

**COUNTY OF SAN MATEO
COUNTY MANAGER'S OFFICE**

To: Honorable Board of Supervisors
From: Paul Scannell, Assistant County Manager
Subject: Proposed Response to the 2000-2001 Grand Jury
Date: May 30, 2001

Recommendation: File with the County Clerk the response to the 2000-2001 Grand Jury Reports Concerning the Release on Own Recognizance Program and Laguna Salada Union School District

Background and Discussion:

The 2000-2001 Grand Jury released its report and recommendations concerning the Release on Own Recognizance Program on March 7, 2001. The Grand Jury report states that all components of the County's original justice system value the pre-trial release service and acknowledge that the OR Program is generally effective. The County agrees with the finding. In addition, the County agrees with the finding that certain aspects of the program, as with all longstanding ongoing programs, can be improved. As to specific changes, the County intends to rely upon and be guided by the advice of the Superior Court which is primary user of the OR service.

As to the Grand Jury's two recommendations, since the Grand Jury released its report, the San Mateo County Superior Court has appointed an OR Evaluation Committee. The Committee met with representatives of the Bar Association, the OR Program, the Probation Department, the Sheriff, the County Manager and other interested parties. The Committee reported to the entire Court and as a result, the Superior Court has set in motion a 60-day review period during which the OR Evaluation Committee will meet and confer with the Bar Association. At the conclusion of the 60 days, the Superior Court will make such recommendations, as it deems appropriate, as to the future administration of the program. Negotiations between the County and the Bar Association have been suspended awaiting the outcome of the Court and Bar Association deliberations. Since both Recommendations of the Grand Jury pertain to changes to the County's contract with the Bar Association, a response would be premature until the Superior Court's requested process is complete in the next few months.

In addition to the report regarding the OR Project, the Grand Jury also issued a report regarding the Laguna Salada Union School District and the Brown Act. The Recommendation 4.4 of that report recommends that the Board of Supervisors should continue to provide annual funding for

the Grand Jury to obtain separate legal counsel when it is investigating an entity or district represented by the County Counsel. The Board last year appropriated money in the County Counsel's budget for that purpose and the recommended budget for 2001-2002 continues an appropriation for this purpose.

A handwritten signature in cursive script that reads "Paul Scannell". The signature is written in black ink and is positioned above a horizontal line.

PAUL SCANNELL
ASSISTANT COUNTY MANAGER

SAN MATEO COUNTY BOARD OF SUPERVISORS

Release on Own Recognizance Program

RECOMMENDATION 3.4 The Board of Supervisors should direct the County Manager to negotiate changes to the County's next contract with the San Mateo County Bar Association concerning the O.R. Program to do the following:

- a) Amend the point scale to include assignment of a point value for the offense being charged.
- b) Add the requirement of written verification of defendants' residence (e.g. P.G. & E or phone bills)
- c) Amend the annual O. R. reporting procedures to include either initial FTA rates or appearance rates as the program's baseline measure of compliance with contractual requirements.
- d) Add the requirement that annual O. R. reporting procedures include statistics concerning persons who are re-arrested while enrolled in the O.R. program and statistics for persons who FTA following financially secured pre-trial releases.
- e) Require an annual review of the O.R. operations manual.

RECOMMENDATION 3.5 The Board of Supervisors should require in the next O.R. contract that the O.R. Policy committee:

- a) Meet prior to the end of the current fiscal year, and plan to meet semi-annually in the future as required by contract.
- b) Enact a policy to prohibit O.R. staff from driving defendants to court appearances.
- c) Publish notice of future meetings and the results of those meetings through the media services available to other county programs posing similar information.
- d) Consider at its next meeting the addition of a private citizen to its membership to represent the concerns of the citizens of San Mateo County. The citizen should have a legal background and be conversant with topics related to the O.R. program.

RESPONSE TO 3.4 AND 3.5: The 2000-2001 Grand Jury released its report and recommendations concerning the Release on Own Recognizance Program on March 7, 2001. The Grand Jury report states that all components of the County's original justice system value the pre-trial release service and acknowledge that the OR Program is generally effective. The County agrees with the finding. In addition, the County agrees with the finding that certain aspects of the program, as with all longstanding ongoing programs, can be improved. As to specific changes, the County intends to rely upon and be guided by the advice of the Superior Court which is primary user of the OR service.

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County's contract with the Bar Association, a response would be premature until the Superior Court's requested process is complete in the next few months.

RECOMMENDATION 4.4 The San Mateo County Board of Supervisors should continue to provide adequate annual funding to the Grand Jury solely for the purpose of obtaining separate counsel when it is investigating an entity or district represented by County Counsel.

RESPONSE: In addition to the report regarding the OR Project, the Grand Jury also issued a report regarding the Laguna Salada Union School District and the Brown Act. The Recommendation 4.4 of that report recommends that the Board of Supervisors should continue to provide annual funding for the Grand Jury to obtain separate legal counsel when it is investigating an entity or district represented by the County Counsel. The Board last year appropriated money in the County Counsel's budget for that purpose and the recommended budget for 2001-2002 continues an appropriation for this purpose.