

CIVIL GRAND JURY COMPENSATION

SUMMARY

The Civil Grand Jury is made up of volunteers who commit to serving for twelve months. The weekly time commitment is conservatively 25-30 hours. In the County of Santa Barbara, compensation for serving as a Grand Juror is paid as a taxable per diem of \$25 (plus a nontaxable mileage reimbursement). This per diem has remained unchanged since before 2000.

For Santa Barbara County to remain in compliance with Section 23 of Article 1 of the California Constitution, a grand jury must “be drawn and summoned at least once a year in each county.” A diverse pool of applicants is desirable as this would provide for a more representative body of jurors. To ensure the functional success of the jury, taking into consideration the high cost of living in Santa Barbara County, an increase in the per diem for Civil Grand Jurors is pivotal to achieving this goal.

INTRODUCTION

The Santa Barbara Civil Grand Jury (Jury) has faced an increasingly high turnover rate of qualified jurors. As new jurors become aware of the scope of duties and the time commitment needed to perform those duties, some are leaving the Jury before the completion of their term. In 2023, as the most recent example, it was necessary to utilize all ten of the available alternates in order to fulfill the required 19 juror positions. When the count still fell short of the required 19 persons, an appeal was made to former jurors to return and serve another term. Even so, only 18 of 19 available positions have been maintained as of December 2023. Santa Barbara County residents face a high cost of living, especially in housing. The Grand Jury meets during business hours; therefore, many working people will not apply. Additionally, time may be needed to care for family members or fulfill other obligations.

METHODOLOGY

For this inquiry, the Jury has researched public sources, reviewed County budgets, the history of Jury applications, and turnover of Jury rosters, and has considered the following items:

- Compliance with the California Constitution

- A civil monitoring body of high standards and diversity
- The time involved to investigate properly and report to the public
- The cost of living in Santa Barbara (SB) County
- The State’s minimum wage
- Fair compensation in line with other California Grand Juries

OBSERVATIONS

Applicant Pool and Turnover of Jurors

Under the California Rules of Court, specifically Rule 10.625, the Court must develop and maintain a database containing information regarding prospective civil grand jurors. The database includes, but is not limited to, the following criteria: name, age range, occupation, gender, race or ethnicity, and the prior year(s) served on the Civil Grand Jury. It should be noted that the SB Superior Court utilizes a random drawing methodology to select both potential Jurors and Alternates. The only exception to this process is for those Jurors who carry over for a second term. The SB County Jury has 19 members and 10 alternates at the beginning of the term.

The Jury requested this information for the last three years from the SB Superior Court office. A summary of the data received is reflected in the following tables:

AGE RANGE OF JUROR APPLICANTS

Year	18-25	26-34	35-44	45-54	55-64	65-74	75+
2023-24			2	9	13	32	14
2022-23					4	13	12
2021*	3	1	2	1	7	19	10
Total	3	1	4	10	24	64	36

*Grand Jury term had a modified calendar due to the COVID-19 pandemic

GENDER OF JUROR APPLICANTS

Year	Male	Female
2023-24	32	38
2022-23	16	13
2021*	26	17
Total	74	68

RACE/ETHNICITY OF JUROR APPLICANTS

Year	American Indian or Alaska Native	Asian	Black or African American	Hispanic or Latino	Native Hawaiian or other Pacific Islander	White	Other Race or Ethnicity	Declined to Answer
2023-24		1	4	3		55	2	5
2022-23				2		25		2
2021*				2		29		12
Total		1	4	7		109	2	19

As indicated by the data received there is a relatively equal mix of males and females. However, there is a predominance of people who identify as “white” and are above the age of 54.

Per the latest complete U.S. Census Bureau information from 2020, (https://data.census.gov/profile/Santa_Barbara_County_California?g=050XX00US06083), the disparity between the number of White and Hispanic/Latino applicants versus the demographics of the County is significant. As of 2020, the Hispanic/Latino population of the County was approximately 47% of the total population compared to 5% of applicants. Also, the percentage of people 65 years or older was 16.6% versus 70% of applicants.

The 2023-24 Jury started its term on July 1st with a full contingent of Jurors and Alternates. However, by the end of August, the entire reserve of Alternates had been exhausted and two additional carry-over Jurors from the previous year were asked to rejoin. The Jury was not able to determine in every case why there was significant turnover but can attribute some resignations due to the greater than expected time commitment.

Impact of Inflation

The State of California mandates a minimum per diem for a Grand Jury of \$15. SB County currently has a \$25 per diem rate requiring a minimum of one hour’s work. The Jury was unable to determine when this rate was established in the County, but that rate has been in existence since before the year 2000. The purchasing power of \$25 in the year 2000 would require \$46** in 2024.

**Source of data: www.usinflationcalculator.com

Rising Costs of Living

As evidenced by the impact of inflation on the cost of living, the SB Board of Supervisors has consistently voted to increase its salary and mileage reimbursement amounts. In 2021, the Board gave itself a 3% raise which, at the time, was the maximum it could implement by law. In 2023, the Board voted to raise the maximum annual increase amount to 5%, which is the most allowed for elected department heads. The County Human Resources (HR) Department tied the salary increases to the Consumer Price Index for the Los Angeles-Long Beach-Anaheim area, which is the most comparable area to SB. The Board also increased the auto allowance for its members to \$262 from \$220 every two weeks. SB County Jury members currently get mileage reimbursement at \$0.67 per mile with no maximum allowance.

Based on the Board’s actions and utilizing the Los Angeles-Long Beach-Anaheim area as the most comparable area to SB, the Jury collected the per diem information for the Grand Juries in those counties. The table below reflects what Grand Jurors earn in Santa Barbara, Los Angeles, and Orange Counties.

Grand Jury Per Diem Comparison

County Name	Current Juror Per Diem	Implementation Date
Santa Barbara	\$25	Prior to 2000
Orange	\$50	2001
Los Angeles	\$60***	2007

***It should be noted that, in 2023, Los Angeles County agreed to an increase to \$100 pending further analysis. The SB Grand Jury could not determine whether this analysis was initiated or completed.

Comparison to California Minimum Wage

The SB County Superior Court website (<https://sbcgj.org/become-a-grand-juror/>) states, “Persons selected for the Grand Jury must make a commitment for a full year, and be prepared to serve at least 20 hours a week.” Based on the experience of the 2023-24 term’s Jurors and those who carried over from the prior term, the 20-hour-a-week threshold is understated and misleading. In a March

2024 Noozhawk article, the Court recognized this and has restated the requirement as “Applicants should be prepared to commit 25-30 hours a week...” While California has steadily increased the minimum hourly wage rate (see below), the SB County Grand Jury per diem rate has remained stagnant.

California Minimum Wage Rate History

Year	2018	2021	2024
Wage Rate/Hour	\$6.25	\$11.00	\$16.00

Grand Jury Workload

The expectations of the Civil Grand Jury include the following:

- Attending weekly plenary meetings and at least three committee meetings. Meetings are typically 1-3 hours in length
- Evaluating and researching all submitted Requests for Investigations, along with corresponding witness interviews
- Researching, reviewing, writing, and working independently
- Reviewing and investigating, as needed, all the deaths in custody that occur during the Grand Jury’s term of service
- Completing a series of County facility tours to educate and inform Jury members on how they function
- Performing a series of facility inspections in Santa Barbara County
- Writing formal reports about the results of its investigations including findings and recommendations

Report writing is one of the Grand Jury’s most essential and time-consuming duties. It asks Jurors to work independently and as a team. Jurors must also provide a variety of skills to bring an accurate report to successful completion. The jury is required to review, edit, and approve every report. Jurors share information in person, via email, and through video conferencing to prepare

reports for formal approval and publication. This preparation includes discussing all content, grammar/punctuation editing, and gaining consensus on impactful findings and recommendations.

Creating a More Diverse Jury

Available jurors include a broad spectrum of the population, particularly of race, national origin, and gender. While diversity comes in many forms, the historical demographic makeup of SB Grand Juries has not adequately reflected that of its residents. As a community “watchdog,” the Jury should better represent a cross-section of the people it represents.

The Jury per diem rate has not been adjusted for inflation. Consequently, only County residents with sufficient savings or additional sources of income other than employment can afford to serve. Jury composition is predominately made up of retirees.

An increase in the per diem rate could enhance the attractiveness of the service and compensate members of the Jury closer to a level commensurate with the time, effort, and value they provide to the community.

Potential Budget Increase Mitigations

The second largest budgeted cost, after per diem, associated with the Grand Jury is mileage reimbursement. Fifty percent (50%) of this year’s Jury is comprised of citizens from the North County area. This change in demographics has been an ongoing trend especially as the North County population outgrows that of the South County. The incorporation of online meetings has somewhat mitigated the cost of travel.

Additionally, jurors are encouraged to carpool whenever possible. The value of in-person meetings is significant as the Jury begins its term, during the investigation process, and subsequent report writing. Travel from the Santa Barbara County Courthouse to the court facility in Santa Maria is approximately 150.0 miles round trip. Facility inspections and meetings demand jurors travel within a geographical area ranging from Carpinteria to Cuyama. While this mileage is significant, it is unavoidable and must be compensated.

Because of the confidential nature of the work, all Jury meetings and interviews must be conducted in a closed session. Members of the Jury are sworn to secrecy to ensure that all investigations will be managed in a confidential manner. To ensure this confidentiality, the members of the Jury must meet in a space that affords them the ability to speak without being overheard and display sensitive documents. The Jury Room at 1100 Anacapa St. in Santa Barbara is secure and fully equipped to facilitate jury work. However, there is no comparable space in North County that is available to jury members on a weekly basis. Some commuting costs may be alleviated (150.0 miles round trip) if an adequate space were available to jury members in the North County.

CONCLUSION

The daily compensation (per diem) for members of the Civil Grand Jury of Santa Barbara County is currently set at \$25 per day for any day that the Jury member works for at least one hour. Santa Barbara Superior Court has traditionally estimated that Jury members will work a minimum of 20 hours each week. This time frame is supposed to adequately cover the duties of the members of the Grand Jury during their one-year term of service.

The \$25 stipend Jury members receive for their hour plus of daily work has not increased in at least 25 years. This report shows clearly how inflation has changed the value of the dollar and both the minimum wage and the cost of living.

This Jury's goal is to expand the number of Jury applicants and balance the demographics of Grand Jury membership to more fairly represent the population of Santa Barbara County. To reach this goal, Santa Barbara County should reconsider increasing the per diem pay in relation to the time commitment expected of the Grand Jury.

Santa Barbara County is required to support a Civil Grand Jury with 19 jurors. When the Jury loses so many members that it exhausts not only the pool of alternates but also must ask former members to return, Santa Barbara County has a problem. The recommended changes this Grand Jury proposes will help Santa Barbara County better reach its goal of maintaining a viable and diverse Civil Grand Jury to better represent the citizens of the County.

FINDINGS AND RECOMMENDATIONS

Finding 1: The Santa Barbara County Grand Jury per diem of \$25 has not increased in more than 25 years.

Recommendation 1: The Board of Supervisors should increase the Santa Barbara County Grand Jury per diem to \$50, effective January 1, 2025.

Finding 2: The second highest budgeted cost associated with the Grand Jury is mileage reimbursement. Most of this cost is associated with Jury members who commute from North County because dedicated space and equipment are only available in Santa Barbara.

Recommendation 2a: The Board of Supervisors in conjunction with the Superior Court will make available for the sole use of the Grand Jury for a minimum of one day per week a room in Santa Maria with the capacity to support 19 members of the Grand Jury with equivalent communication, printing, photocopy, kitchenette, restroom access, and parking capabilities as is available in the Santa Barbara County Courthouse facility.

Recommendation 2b: The Board of Supervisors in conjunction with the Superior Court will make available for three to four (3-4) days per week a room in Santa Maria with video conferencing capabilities, access to restrooms, adequate parking and the capacity to support up to 10 members of the Grand Jury for ad hoc use.

Requirements for Responses:

Pursuant to California Penal Code §933 and §933.05, the Grand Jury requests each entity or individual named below to respond to the Findings and Recommendations within the specified statutory time limit.

Elected Official: Santa Barbara County Board of Supervisors – 90 Days

Finding(s): 1, 2

Recommendation(s): 1, 2a, 2b

Responses to Findings shall be either:

- Agree
- Disagree with an explanation
- Disagree partially with an explanation

Responses to Recommendations shall be one of the following:

- Has been implemented, with a summary of the implementation actions taken
- Will be implemented, with an implementation schedule
- Requires further analysis, with an analysis completion date of fewer than 6 months after the issuance of the report
- It will not be implemented with an explanation of why