

# MARIN COUNTY CIVIL GRAND JURY

2022-2023

Final Report Summaries



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# 2022-2023 Marin County Civil Grand Jury



Photo Credit: Stuart Lirette

**Top Row L-R: Heather Callan; Eric Moeller; Bill Steiger; Rod Kerr; Richard Bernstein; Bradley Wright; Tom Cohen; Jeff Kuhn; Samantha Ehlen; Bill Weinberg; Joe O'Hehir; Judge James Chou**

**Bottom Row L-R: Michael Semler; Michele Manos; Steve Isaacs; Tom Gannon; Foreperson Pat Shepherd; Mara Perez; Janis Parente; Ralph Rhoades; Bridget Wilson**

## To the residents of Marin County,

On behalf of the 2022-2023 Marin County Civil Grand Jury, I am pleased to present our final report. It has been my privilege to work with an extraordinary and dedicated group of volunteers from a wide range of professional backgrounds and interests. The 19 members of the jury devoted thousands of hours, both remotely and in person, to investigating, researching, writing, and publishing reports on a broad range of topics of interest and concern to the residents of Marin.

The topics for these reports represent timely and pressing issues for our local governments and communities. It is our hope that the responses to the recommendations in these reports have a positive lasting impact on the county. The public's responses to the jury's findings and recommendations is appreciated and inspirational.

I thank each and every one of my fellow Grand Jurors for their dedicated efforts over our 12-month grand jury term. I would also like to thank Presiding Judge James Chou

for his wisdom, Assistant County Counsels Renee Brewer and Jenna Brady for their ready guidance, and Aide to the Grand Jury Heather Callan for her invaluable support.

Respectfully submitted,  
**Pat Shepherd**, Foreperson  
 2022-2023 Marin County Civil Grand Jury

**Full versions of all Grand Jury reports (and their public responses) are accessible online at: [MarinCounty.org/GrandJury](https://www.marincounty.org/GrandJury)**

## Contact Information

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# Marin County Civil Grand Jury in the News

## Marin Independent Journal

Sunday, May 21, 2023 \$3.00 FACEBOOK.COM/MARINIJFAN TWITTER.COM/MARINIJ [marinij.com](http://marinij.com)

CIVIL GRAND JURY

### DA's office tied to case backlog

Report cites lack of organizational structure to speed up court system

ney Lori Frugoli to take several near-term actions to remedy the situation. "The District Attorney's Office lacks the internal organization, but we were not the primary cause." "Make no mistake about it, the COVID-19 pandemic is at the heart of the problem," she address some issues that were raised and also some major factors that were neglected in the report." *The Marin County Civil*

**CIVIL GRAND JURY**  
**Sales tax increase urged for Novato**  
 Report says steps would avoid cuts, boost services

## San Francisco Chronicle

SFCHRONICLE.COM • TUESDAY, MAY 16, 2023 • CONTAINS RECYCLED PAPER • \$3.00

### Marin County is urged to build more ADUs

## Marin Independent Journal

Sunday, June 11, 2023 \$3.00 FACEBOOK.COM/MARINIJFAN TWITTER.COM/MARINIJ [marinij.com](http://marinij.com)

CIVIL GRAND JURY

### Energy blackout defense urged

Report seeks installation of microgrids in Marin

By Richard Halstead [halstead@marinij.com](mailto:halstead@marinij.com)

"The increasing number of power outages, both planned and unplanned, makes it clear the county change, heat waves, rain storms, electric vehicles and electrification are a major concern to the county's residents."

Power lines run through Novato. The civil grand jury calls for installation of microgrids.

## Marin Independent Journal

Wednesday, June 28, 2023 \$3.00 FACEBOOK.COM/MARINIJFAN TWITTER.COM/MARINIJ [marinij.com](http://marinij.com)

MARIN GRAND JURY

### Streamlined crisis services urged

## Marin Independent Journal

Tuesday, July 11, 2023 \$3.00 FACEBOOK.COM/MARINIJFAN TWITTER.COM/MARINIJ [marinij.com](http://marinij.com)

MARIN CIVIL GRAND JURY

### Report: Water utilities need improved dam safety plans

# PacificSun

YEAR 61, NO. 34, AUG 23-29, 2023



IN TRANSIT SMART began running trains in 2017, but has struggled to meet 2006 ridership projections.

plan and budget to educate Marin and Sonoma county voters on the community benefits of the continued operations of the train, and consider hiring consultants to advise them on the feasibility and timing of another sales tax renewal ballot measure.

Voters first passed a tax measure in 2008, supporting the train with funding running through April 2029. Measure L, a March 2020 attempt to extend the tax, faced a well-funded opposition campaign and fell far short of the needed 65% support from voters in both counties.

Throughout its history, SMART has undershot its original ridership projections and construction goals. It has also been beset by some disasters outside of management's control—shortly after trains began running in 2017, the Tubbs Fire hit. Then, in 2020, the COVID pandemic cratered ridership on public transit agencies across the country.

While SMART officials like to point out that their ridership numbers are bouncing back from COVID faster than other Bay Area transit agencies, the figures are still well below the projections voters were given when they voted on the 2008 sales tax.

This July, SMART's average weekday ridership was 2,550. While that's high for SMART, it's half of the 5,050 weekday riders by 2025 projected in a 2006 environmental impact report. At last week's meeting, SMART's general manager, Eddy Cumins, said that he expects ridership will increase this month as students return to school.

Cumins took over the agency in early 2022. Since then, he has led a series of public outreach meetings aimed at identifying the agency's strengths and weaknesses.

This June, SMART launched a shuttle service at the Sonoma County Airport to ferry passengers to the train station 1.5 miles away. So far, shuttle use is lower than expected, serving an average of nine passengers per weekday, Cumins said at last week's meeting.

## Crossroads

SMART gears up for existential fight

BY WILL CARRUTHERS

IN JUNE, the Marin County Civil Grand Jury posed an existential question for the North Bay's passenger rail agency.

"SMART at a Crossroads: Here Today, Gone Tomorrow?" a report by the volunteer investigatory body, focuses on how the Sonoma-Marin Area Rail Transit agency plans to pass a sales tax extension

part. According to the report, roughly 60% of the agency's annual revenue comes from the sales tax, compared to 4% from fares.

"The existential question was no doubt already on the minds of SMART's board of directors, which formally responded to the report at its Aug. 16 meeting, agreeing with all of the report's findings and recommendations.

As part of that, the board will publicly examine within the next year "how SMART might continue funding its operations beyond April 2029, including an evaluation of when the voters would decide whether to continue levying a sales tax for SMART's operations." The agency will also develop a written communications and outreach

# Justice Delayed Is Justice Denied — Marin District Attorney's Office in Crisis

There is a substantial backlog of criminal cases pending in Marin County. This backlog affects the community at large, including victims of crime, people charged with crimes, and the law enforcement agencies responsible for investigating and prosecuting criminal cases. Once charges are filed in Marin, there is an unreasonable delay in bringing these cases to a resolution - in many cases more than a year.

The Grand Jury has concluded that the District Attorney's Office is the primary reason for the delays in resolving criminal cases in Marin. The District Attorney's Office faces significant challenges:

1. Deputy district attorneys struggle to carry out their legal duties due to the backlog of pending cases and overwhelming individual caseloads.
2. During the past four years, the District Attorney's Office has experienced a high turnover of attorneys.
3. The District Attorney's Office lacks the internal organizational structure and procedures to facilitate the processing and resolution of cases.
4. There are multiple lawsuits filed by employees pending against the office.



Photo Credit: iStock Photo

## RECOMMENDATIONS

**R1.** The Marin County Board of Supervisors should request the Marin County Administrator to hire an independent consultant to analyze operations of the District Attorney's (DA) Office with the following objectives: reducing the overwhelming caseloads of deputy district attorneys, facilitating timely production of discovery materials, implementing early evaluation of cases to promote plea negotiations, improving office morale, and updating the case management system.

**R2.** The DA's Office should hire highly experienced former

deputy district attorneys on short term contracts whose sole responsibility would be to reduce the backlog of cases.

**R3.** Once the caseload has been significantly reduced, the DA's Office should hire experienced deputy district attorneys to maintain caseloads at a manageable level.

**R4.** The DA's Office should implement a new process to provide discovery materials to defense counsel within a reasonable time of arraignment.

**R5.** The DA's Office should institute a position that is responsible for facilitating plea

negotiations in misdemeanor cases.

**R6.** The DA's Office should hire paralegals to assist attorneys with discovery, witness coordination, and trial preparation.

**R7.** The DA's Office should commence providing a quarterly update and statistical report on its progress to reduce the backlog of criminal cases.

**R8.** People in custody who are awaiting trial should be granted more accommodations than inmates who have been convicted including contact visits with defense counsel.

# The Coming Wave of Older Adults — Is Marin Prepared?

The issues facing Older Adults living in Marin County have been the subject of Grand Jury reports in 2007, 2014, and 2018. Other reports have been commissioned by the County or agencies within the County of Marin over the past fifteen years. Yet, the County has made little progress in addressing these concerns.

In 2020, the State of California issued a comprehensive Master Plan for Aging addressing issues facing Older Adults throughout the state. The State believes these goals and initiatives are needed to prepare for the growing population of older adults (60 years+). It is estimated that by 2030, over 25 percent of the State's population will be older adults. While some of the issues that the Grand Jury uncovered are prevalent throughout the state, others are more unique or pronounced in Marin since 33 percent of its population is already of that age.

In an April 7, 2023 Marin Independent Journal article, the Chief Strategy Officer of Marin County's Health and Human Services Division, and its Director, both acknowledge that there is much more work to be done for the County's Older Adults. Marin's HHS Director stated, "Through our many HHS programs, services and partnerships, we are working to alleviate many of these challenges, though we recognize there is much, much more work that can be done by us and others who care about equity."



Photo Credit: iStock Photo

## RECOMMENDATIONS

### The Board of Supervisors should...

- R1.** ... elevate the Office of Adult and Aging Services (AAS) to a division-level department within the Health and Human Services Department (HHS).
- R2.** ... finish reviewing and then formally approve the Integrated Aging Services Study.
- R3.** ... direct AAS and HHS

to prepare a larger AAS FY25 budget consistent with the IAS Study (during the FY25 budget preparation cycle).

**R4.** ... direct HHS or AAS to begin the design of a centralized multilingual electronic portal for older residents to access information regarding County services.

**R5.** ... direct HHS or AAS to begin the design of a comprehensive communication system. This should enable residents to register and opt-

in to receive information on aging services, and receive calls or texts as needed for natural disaster notifications, wellness checks, etc.

**R6.** ... direct HHS or AAS to create an ombudsman position within AAS to assist non-profits which provide aging services in submitting funding and/or services requests.

**R7.** ... direct HHS or AAS to fund a "travel stipend" for caregivers providing services in rural areas.

# Electrical Resiliency — It's Time to Do More

Climate change, heat waves, atmospheric rivers, electric vehicles, and electrification are straining the fragile electrical grid which will only increase. Over the last several years, this has led to more and more brownouts and blackouts in Marin County.

The increasing number of power outages, both planned and unplanned, makes it clear the county and all its communities must begin to envision and create new sources of alternative energy to improve their response to these threats to its residents. Microgrids can play a major role in providing a backup source of energy to critical infrastructure, disadvantaged communities, and neighborhoods.

All electricity in Marin is delivered by Pacific Gas and Electric Co. (PG&E). PG&E is finding it increasingly difficult to reliably meet Marin County's energy needs. The Grand Jury investigation shows that much more needs to be done by the County, and its local communities to help offset PG&E's systemic fragility. Specifically, this report is proposing that Marin County start to plan for alternative local sources of power, ideally "green," and especially microgrids.



Photo Credit: iStock Photo

## RECOMMENDATIONS

### The Board of Supervisors should...

**R1.** ... vote on funding a study to determine the viability of microgrids, and how they could

be installed in Marin County.

**R2.** ... commit to installing microgrids, in coordination with local leadership.

**R3.** ... update the County

Strategic Plan to include microgrids and enlist public support for the project.

**R4.** ... engage with County Planning to develop permitting and construction guidelines to

accelerate the development of microgrids.

**R5.** ... investigate and identify public and private funding sources for the proposed microgrid(s).

# Novato's Chronic Fiscal Deficits: A Call to Action

The City of Novato (City) is a lovely place to live. It offers many outdoor recreational opportunities, a wide range of housing, and the friendly community spirit of a small town. However, the City has inherent fiscal challenges, in part because of its relatively recent incorporation in 1960. It lacks some of the revenue sources upon which many other cities rely, and the area's independent special districts impact both Novato's revenues and operations. Such long standing factors are impediments to Novato's financial sustainability.

Novato is confronted with chronic and ongoing structural financial deficits. Its current revenues do not cover its operating expenses and have not in recent years. For the current fiscal year ending June 30, 2023, Novato's budget is \$49.1 million, and its deficit is now projected to be over \$1.9 million. For the last several years, Novato has faced difficult decisions about how to meet its residents' service expectations with its limited financial resources. Budget cuts have reduced staffing levels, leaving fewer people to do the same or a greater amount of work and leading to reduced services for its residents. There have been lapses in the City's financial management to the detriment of Novato and its residents.

While Novato's City Council has known for more than a decade about its financial challenges and looming deficits, they have not taken sufficient measures to resolve them.



Photo Credit: Alan Dep/Marin Independent Journal

## RECOMMENDATIONS

### The City Council should...

- R1.** ... design and begin implementation of a plan to address Novato's ongoing structural financial deficit.
- R2.** ... consider creating and funding a new position of an independent internal auditor.
- R3.** ... require the Novato

Finance Advisory Commission to issue quarterly financial reports on the City's financial condition.

**R4.** ... develop a schedule to install and maintain comprehensive records management systems for all City operations.

**R5.** ... begin strategic planning to increase the City's sales tax.

**R6.** ... initiate a comprehensive inventory and review of the City's entire portfolio of properties to identify opportunities for more cost-effective use of each holding.

**R7.** ... implement a plan to address the operational and financial condition of the Marin Valley Mobile Country Club.

# Build More ADUs: An Rx to Increase Marin's Housing Supply

Marin County's housing production is not keeping pace with demand. The lack of housing supply to meet people's needs impacts affordability and causes average housing costs, particularly for renters in Marin, to rise significantly. As affordable housing becomes less accessible, people drive longer distances between homes they can afford and their workplace, or pack themselves into smaller shared spaces, both of which reduce quality of life and produce negative environmental impacts.

One approach that could help achieve these housing goals is based upon a recognition that many property owners and residents reside on land on which they could build additional or secondary housing units. These second units, variously called granny flats, in-law units, garage houses, and under state law

"Accessory Dwelling Units" (ADUs) and "Junior Accessory Dwelling Units" (JADUs) have become an increasingly popular form of housing. Unfortunately, they have not always been treated as "legal" under local law. California's new law recognizes that ADUs can help fulfill the state's housing mandate, and can do so affordably and with a lesser impact on land use and the environment.

Allowing ADUs in single-family and multifamily residential zones provides additional rental housing stock which are an essential component of the housing supply in California. Every Marin jurisdiction has increased ADU production approval, but there are a number of improvements that can be made to accelerate this process.

Many community planning professionals have argued these



Photo Credit: iStock Photo

additional second units could benefit property owners as an additional source of income, assistance for older residents who could "retire in place" or a place for caregivers, as well

as a home for family members. Community rewards might include housing for the local workforce, integrating energy-efficient housing, and reduced overcrowding.

## RECOMMENDATIONS

**R1.** The Marin County Board of Supervisors (BOS) should direct the Community Development Agency's Development Priority Setting Committee to: monitor, identify, and transmit available funding/financing information for residents who need help with the cost of building an ADU.

## Municipalities and the County should begin...

**R2.** ... an investigation to consider an amnesty program to legalize existing unpermitted second units.

**R3.** ... the process of merging and/or collaborating with Napa/Sonoma ADU and hiring a full-time Marin ADU Program Coordinator.

**R4.** ... a feasibility assessment of waiving or significantly lowering impact and connection fees for units smaller than 750 square feet. (School, fire, water, and sanitary districts are also included in this recommendation.)

**R5.** ... creating plans to

accelerate the permit approval process for ADU applications to within 30 days, or less, of submission.

**R6.** ... feasibility assessments of new incentives for ADU development, such as pre-approved plans, technical assistance, property tax relief, development fee waivers, and forgivable loans.

# Marin's Behavioral Health Services: All Calls for Help Need to Be Answered

Behavioral health is receiving heightened community attention, and the need for critical crisis response services is increasing. After three years of living through a pandemic, more individuals are seeking behavioral health services and support and access to these resources in Marin County needs to keep pace. Presently, Marin County's Behavioral Health and Recovery Services (BHRS) provides limited services to all residents through its Mobile Response Crisis Team and Crisis Stabilization Unit. The County provides counseling services only for Medi-

Cal recipients and low income residents without insurance, which represents 20 percent of Marin's population.

This increased demand for behavioral health services led the Grand Jury to investigate how BHRS is addressing the entire community's behavioral health needs. Specifically, the Grand Jury focused on how residents access BHRS services and how crisis mental and behavioral health calls are being answered. This report highlights these challenges and the need for clear and immediate

communication (the 988 Lifeline Call Navigation Center) through quickly identified resources. Time is important in crisis situations.

Experts agree that it is highly preferable that all behavioral health request calls be answered "live" by a qualified behavioral health specialist. That specialist can then assist or provide a warm transfer to another resource who can address the specific behavioral health need. The longer that help is delayed, the fewer treatment resolutions are available to the individual, which may negatively impact outcomes.

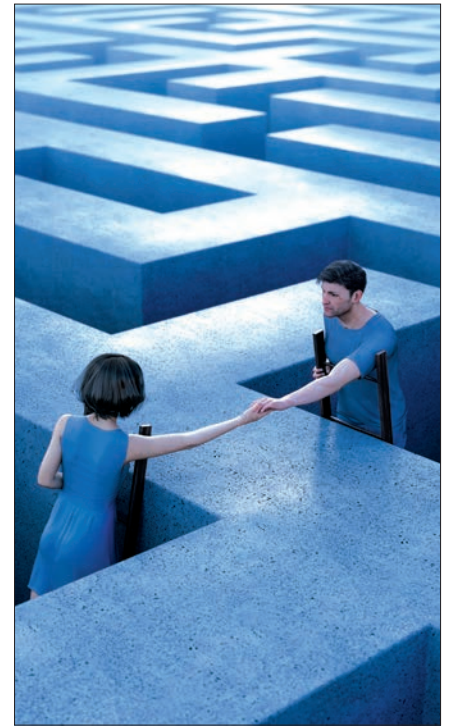


Photo Credit: iStock Photo

## RECOMMENDATIONS

**The Board of Supervisors should direct the County's BHRS division to...**

**R1.** ... develop and begin to implement a written strategic plan and operating budget detailing

the enhancement, expansion, and funding of the 988 Lifeline Call Navigation Center.

**R2.** ... develop a new public awareness and educational outreach campaign promoting the 988 Lifeline Call Navigation Center.

**R3.** ... create a new Behavioral Health Crisis Services department reporting directly to the division director.

**R4.** ... create an organizational plan to improve its utilization and outcome reporting across the Mobile Crisis Response Team,

the Crisis Stabilization Unit, the Access Team and the 988 Lifeline Navigation Call Center.

**R5.** ... develop a plan and operating budget to transition the Mobile Crisis Response Team to 24x7.

# SMART at a Crossroads: Here Today, Gone Tomorrow?

What is the Sonoma-Marín Area Rail Transit's (SMART) plan to continue operations after April 2029 when essential revenue from the ¼ percent sales tax expires?

Since Marin and Sonoma county voters in 2008 authorized levying the sales tax to finance SMART's construction and operation, the public has invested more than \$600 million. Since trains first began operating in 2017, the weekday average ridership has

rarely exceeded 2,500. Even though SMART's ridership has rebounded after the Covid-19 pandemic, current ridership remains short of expectations.

Without more riders the public may not be convinced of SMART's value. SMART's Board of Directors has yet to engage in a comprehensive marketing and outreach strategy to increase the number of riders.

The Grand Jury has found that



Photo Credit: Marin County Civil Grand Jury

SMART is highly dependent on sales tax revenues for its operations. Without those funds SMART will not be able to continue even if it substantially

increases the number of riders or obtains additional federal, state, or regional funds from existing programs.

**SMART** continued on page 10

SMART continued from page 9

SMART will likely be forced to discontinue services if Marin and Sonoma county voters do not approve a sales tax extension by the required supermajority in an election before 2029.

SMART is at a Crossroads. Time for action is now.

## RECOMMENDATIONS

**SMART's Board of Directors should...**

**R1.** ... initiate a fully transparent, public process that examines how SMART might continue funding its operations

beyond April 2029.

**R2.** ... direct staff to develop a written strategic marketing communications and public outreach plan and budget focused on educating voters about the community benefits

derived from the continued operation of the SMART rail system.

**R3.** ... consider hiring consultants to help evaluate the feasibility and timing of future tax measures.

# Dam and Reservoir Safety: Water May Save Us - Water May Drown Us

Atmospheric rivers are deluges. Such pronounced weather events may replenish dwindling water levels in dams and reservoirs. In light of protracted droughts, this water may save us. However, scientists worry that future deluges may bring these structures to the brink of failure and potentially major downstream floods. This water may drown us.

Marin Municipal Water District (MMWD) and North Marin Water District (NMWD) are the owners of the only eight dams in Marin requiring regulation by the California Division of Safety of Dams. This report focuses on the fact that the latest science on changing climate's atmospheric weather events is not incorporated in these two districts' dam hazard mitigation plans.

The average age of dams in the U.S. is 50 years whereas the average age of dams in Marin County is 87 years. In the event of dam failure, risks to life, property, and the economy increase because populations downstream have grown significantly since dams were built.

Regulatory agencies' requirements for dam safety

do not incorporate the latest scientific information on climate change. These agencies do not require specific approaches or methodologies to define dam safety assessment and risk mitigation plans to be employed by dam owners. Further, they require that the dam owners be solely responsible for their dams' safety. Therefore, the two Marin water districts should include new, state-of-the-art hazard mitigation strategies. Additionally, access to dam failure inundation maps, and Federal Emergency Management Agency (FEMA) information regarding flood insurance should be easily accessible by the public.



Photo Credit: Douglas Zimmerman/Marin Independent Journal

## RECOMMENDATIONS

**R1.** MMWD and NMWD should establish a Climate Change and atmospheric rivers working group to consider, and begin to develop, new hazard mitigation actions.

**R2.** The water districts should begin work to expand their respective hazard mitigation plans, which should include a new section dedicated to climate change.

**R3.** The water districts (at the time of their next dam inspections, and when their hazard mitigation plans are revised) should provide the public with new information about the updated plans.

**R4.** Both water districts should update their websites to include links to the inundation and FEMA maps.

**R5.** Dam owners should provide the public with easily accessible information on flood risks, as FEMA and National Flood Insurance may not have entirely incorporated the most recent dam inundation maps.

**R6.** Both water districts should begin to explore collaborations with scientific institutions to learn from, expand their toolkit of mitigation strategies.

# THE CIVIL GRAND JURY EXPERIENCE

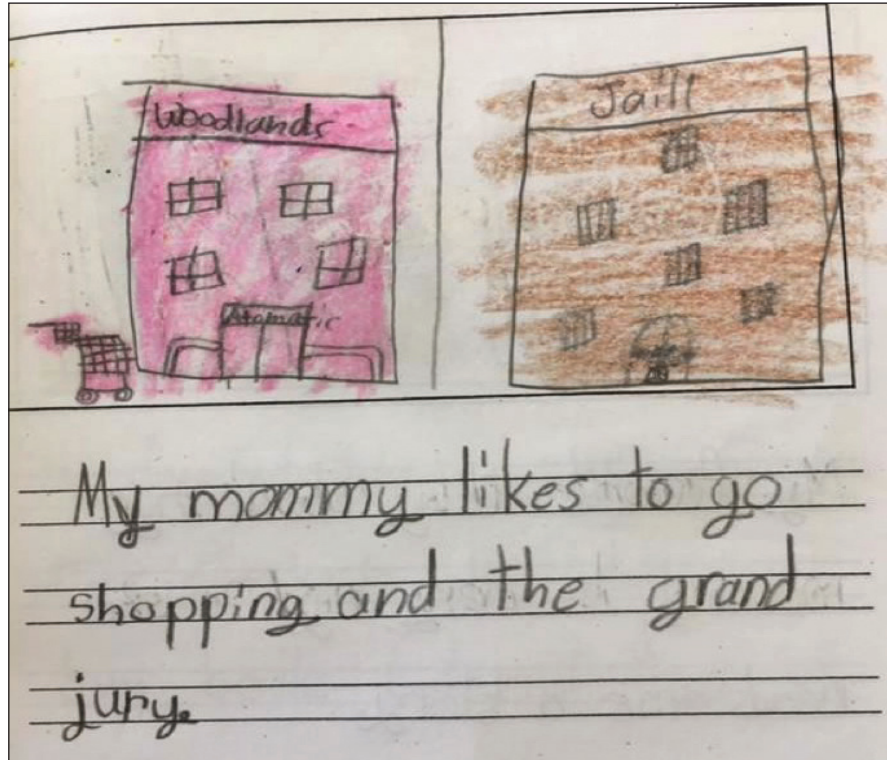
The California State Constitution requires the establishment of a Civil Grand Jury in each of the state's 58 counties. Each county's Civil Grand Jury acts as a civil "watchdog" to oversee the performance of its local government agencies. This is a different function from a Grand Jury's role of issuing criminal indictments that may be more familiar to you. Marin County has more than 152 public agencies: including the county itself, cities, towns, school districts, sewer districts, police and fire agencies, other special districts, and joint powers authorities (JPAs). All of these are subject to Grand Jury oversight and investigation.

Each Civil Grand Jury consists of 19 citizens from all walks of life who dedicate a year of service to studying their county and considering ways to improve its local governance. In addition, 11 alternates are selected to stand ready to replace a juror when needed. During its one-year term, the Civil Grand Jury issues reports detailing their findings and recommendations to which public agencies must respond.

## WHY PEOPLE APPLY

People from all walks of life apply to the Civil Grand Jury for a multitude of reasons:

- *Since I am close to retirement I'd like to continue to be productive and to understand my community in depth.*
- *I love living in Marin and am eager to use my analytic and interpersonal skills to see that the many public entities continue to function optimally for the benefit of the residents of Marin.*



- *I want to be able to serve my community and build an even better future for coming generations.*

## THE APPLICATION PROCESS

**Step one:** Complete the "Application to Serve on the Marin County Civil Grand Jury" (available on the Civil Grand Jury's website – link below). In addition to requesting your name and professional background, some confidential information is requested to perform a preliminary background check. This check is needed because jurors will be given access to detention facilities and to confidential information. Those selected as jurors will also be fingerprinted, required to share information about financial investments (Form 700), and have a second background check performed. All such information is kept

confidential by the county and only released to agencies as required by law.

**Step two:** Applicants who meet the basic requirements are invited for an interview. This interview is designed to ensure that there are no hidden agendas or conflicts of interest, and that applicants communicate well. The strongest and most representative 30 applicants are then selected.

**Step three:** The "30" are invited back for the final selection round. All applicants' names are placed into a drum and randomly selected by the presiding judge. The first 19 selected will be the "seated jury." The remainder are invited to be "alternates." The jury is immediately sworn in. If a juror resigns for any reason, the next alternate is contacted and invited to join the jury immediately.

## HOW THE YEAR UNFOLDS

The jurors' and alternates' first week is occupied with training. In addition to learning about responsibilities and powers, committees and investigation techniques, participants start to get to know each other — each of whom has a lifetime of expertise to share. In a typical year, jurors and alternates visit Marin County Juvenile Hall, Marin County Jail, and San Quentin State Prison. These visits are required by law and make a strong impression. Jurors and alternates see, talk to, and eat with people (including inmates) with whom they would not normally interact.

## Getting organized/a typical week

After the training, alternates are excused. Jurors organize into investigative and administrative committees and establish a weekly calendar. Committees usually meet weekly in two-hour time slots on Tuesdays, Wednesdays and Thursdays. The entire Grand Jury meets once a week in plenary session.

## Finding a topic

Perhaps the most surprising thing for new jurors is that there is no assigned list of topics to investigate. Jurors may wish to follow up on a previous Civil Grand Jury report, review citizen complaints, research issues that they've heard about, or simply learn more about a local agency. By the end of the first month, committees start to explore potential topics. Is there a perception of wrongdoing, inefficiency, or

## Civil Grand Jury Experience

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## Civil Grand Jury Experience

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need for improvement? After internal research and discussion, government officials are invited for interviews.

### The interview process

Each interviewee signs an admonition acknowledging the obligation not to reveal that they spoke with the Civil Grand Jury or the content of conversation. Interviews provide background information and allow pointed questions to be asked in a confidential setting. The Civil Grand Jury is sworn to protect the anonymity of sources, not just for the current term, but forever.

### Continuity

In addition to ongoing investigations, the Civil Grand Jury has administrative responsibilities. Perhaps the most important of these is reviewing public agencies' responses to previously published Civil Grand Jury reports for adequacy, completeness, and timeliness. For example, if an agency promised to make a change by a certain date, the Civil Grand Jury seeks confirmation. Such monitoring ensures that promised changes happen.

### The RFI

When a committee has sufficient information and direction, they write a Request for Investigation (RFI). An RFI is an overview of what the committee plans to research and is presented to the entire 19-member body of the Civil Grand Jury (the "Plenary"). If the research proves fruitful, a report is written. The Plenary later reviews and votes on each report.

Sometimes a committee discovers that their "hot topic" is not viable (assumptions prove to

be incorrect or changes are already underway) and has to abandon the topic and start anew. Excitement builds as expertise and experience develops. Jurors' days are filled with meeting leaders, learning the lingo, understanding motivations, deciphering the law, and finding best practices. Jurors start thinking about solutions to problems, and then validating these solutions through additional research, conversation, and surveys. One key investigative principle is triangulation: to prove anything, at least three independent sources are required. Triangulation takes time but is key to a report's effectiveness. Reports don't simply contain jurors' thoughts or observations; they are fact-based.

### Field trips and plenary presentations

The Civil Grand Jury is not all work and no play. There are opportunities to take "field trips" to learn as much as possible about Marin County. Jurors visit a wide variety of agencies and locales and ask questions of experts. In addition, leaders from throughout the county are invited to present at the weekly plenary sessions, sharing details of their organizations and responsibilities. These presentations give a comprehensive overview of local government and the dedicated and talented individuals who serve county residents.

### Writing the report

While some investigations continually uncover new information and could go on indefinitely, the Civil Grand Jury

must complete its work within its one-year term. At some point investigations must wind down and writing the report described in the RFI must begin. Before drafting the report, jurors attend a "Report Writing 101" class. The writing process can be the most emotionally-charged phase of the term. During meetings, people agree on high-level concepts but when articulated in detail, committee members may disagree on language, intent, specifics, or logical flow. Members review each other's contributions, negotiate phrasing, and merge separate ideas into a cohesive, rigorous report draft.

### The editing process

Once a committee agrees the report is ready, a draft is passed to the editorial committee. This is the first chance for "fresh eyes" to read the report and offer suggestions. The investigative committee can then make any necessary edits, eventually sharing the report with the Plenary.

### Report approval

Members of the Plenary read the committee's report, share suggestions and ask additional questions before discussing and voting to approve release. As in other Plenary actions, a supermajority (at least 12 of the 19 jurors) must vote to approve.

After Plenary approval, both County Counsel and the presiding judge must sign off on the report. Their role is not to censor the work, but to ensure that the specific language is legally appropriate (i.e., the report is not libelous)

and within the jury's scope of responsibility. If they reject the report, the committee may opt to make necessary changes and seek re-approval. As required by the California Penal Code, a confidential copy is sent to agencies named in the report. This ensures that these agencies have an opportunity to request any factual mistakes be corrected before publication. Finally, the report is published: It is placed onto the Civil Grand Jury's website and copies are sent to the media for possible coverage.

### THE RESULTS

The most tangible result of the jury's work are the published Civil Grand Jury reports identifying issues and containing recommendations to which specific agencies publicly respond. Responses may indicate the intention to implement the recommendations, further study the concepts, or reject the recommendations as too costly or infeasible. Responses are posted with the reports on the Grand Jury's section of the county website.

One goal of each independently researched report is to stimulate community awareness and conversation — in the media, at board meetings, and within neighborhood groups. Over the years, Civil Grand Jury reports have addressed a wide variety of topics and have encouraged many measurable changes.

### INTERESTED?

If you have some free time and a passion to make a difference, apply to the next Civil Grand Jury. You'll learn, share, and connect with other Marinites. Join us.

The Civil Grand Jury accepts applications throughout the year.

**To Apply for CIVIL GRAND JURY SERVICE**  
[MarinCounty.org/GrandJury](https://MarinCounty.org/GrandJury) • Click on "Grand Jury Application"

**To Request a CIVIL GRAND JURY INVESTIGATION**  
[MarinCounty.org/GrandJury](https://MarinCounty.org/GrandJury) • Click on "Request an Investigation"