

DISTRICT ATTORNEY RESPONDS FAVORABLY:

704 COMPLAINTS LEAD TO GRAND JURY RECOMMENDATIONS

SUMMARY

On September 7, 2002 an errant driver killed a 17-year old female pedestrian in Grover Beach. After investigating, city police referred the case to the San Luis Obispo County District Attorney to consider charging the driver with misdemeanor manslaughter. The file languished on the desk of the Deputy District Attorney assigned to the case until March of 2003, a total of seven months. At that time, the District Attorney determined his office might have a conflict of interest and referred the case to the state Attorney General, who subsequently declined to prosecute. In August 2003, eleven months after the accident, the newly formed 2003-2004 Grand Jury received 704 requests from the public to investigate the District Attorney's handling of the case. The Grand Jury immediately mounted an investigation into the District Attorney's handling of the case. Shortly thereafter the District Attorney filed one criminal count against the driver, who was eventually convicted of the charge against him. This year, as part of an ongoing process of reviewing the implementation of prior Grand Jury recommendations, the 2008-2009 Grand Jury looked into the District Attorney's policies for continuing the reforms he initiated during and after the 2003-2004 Grand Jury investigation.

NARRATIVE

The Deputy District Attorney who was assigned the accident file was a professional acquaintance of the driver's father. The file sat on his desk for seven months before the case was referred to the Attorney General's Office for review due to possible conflict of interest. The Attorney General's Office declined to file charges and referred the case back to the District Attorney's Office in August of 2003.

That same month, the family of the girl and other citizens submitted more than 700 complaints. The complete 2003-2004 Grand Jury report of its subsequent investigation, entitled: “Vehicular Manslaughter Case Tabled on Deputy DA’s Table,” can be found on the Grand Jury web site, www.slocourts.net/grand_jury. That report notes that the criminal charge against the driver was filed on September 5, 2003, just two days before the statute of limitations would have prevented the filing.

As a result of the 2003-2004 Grand Jury investigation, the District Attorney developed a management tool called the Pending Cases Report. This report is reviewed by the Chief Deputy and the Assistant District Attorney monthly to determine the status of all pending cases. The Pending Cases Report is also shared with the County Victim Witness Division for its review. The District Attorney also issued new protocols for procedures involving vehicular manslaughter cases. During the 2003-2004 Grand Jury investigation, the District Attorney adopted new Procedures for Vehicular Manslaughter Cases and Other Cases Involving a Fatality. These procedures were enacted to assist Deputy District Attorneys and Victim Witness personnel in handling similar cases. The District Attorney’s Office also began weekly meetings between the Victim/Witness Director and the Assistant Directors. These meetings are designed to recognize potential problems early. The existing High Misdemeanor Tracking Report now includes misdemeanor vehicular manslaughter cases pending filing. As a result of the 2003-2004 Grand Jury report, the District Attorney also circulated a memo called Early Recognition of Potential Conflicts of Interest. This memo reminds deputies to report any potential conflicts of interest to a supervisor as soon as they are noticed.

CONCLUSION

The 2008-2009 Grand Jury applauds the District Attorney for not only recognizing a problem and acting on it but also for continuing to implement the remedies he developed. The District Attorney took immediate steps to enhance case tracking systems already in place and create new procedures. The communication between the District Attorney, the Victim Witness Division and

victims' families has been improved with the implementation of these procedures. The effort of the 2003-2004 Grand Jury led to significant improvements in the way the District Attorney and his staff responds to such internal problems, and we commend the District Attorney for his continuing efforts in this area.

REQUIRED RESPONSES

No responses to this report are required.