

**REPORT BY
THE 2012-2013 CONTRA COSTA COUNTY GRAND JURY**
725 Court Street
Martinez, California 94553

Report 1308

**ENCOURAGING CITIZENS TO APPLY
FOR GRAND JURY SERVICE**

There is an imbalance in district applications.

APPROVED BY THE GRAND JURY:


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Contra Costa County Grand Jury Report 1308

ENCOURAGING CITIZENS TO APPLY FOR GRAND JURY SERVICE
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TO: The Board of Supervisors and all Cities and Towns of Contra Costa County

SUMMARY

The Contra Costa County Grand Jury is not a part of County government, nor is it a part of any city or special district governing body. The Grand Jury is a part of the State of California's court system. The Grand Jury has no oversight responsibility related to any activity or function carried out by the Court. Specifically, the Grand Jury cannot write reports and make recommendations related to how the Court chooses to administer any aspect of the Grand Jury process. That process includes activities related to (a) recruiting potential jurors, (b) evaluating applications received from potential jurors, (c) interviewing applicants, and (d) the final selection of jurors for service.

During discussions with several members of the County Board of Supervisors, it was mentioned that it has become increasingly difficult to find citizens willing to volunteer to serve on the numerous boards, advisory committees, councils, etc. that the County has established. This situation was investigated by last year's Grand Jury in Report #1215. Although not established by the County, the Grand Jury is similarly dependent upon finding volunteers from the community willing to serve. In looking at this issue, this Grand Jury has discovered that there has been a significant imbalance in the number of applications received from each of the five Supervisorial Districts. Over the five most recent Grand Jury terms, Districts II and IV have jointly produced 61 applications per 100,000 of population. Over that same period Districts I, III and V combined have produced only 28 applicants per 100,000 of population, or approximately half that of Districts II and IV.

In order to make the Grand Jury a more effective body, it is important that (a) an adequate number of applications be received each year by the Court and (b) that in this group of applications an equitable geographic representation is achieved. The purpose of this report, therefore, is two-fold: First, to make the public and Contra Costa County (CCC) elected officials aware of this imbalance in applications with respect to the five Supervisorial Districts; Second, to make recommendations to CCC and city officials who can be instrumental, in general, in encouraging citizens to volunteer for Grand Jury service and, in particular, in increasing the number of Grand Jury applications from Districts I, III, and V.

METHODOLOGY

The methodology of this investigation can be broadly categorized in four parts.

1. Grand Jury application statistics were organized by Supervisorial District and USPS Zip Code.
2. The California Penal Code was researched for those sections that would apply to the recruitment, selection and seating of civil Grand Juries.
3. Publically available Grand Jury literature and print and electronic media were surveyed.
4. Selected CCC District Supervisors were interviewed to determine the impact of supervisorial activity on the quantity of Grand Jury applications.
5. Reviewed last year's Grand Jury Report #1215

BACKGROUND

California Penal Code Sections 888 through 939.01 cover Grand Jury selection, protocol and service. In CCC, the Grand Jury is composed of nineteen members and serves for one year beginning in June. There are two sources for Grand Jurors. The first source is carry-over jurors from the previous year's Grand Jury. The second source is those who have not served on the previous year's Grand Jury and have volunteered for service on the new Grand Jury.

Application forms for Grand Jury service can be found at some, but not all public venues such as county offices, city offices, libraries and the court houses. Application forms can also be found on the Court's website www.cc-courts.org/Grandjury.

Citizens may apply for Grand Jury service provided that the following qualifications are met.

- Be a US citizen and a resident of Contra Costa County for at least one year.
- Be at least eighteen years of age.
- Possess ordinary intelligence, sound judgment and fair character.
- Possess sufficient knowledge of the English language.
- Never have been convicted of a felony or other high crime.

In recent years, the Superior Court has received an average of 88 applications for Grand Jury service. From the list of applicants, sixty are chosen for interview by Superior Court Judges. From the sixty that have been interviewed, the "final-thirty" are selected. It is from these thirty that the new jurors are chosen by a random process.

This report goes back five terms to the 2008-2009 Grand Jury. Over the five-term period 439 persons applied for Grand Jury service. The data was adjusted to identify the applicants with the current Supervisorial Districts that were established September 9, 2011. The data was then tabulated and analyzed.

Table 1 shows the populations of CCC and its breakdown among the five Supervisorial Districts.

Table 1.				
Contra Costa County Population US Census of 2010				
The areas that now are the 2011 Supervisor Districts	District Population	Population Districts I, III & V	Population Districts II & IV	Percentage of County Population
I	203,347	203,347		19.4%
II	218,917		218,917	20.9%
III	203,711	203,711		19.4%
IV	219,216		219,216	20.9%
V	203,744	203,744		19.4%
Totals	1,048,935	610,802	438,133	
Percentage		58.2%	41.8%	100.0%

Table 1 is based on the 2010 U.S. census. The current Supervisorial Districts average 20% or just under 210,000 inhabitants for each of the five Districts. The variation among Districts is minimal. The most populous District is 219,216 or 20.9% of total CCC population and the least populous is 203,347 or 19.4% of CCC population. For practical purposes the five districts have an even proportion of inhabitants. The Supervisorial District Map is shown in Exhibit 1.

Table 2 shows the distribution of applicants for the past five Grand Juries from the five Supervisorial Districts.

Table 2.

Grand Jury Applications Aggregated Five-Year History 2008-2012				
The areas that now are the 2011 Supervisor Districts	GRAND JURY Applicants	Applicants Districts I, III & V	Applicants Districts II & IV	Percentage of GRAND JURY Applicants
I	58	58		13.2%
II	135		135	30.8%
III	44	44		10.0%
IV	134		134	30.5%
V	68	68		15.5%
Totals	439	170	269	
Percentage		38.7%	61.3%	100.0%

The 439 dots contained on Map 1, represent one dot for each application for Grand Jury service over the most recent five Grand Jury terms. Visually obvious is the concentration of applicants in Central County extending north to south in Districts II and IV.

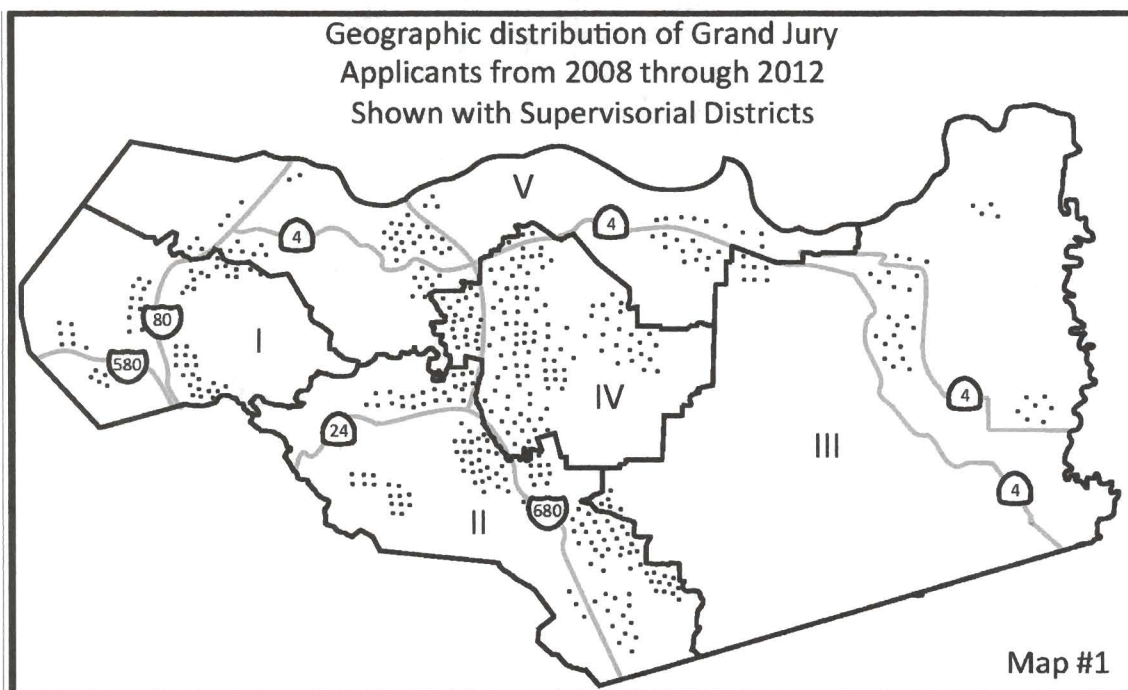


Table 2 and Map 1 show that the number of applicants from districts II and IV are each three times higher than those from districts III and twice as high as those from districts I and V. The populations of Districts I, III and V are not applying for Grand Jury service in nearly the same proportions as those of Districts II and IV. The information in Tables 1 and 2 is combined in

Table 3 where the proportionality of Grand Jury application history is clearly illustrated.

Table 3.					
Grand Jury Applications per Sup. Dist. Population					
Aggregated Five-Year History 2008-2013					
The areas that now are the 2011 Supervisor Districts	District Population	Grand Jury Applicants	Applicants per 100,000 of Population		
			All Districts	Districts I, III & V	Districts II & IV
I	203,347	58	29	29	
II	218,917	135	62		62
III	203,711	44	22	22	
IV	219,216	134	61		61
V	203,744	68	33	33	
Totals	1,048,935	439			
Averages			42	28	61

On average over the past five Grand Jury terms, there have been 42 Grand Jury applications county-wide per 100,000 of population. The disproportional bulk of these applications have come from central-county, the areas now designated as Districts II and IV. The applicant pattern has not significantly varied over the past five Grand Jury terms. The fact that Grand Jury applications in CCC is not proportional to Supervisorial District nor is it representative of population is displayed by Tables 2 and 3 and by Map 1.

Currently, it is difficult to get citizens to apply or volunteer for any type of public service such as board or commission membership. Last year's Grand Jury investigated this problem in Report #1215. The lack of interest in applying to serve on the Grand Jury may be caused by this situation. More balance in applications can be a part of a solution in meeting the requirements of Penal Code Section 899.

Findings

1. There is a persistent imbalance of 2 to 1 in Grand Jury applications between Districts II & IV and Districts I, III & V.
2. The problem is not the size of applicant pool, but the distribution over the five supervisorial districts.

Recommendations

The Grand Jury recommends that:

1. At public events, the Supervisors and their staff actively encourage applications for Grand Jury service.
2. The Supervisors use email and other media they now use to encourage Grand Jury application in their districts.
3. County offices open to the public in all districts display Grand Jury brochures and application forms.
4. City offices in Districts I, III, and V display Grand Jury brochures and application forms.

REQUIRED RESPONSES

	<u>Findings</u>	<u>Recommendations</u>
Contra Costa County Board of Supervisors	1, 2	1-3
City of Antioch	1, 2	4
City of Brentwood	1, 2	4
City of El Cerrito	1, 2	4
City of Hercules	1, 2	4
City of Martinez	1, 2	4
City of Oakley	1, 2	4
City of Pinole	1, 2	4
City of Pittsburg	1, 2	4
City of Richmond	1, 2	4
City of San Pablo	1, 2	4

COPY FOR INFORMATION ONLY – NO RESPONSE REQUIRED

City of Clayton

City of Concord

Town of Danville

City of Lafayette

Town of Moraga

City of Orinda

City of Pleasant Hill

City of San Ramon

City of Walnut Creek

