

COUNTY EMPLOYEE CHAIRING GRAND JURY

IS A CONFLICT OF INTEREST

The Sutter County Taxpayers Association has learned that a Sutter County employee is the foreperson of the 2014 – 2015 Sutter County Grand Jury. We believe it self-evident that this is a conflict of interest, since county grand juries are empaneled to look at taxpayer-funded government agencies within the county. Indeed this is one of its principal obligations. The following is a list of responsibilities taken directly from the Sutter County Grand Jury website:

“CIVIL WATCHDOG RESPONSIBILITIES: The Grand Jury may examine all aspects of county and city government and special districts to ensure that the best interests of Sutter County citizens are being served. The Grand Jury reviews and evaluates procedures, methods, and systems utilized by county government to determine whether more efficient and economical programs may be employed. Most Grand Jury “watchdog” findings are contained in reports describing problems encountered and making recommendations for solutions.

“CITIZEN COMPLAINTS: The Grand Jury receives many letters from citizens alleging mistreatment by officials, suspicions of misconduct, or governmental inefficiencies. Complaints received from citizens are acknowledged and investigated confidentially for their validity. If the situation warrants, and corrective action is under the jurisdiction of the Grand Jury, appropriate action is taken.

“CRIMINAL INVESTIGATIONS: Under certain circumstances the Grand Jury holds hearings to determine whether evidence presented by the district attorney is of sufficient nature to warrant persons having to stand trial in court.”

The website also includes this statement: “Serving as a Grand Juror consumes many hours...”

The county employee now named as foreperson also served on the 2013 – 2014 Grand Jury. Based on the first above-listed 'watchdog' responsibility, such naming was--and is--inappropriate. In a county as small as Sutter, alleged wrongdoing cannot be legitimately investigated by members of the very organization under investigation--possibly even immediate co-workers. It's that simple. And who will monitor this complex arrangement to verify that County wages are not funding the 'many hours' required of Grand Jury work rather than the employee's assigned County business issues? And even more time will obviously be consumed by the Grand Jury Foreperson? It would not be at all unlikely that a grand jury foreperson's heavy new responsibilities would take clear precedence over a County employee's routine County business. If a County employee remains on the county's grand jury, there needs to be close monitoring of both time at--and time away--from her county job so that taxpayers are not paying her county wages while she is consuming those many hours on grand jury business. Who will monitor? Who will check? The other county employees being investigated?

Given the significant list of responsibilities and the obvious and necessary time commitment, SCTA believes it absolutely improper to have any local government employees on the grand jury, let alone serving as “Foreperson.” An employee of any taxpayer-funded local agency cannot logically be considered to be completely unbiased no matter how hard one tries. Civil and criminal juries clearly recognize--and address--this common conflict of interest.

Finally, the grand jury foreperson is clearly in a position to influence other members of the grand jury. Moreover, when any member of the grand jury is on the same payroll as the subject(s) of investigation, the conflict of interest is simply too great to be tolerated.

Pat Miller, President

Sutter County Taxpayers Association