

To: The Honorable Susan Brown, 185th State District Court

From: Foreman, 185th Grand Jury, Harris County

Trisha S. Pollard

Date: January 31, 2012

Re: Our Grand Jury Service

The members of this Grand Jury are honored to have had the opportunity to serve as Grand Jurors for the August, 2011 Term, extended to February 1, 2012 for the HPD Mobile B.A.T. Vans investigation. The privilege to serve the outstanding citizens of Harris County by participating in the determination of probable cause in felony cases and in an investigation is a unique experience essential to the administration of the criminal justice system, and we actively encourage other citizens to volunteer for Grand Jury service.

Our attempts to initiate our investigation were met with unexpected resistance from persons in the Harris County District Attorney's Office (HCDAO). Nothing prepared us for the events that unfolded, some of which are documented in motions filed by the HCDAO and some are in the public domain. In the days prior to the Court's ruling authorizing the attorneys pro tem to aid in our investigation, an investigator and other senior members of the HCDAO were observed in the hallway outside our Grand Jury meeting room; we were unable to determine whether this was an effort to track the traffic of witnesses, or for purposes of intimidating members of the Grand Jury. One day while walking on a sidewalk returning from lunch break, some Grand Jury members were photographed by an unknown person in what appeared to be a government-issued vehicle, again for an unknown purpose. We discovered through our investigator that the HCDAO initiated investigations into members of the Grand Jury, the attorneys pro tem and past and present members of the Harris County judiciary.

Our investigation was distracted by the Assistant District Attorney most responsible for the prosecution of DWI cases invoking her Fifth Amendment right against self-incrimination (publicly reported). To be perfectly clear, we know the ADA had the right to invoke the Fifth Amendment, but we are deeply troubled that any prosecutor would fear prosecution from a Grand Jury investigation. The stain upon the HCDAO will remain regardless of any media statements issued or press conferences performed by anyone.

The ultimate standard for prosecutors must be much more than mere obedience to the law; it must be conduct which constantly reaffirms one's fitness for the responsibility and continuously furthers the belief that a DAO exists to ensure an even-handed administration of justice. Conduct which casts public discredit on the office of the HCDAO as well as on the administration of justice is unacceptable. While we appreciate the fine line between ethics and the law, our investigation was unable to determine that any criminal conduct had occurred. But it is clear that the work of this Grand Jury has already resulted in some positive changes in the enforcement of DWIs in Harris County, as the HPD B.A.T. vans are being phased out. Again, we thank you for the privilege to serve our County.