0	19	100.0	19	100.0	19	100.0		

<sup>28</sup> Computed as [(average % of actual grand juries – Orange County profile percent) ÷ Orange County profile percent].

**Table 2**

**Orange County Grand Juror “Gender” Demographic Data for Prior Five Years, as Compared to Orange County Profile**

Gender	Orange County Profile (%)	1996 – 1997 Grand Jury		1997 – 1998 Grand Jury		1998 – 1999 Grand Jury		1999 – 2000 Grand Jury		2000 – 2001 Grand Jury		Average (Grand jury % across 5 years)	Gender Representation <sup>29</sup> (% difference between Orange County profile % and 5-year average grand jury %)
		#	%	#	%	#	%	#	%	#	%		
Male	49.9	12	63	11	58	12	63	15	79	14	74	67	(+) 34
Female	50.1	7	37	8	42	7	37	4	21	5	26	33	(-) 34
Total	100.0	19	100	19	100	19	100	19	100	19	100	100	

<sup>29</sup> Computed as [(average % of actual juries – Orange County profile percent) ÷ Orange County profile percent].



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