

Obstacles to the Orderly Operation of the Santa Cruz County Grand Jury

Background

The Santa Cruz County Grand Jury exists as a check or balance on the operations of local government. If wrongdoing is uncovered, information will be turned over to the appropriate authorities for proper action; but, in general, the purpose is to act as a watchdog on county operations and ensure that everything is working fine. The jurors' expectations are that things are *mostly* working fine.

The Grand Jury is composed of people essentially donating their time.¹ They are doing this to provide a benefit to the taxpayers and citizens of Santa Cruz County. Members of the Grand Jury do not generally anticipate earth-shaking discoveries. They are simply serving in the hope of providing a fresh and useful look at local governments and special districts. The belief is that their perspectives will be able to assist in improved operations.

The Grand Jury also hopes that everyone it works with will understand this, and will help the Jury accomplish its function. The time available for Grand Jurors is very limited, so the Jury needs substantial cooperation in order to complete its tasks on time. The Jury's main goal is to help improve the efficient, fair and forthright operation of various government agencies throughout Santa Cruz County; this cannot be done without everyone's help.

Scope

This year's Grand Jury has determined that it would be useful and informative to report on its perception of the difficulties it encountered in trying to accomplish its task. There were many obstacles: some were systemic; some were unique due to the courts being moved to state control; some were normal misunderstandings; others were without explanation. The Grand Jury wrote this with the hope that it can be used to encourage greater understanding and cooperation between future Grand Juries and the agencies they will be working with.

Findings

1. Some information was unnecessarily difficult to obtain. One committee began an investigation into the operations of the Information Services Department (ISD). They received substantial cooperation from the director and his department heads. At least they received substantial *verbal* cooperation and actually stumbled into the following problems:
 - a) On occasion, requested materials from ISD were promised, but not delivered. Follow-up requests were ignored, stonewalled, routed through intermediaries or vetted through superiors. Requests for written responses were often ignored. Through this process, some responses were also lost entirely. We cannot report on the actual cause

¹Grand Jurors are paid \$15.00 per day whenever they convene for however long they convene.

of some of these problems. Much of the feedback was informal and came from verbal sources.

Response: Santa Cruz County Board of Supervisors

The County is not aware of requested material that was not provided to the Grand Jury. It is the County's policy that all legal requests from the Grand Jury are to be provided in a timely fashion.

- b) Several Grand Jury members requested virtual private network (VPN) access to the County's internal network. They wanted this access to facilitate researching county operations and to make it possible to edit Grand Jury documents from home. The ISD department made unequivocal assurances that no security issue was involved. Nevertheless, after initial approvals, the requests were stonewalled, run around, deferred, ignored, even promised and then ultimately denied due to unspecified "concerns about security". Pressing the issue was strongly discouraged due to the cost of the necessary "political capital".

Response: Santa Cruz County Board of Supervisors

An initial positive verbal response was given to the Grand Jury regarding the request for remote access to the County's computer systems. After further review, the request was denied in writing due to the County's security concerns. The County does not anticipate or plan to provide VPN access to non-employees except for the highly restricted access authorized for certain vendors to support specific software products. The use of home computers which are not under the County's control or supervision presents specific concerns regarding virus protection and firewalls. Anyone accessing the County's network must have a virus free computer. Any persons using DSL or broadband for access to the internet must utilize a firewall between their home computer and their Internet Service Provider. VPN, coupled with persistent connection technologies such as DSL and broadband, provides continuous 24 hour internet connections that create the opportunity for hackers to probe home computers and potentially gain access to County networks. For these reasons, it remains inappropriate for the Information Services Department to authorize any expansion of VPN access to the County's computer networks.

The Grand Jury would like to make it clear that this situation is not the norm. There were many cases where people graciously bent over backwards to be helpful. The Grand Jury is pointing out situations that should not have happened.

Response: Santa Cruz County Board of Supervisors

The County appreciates the comment and will continue efforts to work cooperatively with the Grand Jury.

2. Access to the county's internal network is important and even crucial for efficient and effective research. Despite this, access was denied for several weeks. The reasoning, we were led to believe, was due to fears that Grand Jurors would break into private areas of the county internal network. However, the Grand Jury has the authority to investigate all areas of the County, whether on the network or not. In any case, access was removed

with little notice and we weren't officially informed in writing until near the end of our term.

Response: Santa Cruz County Board of Supervisors

ISD is responsible for safeguarding County computer resources, and by due diligence, requires a signed security agreement for access, and uniformly monitors all access. Access to the County's internal network was provided as soon as the signed security agreements were received from the Grand Jury.

3. This incident was followed by a request that Grand Jurors sign a somewhat modified internet access form that contained language granting the ISD department authority to monitor all Grand Jury computer network activity. This conflicts with the confidentiality required by the oath taken by the Grand Jury members. Upon careful consideration of this language, many on the Grand Jury chose to uphold the oath and forego signing the form. Though it is difficult to imagine county ISD employees monitoring the Grand Jury, this explicit right has been asserted through all versions of the document presented so far. The Grand Jury is concerned about the county government's insistence on including this language in the form.

Response: Santa Cruz County Board of Supervisors AGREES

The County agrees with this finding with the following clarification. As stated in a letter to the Grand Jury, the County of Santa Cruz has no intention of hindering or restricting the Grand Jury's operations or investigations in any way and is committed to complete compliance with the legal responsibility to provide requested information to the Grand Jury. However, the County is also responsible for maintaining the security of its computer data and systems. To meet these disparate obligations, the County will provide all information requested by the Grand Jury in such a way as not to jeopardize computer system security.

4. The transfer of the financial administration of the Grand Jury from the Superior Court to the county had been planned for a number of years. Nevertheless, the County proved to be ill-prepared to handle the transfer. Worse, county staff exhibited little concern or responsibility for the problems created. Some bills were left unpaid for inordinate amounts of time and that led to significant inconveniences. As examples:
 - a) It took nearly six months for some of the Jurors to be reimbursed for their training expenses and three months after submittal to be paid for most of the quarterly mileage and per diem expense reports. The primary cause of these delays was that the paperwork got lost and the subsequent failure to notify the Grand Jury about their loss.
 - b) The post office box rental went unpaid until the Post Office sealed the box. This was inconvenient.

Response: Santa Cruz County Board of Supervisors PARTIALLY AGREES

The Courts did not inform the County of their intention to transfer administration of the Grand Jury to the County until after the 2002-03 Grand Jury was in place. This late notification resulted in transition difficulties. County staff immediately worked with Court personnel to resolve these issues, and the Courts have retained responsibility for training reimbursements, mileage, and per diem payments. We regret any inconvenience.

5. There were occasions when "not expending political capital" was more important to County officials than their official responsibility to assist the Jury. The Grand Jury determined that there were two avenues of investigation that held promise for substantial savings in county operations. The problem was that doing a proper investigation required more time than was available to Grand Jury members. Consequently, the investigations would have required outside agencies to do much of the work. That kind of consulting work must be requested through the advocates of the Grand Jury to the Board of Supervisors. The jurors who were qualified and interested in presenting the case to the Supervisors were never called upon. Consequently, these investigations were pocket vetoed instead of openly decided upon. Some counties simply budget for outside consultants as part of the normal annual budgeting process.
6. The ISD department charges the Grand Jury \$200 per month for network connections. This is \$150 more than a DSL connection from the phone company.

Response: Santa Cruz County Board of Supervisors AGREES

The County agrees with this finding, with the following clarification. The monthly network connection fee is \$105.00 for any workstation on the County network. In addition to connectivity, this fee covers the cost for additional services including virus software with timely updates, internet access, help desk support, etc.

Conclusions

1. A few of the County employees and elected officials show a lack of understanding of the role of the Grand Jury and their legal responsibilities to it. These individuals show a reluctance to communicate forthrightly with the Grand Jury under some circumstances.
2. Detailed oversight of the Grand Jury network usage by any county agency is inappropriate and contrary to both the letter and the intent of California state law regarding grand jury responsibilities.
3. In operations the size of Santa Cruz County, there are almost always significant inefficiencies and waste. Given the complexity of county government, it would be beneficial to follow Santa Barbara's example and make an annual appropriation for external management audits.
4. Working with certain county employees leaves the Grand Jury with the distinct impression that they are reluctant to work with the Grand Jury and do so only out of necessity. *The Grand Jury is concerned that these County employees are working under a fear over the consequences of supplying requested information to the Grand Jury. It is not clear what concern they might have, but they should not be facing any concern over consequences.*

5. The vetting of responses through superiors delays responses and makes working with county employees much more cumbersome and difficult.
6. The County did not take full responsibility for ensuring that all the necessary infrastructure was in place for the Grand Jury to go about its duties.
7. The security concerns the county has regarding VPN access by Grand Jury members also apply to county employees, contractors and elected officials. Anyone using VPN access to the county network presents identical vulnerabilities.

Recommendations

1. It would be extremely useful for the CAO, key department heads, and the Board of Supervisors to meet with the incoming Grand Jury at the start of each year. In this fashion, the leaders would have an opportunity to become acquainted with the people who will be conducting the investigations. People do communicate more freely with people they have met.

Response: Santa Cruz County Board of Supervisors

County leaders would be pleased to respond to all invitations from the Grand Jury to meet informally. Some years, the County staff has been requested to participate in Grand Jury orientation, and these efforts have been well received. The County Administrative Officer would welcome the opportunity to discuss how best to formalize such a procedure for the future.

2. All county governmental employees should be encouraged to cooperate and communicate freely with the Jury and not have to worry about their jobs. The Grand Jury should be treated as a fully functional partner in Santa Cruz County governance.

Response: Santa Cruz County Board of Supervisors

This recommendation is already in place and will be reiterated.

3. The Grand Jury needs a network connection that can be reasonably assured of being free from intrusion by any County employee. It needs a confidential direct DSL line to an outside ISP. It will also save \$150.00 per month in the Grand Jury budget.

Response: Santa Cruz County Board of Supervisors

The recommendation for a network connection that can be reasonably assured of being free from intrusion by any County employee is already in place. The County could provide the Grand Jury with a separate DSL line, but this would prevent the Grand Jury from accessing the County intranet, which the 2002-03 Grand Jury required. The County will continue working with each Grand Jury to provide them with the computer resources needed to complete their efforts.

4. The Board of Supervisors should make regular annual appropriations for outside management audits and structure the execution of the audits in such a way that they compliment the activities of the Grand Jury.

Response: Santa Cruz County Board of Supervisors

This recommendation has already been implemented. Individual departments recommend funding when necessary to employ outside auditors or management consultants to review County operations.

5. There should be no security concerns about access at all. Since there is, all VPN access to the County internal network should be halted immediately. Once secure access can be assured, then VPN access should be resumed and be granted to any Grand Jury member who requests it.

Response: Santa Cruz County Board of Supervisors

This recommendation will not be implemented for the reasons described in the responses to the findings above.

6. Incoming Grand Jurors should have a proper orientation meeting replete with a County Grand Juror procedures manual, forms packet and contact list. There should be no confusion over how to fill in and submit expense reports and other forms.

Response: Santa Cruz County Board of Supervisors

This recommendation has been and will continue to be implemented. County staff will continue to work with Court staff and Grand Jury members to maintain and enhance the existing procedures manual and contact list.

Responses Required

Entity	Findings	Recommendations	Respond Within
Santa Cruz County Chief Administrative Officer	1-4,6	1-6	90 Days (Sept. 30, 2003)
Santa Cruz County Information Services Department	1b, 3, 6	2,5,6	90 Days (Sept. 30, 2003)
County Board of Supervisors Of Santa Cruz County	10	1,3	60 Days (Sept. 2, 2003)

Note: County Board of Supervisors of Santa Cruz County responded for Santa Cruz County Chief Administrative Officer and Santa Cruz County Information Services Department.