

## FOREMAN'S STATEMENT

"The time has come, the Walrus said,  
To talk of many things;  
Of shoes and ships and sealing wax  
Of cabbages and kings  
And why the sea is boiling hot  
And whether pigs have wings."

*Lewis Carroll*  
*Through the Looking Glass*

The 1999-2000 San Bernardino County Grand Jury is pleased to present this final report to the Presiding Judge of the Superior Court, to the San Bernardino County Board of Supervisors and to the citizens of San Bernardino County.

What follows are the observations of a Foreman seeking to internalize, to integrate, and to evaluate what has been for myself and the entire Jury, an impressive learning experience. I considered myself moderately sophisticated in governmental and public affairs, but the Grand Jury experience was another ball game. It may be too soon to be definitive about the experience. I sincerely hope that future grand jurors and the interested public will find these comments informative and helpful for understanding the Grand Jury process.

I begin with a declaration of gratitude, affection, and respect for the 18 unacquainted, inexperienced individuals who first came together last July as the 1999-2000 San Bernardino County Grand Jury. As it turned out, they were 18 independent, strong-willed, intelligent, hard-working and dedicated individuals. Over time, with a few rough bumps and ups and downs, they developed into a cohesive, productive and self-governing group who hold their conflicts in abeyance. As Foreman, the 19<sup>th</sup> member, I bask in their reflected glory.

The growth of all of us was aided by two "adjunct jurors": Susan Shuey, Grand Jury Assistant, and Clark A. Hansen, Jr., Deputy District Attorney/Legal Advisor. Their knowledge of what the Grand Jury was and is, their good common sense and their wise judgment guided all of us, and especially me, through some difficult times.

We would also like to express our gratitude to the Judges of the Superior Court for granting us the honor of serving on the 1999-2000 Grand Jury, and for providing us with the opportunity and challenge to serve our County. We especially thank Presiding Judge John W. Kennedy, Jr. who "baptized" us as Grand Jurors by giving us our oath and reading our Charge as officers of the

Superior Court, and who guided and counseled us during the first half of our term. Our special thanks to Presiding Judge Roberta McPeters who skillfully completed the final half of our term.

## **THE GRAND JURY**

The California Grand Jury system has historical roots in the old English jury whose purpose was to protect citizens from the arbitrary power of the King. The California system continues to retain the goal of protecting residents from alleged abuses by local governments. In civil matters, the jury performs oversight (“watchdog”) activities; in criminal matters it serves the indictment process. Indictment proceedings inquire into alleged violations of the law to ascertain whether the evidence is sufficient, i.e., probable cause, to warrant recommending a trial in Superior Court.

As a temporary microcosm of society with a one-year life, each Jury is predominantly composed of neophytes in the subjects dealt with. Consequently, Juries organize themselves differently, go about their business in different ways, and study different problems. Each Jury defines to what degree it remains an independent body. Each Jury then creates itself and its outcomes, in its own image.

The California Constitution and the California Penal Code establish the structure and procedures under which the Grand Jury operates. Although it has some degree of independence, the Jury is under the governance of the County and is administered by the Superior Court. Consequently, the Jury interacts directly with other governmental units and operates in the environment of County government, which changes even during its term. For example, governmental budget woes influence the acceptance or rejection of Jury recommendations.

## **COMPLAINTS**

Any private citizen, city/county official, or city/county employee may present a complaint in writing to the Grand Jury. The Jury limits its investigations to possible felonies and to charges of malfeasance or misfeasance of a public official. Any request for an investigation must include detailed evidence supporting the complaint. If the Jury believes that the evidence submitted is sufficient, a detailed investigation is made. The 1999-2000 Grand Jury has answered approximately 21 such requests. A Complaints

Committee, with the assistance of the legal advisor from the District Attorney's Office, conducts the initial investigation of the complaint and makes recommendations for the disposition to the various committees of the Grand Jury.

Some complaints develop into full-scale Jury investigations. In many cases we have to rely upon internal investigations by agencies alleged to have committed wrongdoing or upon the District Attorney's investigation. For others, we judge whether or not proper procedures and due process were followed. In all instances, the Jury acts as a court of last chance for complaint, with some assurance to the petitioner that they had a proper day in court.

## **CIVIL INQUIRIES**

Whatever degree of success this Grand Jury may have achieved in the area of civil oversight, is due primarily to the outstanding performance of the various committees and respective chairpersons who provided the momentum and direction necessary to bring their findings to a productive conclusion. We hereby acknowledge each committee chairperson for their perseverance and dedication, and thank them for "a job well done."

These investigations consume about 80 percent of our time and most of our discretionary budget. How does the Grand Jury go about deciding what to study and how to do it? The process is analogous to a group entering a kitchen with a potpourri of raw food and collecting and selecting what and how to prepare an elegantly served gourmet dinner plus wine. Somehow, though, it was done in an organized and judicious manner. We conducted a thorough review of what previous Juries had done, had discussions with local government people at different levels, read newspapers and reports, made site visits, and drew on the special interests of some of the Jurors. The final report covers both the external audit, as well as our own findings and recommendations.

## **FOREMAN'S OBSERVATION**

I was impressed with the number of dedicated, efficient, and effective public employees in all the governmental units we dealt with.

As the Jury's investigations developed, I became increasingly aware of the ubiquitous occurrence of drugs and alcohol, low income and poverty, and family deterioration. These problems originate both within and outside the County. Local governments can do better than they are doing with "safety

nets." County programs are budget-driven, as they should be, but outputs and outcomes should have at least as much emphasis as inputs, i.e., dollars. Current problems always seem to eliminate longer range thinking, whether it be building maintenance or prenatal care; prevention, seemingly, is always displaced by dealing with a current crisis. The present value of a future dollar, perhaps as well as the present value of a future vote, is not given much worth.

## CONCLUSION

I return to the beginning: the mandate that the Grand Jury protect the individual against the tyranny of his government, i.e., make a difference. Has the 1999-2000 San Bernardino County Grand Jury met this criterion? In my judgment the answer is a resounding "YES." The Jury performed well. The impact of our civil investigations will become evident after a period of time. Public policy and government operations do not lend themselves to rapid change. Some of our recommendations will be accepted, others will not. And what more should any rational person expect?

To my fellow Grand Jurors, I can only say that serving with each of you has been one of the most intense joys of my career. For your wisdom, diligence and search for truth, I enthusiastically commend you for your advice, criticism, patience, and support. For allowing me the privilege to serve with you and for giving me the opportunity along side you to "do our duty," I sincerely thank you.

Respectfully submitted,

JESSE D. LASSWELL, Foreman  
1999-2000 County Grand Jury