

RESPONSE COMMITTEE ACTIVITY REPORT

The 2010-11 Santa Barbara County Civil Grand Jury's (Jury) Response Committee (committee) submits this activity report briefly describing its role and highlighting some of its major activities. The committee's primary function is to monitor the report-response process to assure that the relevant provisions of the Penal Code are followed faithfully. Among its responsibilities are the obligation to supervise the process whereby responses are received from report recipients within established time lines (60 days or 90 days depending upon recipient), see to it that responses are accurately logged-in, carefully reviewed for compliance with statutory mandates with respect to format and content (specificity as to completion dates, etc.) and either accepted for immediate posting on the Jury web site or followed up by the committee where additional information consistent with statutory requirements is needed. In addition, the committee has the important task of keeping accurate records for the successor response committee where the responses are received too late in the Jury's term for action to be taken.

During the 2010-11 term, the committee adopted what it believes to be a significantly enhanced approach to its responsibilities on several levels. These activities included rewriting the report transmittal letter to restate more clearly the committee's supervisory role in the report process, and adopting a more active view of its authority in an effort to bring their statutory obligations to the direct attention of respondents. Further, the committee determined to take a more aggressive approach where responses were deemed to be inadequate. To that end, the committee, with the approval of county counsel's office, became more involved in advising report recipients of their statutory obligations concerning the contents of responses and the time frames involved. This approach led the committee to involve itself more actively in the response process in several different ways.

First, the committee redrafted the transmittal letter to include an attachment containing the major legal obligations mandated by *Penal Code Sections 933 and 933.05(a),(b) and (c)*, with pertinent portions underlined for emphasis. The committee expects these steps will eliminate confusion or misunderstanding regarding the required content and format of responses to Jury findings and recommendations.

Second, the committee more closely monitored compliance with statutory time lines, both for responses (60 days or 90 days) and finite completion dates. In the past, some recipients had promised action without also providing any time frame for doing so. Thus, the committee reviewed several responses to reports issued by prior juries (as far back as 2005-06) to determine whether they met minimum requirements for acceptance.

As a result of that review, the committee identified some responses from prior years whose commitment to abide by Jury recommendations offered no fixed time frame for compliance as required by statute, or promised to provide future information to the Jury, but did not do so. Except in one instance, once notified of any deficiencies, all

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respondents promptly complied. The exception involved a school district which resisted providing certain additional information, claiming it interfered with an on-going criminal matter involving former employees of the district. Demonstrating its more assertive posture, the committee insisted upon prompt compliance, and the information was forthcoming shortly thereafter.

As a result of that experience, the committee consulted with county counsel's office to determine what possible options were available to it to compel compliance by recalcitrant agencies. These options include, but are not limited to, filing a Public Records Act request, the issuance of a subpoena to compel document production and the issuance of a subpoena to compel sworn testimony.

Third, it was determined that where necessary, follow-up letters would be sent to recipients of more current reports where the committee found a need to reiterate its expectations that the statutory mandates must be followed. Where appropriate, these follow up communications will be posted on the Jury's web site as well. That site may be accessed as follows: www.sbcgj.org. The public is encouraged to view the site to gain a better understanding of the response committee's important work and to appreciate the full extent of the committee's post-response monitoring function.

Thus, during its present term, the committee reviewed responses from agencies to whom reports were issued in 2009-10, but were not received before the end of the Jury's term in June 2010. These included responses to reports dealing, for example, with two deaths in the main jail, possible mismanagement and waste of resources by a water district, obtaining funding for a North County jail, and a severe curtailment of services to the homebound elderly. These reports, and others, may be found on the Jury's website which also contains an index of prior reports for quick reference.

Finally, the committee determined to reorganize its files and establish a more uniform system to facilitate year-to-year continuity and enable successor response committees to address more quickly reports from previous Jury terms which remained in an open status pending the receipt of clarification from the recipients.

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