

# Opinion: Harassment among El Dorado County grand jurors

By Ryan Donner

I served as a member of the 2011-12 El Dorado County Grand Jury and began serving a second term on the 2012-13 El Dorado County Grand Jury.

Judge Stephen Bailey was the supervising judge during both of these jury sessions. At the end of the 2011-12 jury session, the presentation of a report on one of our investigations met with court censorship. I was very vocal regarding my opinion that the report should be issued as originally written.

It became apparent to me early in my second term that the foreman, Ray Van Asten, was not following proper jury protocol (Robert's Rules of Order/Parliamentary Procedure) in conducting meetings and conducting votes on organizational activities within the full body of the jury. Further, he failed to appoint a pro tem or a secretary prior to statewide training meetings.

Each week Van Asten would appoint a member of the body to take meeting minutes which were then submitted to him. Upon our next full body meeting we would occasionally discover that votes taken or committees formed during the previous meeting had been changed in the meeting minutes and Van Asten would assert that the vote was invalid as a result of how the discussion was categorized, or he would deny any recollection of what had transpired with respect to the discrepancies.

I was very vocal about these breaches of protocol during the meetings, often stopping the proceedings to identify that procedure had not been followed. I was also vocal about the seemingly altered meeting minutes and the impropriety of not selecting officers prior to training meetings that would give

those officers a guideline for managing oversight in the full body. As a result of my outspokenness, Van Asten became frustrated with me and began loudly contesting anything I had to say, ignoring me during discussions, and asking me to step back from commenting at all. A pattern of harassment began to develop.

Becoming more and more frustrated about the way the foreman was treating me, and about the breaches of protocol which I felt bordered on illegality, I made a complaint of harassment to El Dorado County Human Resources and was told that they had no purveyance over the jury body and suggested I contact the Superior Court instead. I was told by the court that Human Resources was the county's responsibility, and that in any case, grand jurors were volunteers and really had no standing from an HR perspective.

Nevertheless, I then took my complaint to the district attorney, Vern Pierson. He listened to my complaint and told me he would look into it.

Within two weeks of my complaint, I received an email from Judge Bailey's clerk requesting that I meet at the judge's office with the judge. No explanation for the meeting was given, and I received no physical/formal written notice of the meeting. Upon arriving at the meeting I was told that it had been moved from the judge's office to his courtroom. Present in the courtroom were the judge, Van Asten, the clerk, a court stenographer, and a sheriff's bailiff. What ensued was not a meeting, but rather a hearing, during which I was essentially threatened with contempt of court unless I "got along" with Van Asten in the grand jury meetings (Here are the court transcripts.) I took this to mean that I should simply do what Van Asten told me, period. During a previous term as grand jury foreman, Van Asten also acted to have a juror with whom he disagreed removed.



Now understanding that my attempts to establish order during meetings was simply not going to be allowed, and suffering increasing harassment from Van Asten (threatening emails, public humiliation during meetings, etc.), I decided that my best course of action was to resign from the jury to avoid a kangaroo court issuing a contempt order against me for doing my job as a grand jury member – identifying oversight, even amongst the full body itself.

It is my belief that the problems I experienced during the early months of this grand jury continued even after my departure, and that the result was an unprecedented dissolution of a civil grand jury in El Dorado County prior to the completion of their term, and without issuing a single investigative report, even on the state mandated inspections of detention facilities in the county.

*Ryan Donner is a resident of El Dorado County.*