



Grand Jury Report

Process & Procedures

Civil Grand Jury

- Authorized under the California State Constitution
 - Section 23, Article 1
 - “One or more grand juries shall be drawn and summoned at least once a year in each county.”

- Governed by the California Penal Codes
 - Sections 888 through 945

Purpose

- Most noted for its “indictment” authority in criminal cases
- Investigates allegations of a public official’s malfeasance, misfeasance, or nonfeasance.
- Investigates and reports on local government operations as required or permitted by law.
 - Referred to the “watchdog” function

Purpose

➤ Penal Code Section 925

- “The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts.”

Grand Jury Report & Response

- California Penal Code 933(a & b) directs the reporting functions of the Grand Jury.
 - (In part) “Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year.”
 - “A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title.”

Grand Jury Report & Response

- California Penal Code 933 (c) directs the response function of the “agency.”
 - “No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body...”

Grand Jury Report & Response

- Board Policy A-11 specifies a uniform procedure for compliance with Penal Code 933(c).
 - *Highlights*
 - ✓ *CAO receives Report and sends to appropriate Department heads for response*
 - ✓ *CAO compiles Department replies in Initial Draft Response*
 - ✓ *CAO submits draft response for a Public Hearing review*
 - ✓ *At review, Board may direct staff to make changes or take necessary action(s) to clarify responses*
 - ✓ *CAO makes changes requested by the Board and confers with Departments*
 - ✓ *CAO submits for Final Draft Response to the Board in a Public Hearing*
 - ✓ *With Board approval the Final Draft Response is submitted to the presiding judge of the Superior Court*

El Dorado County Grand Jury

- The El Dorado County Grand Jury submitted two reports for 2013 - 2014.
 - Midterm report was published in March 2014
 - Final report was published in June 2014.
 - County must respond by September 18
 - Last possible date for Board approval is September 16
 - Target date for Initial Draft Response is August 12.
 - ❖ Direction requested on report GJ-13-20

Grand Jury Report 13-20

- Report titled “The El Dorado County Charter: A Prescription for Dysfunction”
- The report does not fall under any specific Department’s jurisdiction
- As the official respondent, the Board of Supervisors is the appropriate body to respond to GJ-13-20

Grand Jury Report 13-20

- Report contains:
 - Six findings
 - Two recommendations

- Responses to the findings and recommendations are governed by Penal Code 933.05

Penal Code 933.05

- “As to each Grand Jury *finding*, the responding person or entity shall indicate one of the following:
 1. The respondent agrees with the finding
 2. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.”

Penal Code 933.05

- “As to each grand jury *recommendation*, the responding person or entity shall report one of the following actions:
 1. The recommendation has been implemented, with a summary regarding the implemented action.
 2. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
 3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
 4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.”

Grand Jury Report 13-20

- In preparing a response, options include:
 1. Appoint one Board member to draft an initial response to findings and recommendations.
 2. Select two Board members to act as an “ad hoc” committee to work on responses.
 - ❖ If selected, the “ad hoc” group would be limited to the two members (Brown Act)
 3. Schedule an agenda item at an upcoming meeting to discuss and approve responses.
 4. Refer to Charter Review Committee for suggestions.
 - ❖ Note: At the June 25 Charter Review Committee meeting, the Committee placed GJ-13-20 on the agenda, received public, discussed, and decided to “receive and file” the report. No further action taken

Things to consider...

- Final response will require Board approval
- Initial draft response is scheduled for review on August 12 (next week)
 - A second review with GJ-13-20 included could be done on August 26
- Last possible date for Board approval of final report is September 16
 - Five Board meetings left between now and September 16



Questions?