



# COUNTY OF EL DORADO, CALIFORNIA

## BOARD OF SUPERVISORS POLICY

Subject:  RESPONDING TO GRAND JURY REPORTS	Policy Number:  A-11	Page Number:  1 of 4
	Date First Adopted: 11/5/1991	Last Revised: 11/XX/2017

### I. PURPOSE

The purpose of this policy is to establish guidelines for preparation of county responses to the Grand Jury report, pursuant to County Charter Section 703.

### II. POLICY

Penal Code Section 933 (c) governs the time limits for all responses to Grand Jury reports.

#### 933 (c)

*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, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the Board of Supervisors, on the findings and recommendations pertaining to matters under control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of the comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with clerk of the public agency and the office of the County Clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.*

Penal Code Section 933.05 establishes the format for responses to Grand Jury reports, providing a uniform procedure and a standard format for all departments and the Chief Administrative Office to follow when responding to the annual Grand Jury Report.

#### 933.05.

*(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:*

*(1) The respondent agrees with the finding.*



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*(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.*

*(b) For purposes of subdivision (b) of Section 933, 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.*

*(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.*

*(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.*

*(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.*

*(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.*



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### III. PROCEDURE

1. Department Heads are to provide responses to each Grand Jury Finding and Recommendation to the CAO within 14 days following the CAO notifying Department Heads of the need for responses.
2. The Chief Administrative Office will compile a Draft Response to each Grand Jury Finding and Recommendation and submit to the Board of Supervisors for review and comment prior to presenting the Final Response for approval.
3. The Draft Response and the Final Response will be placed on the agenda of a regular or special Board Meeting.
4. The CAO will provide an informational copy of both the Draft and Final Responses to the current Grand Jury Foreperson.
5. Elected Department Heads are required by Section 933(c) of the Penal Code to respond directly to the Presiding Judge of the Superior Court within 60 days, with an information copy sent to the Chief Administrative Officer, on behalf of the Board of Supervisors in order to facilitate any required response from the Board of Supervisors
6. Adoption of the Final Response and submittal to the Presiding Judge of the Superior Court must occur no later than 90 days after the Grand Jury submits a final, public report to the reviewing authority (i.e., Board of Supervisors or Elected Department Head).

### IV. REFERENCES

Penal Code Section 933 to 933.05

County Charter Section 703

### V. RESPONSIBLE DEPARTMENT

Chief Administrative Office



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**VI. DATES ISSUED AND REVISED; SUNSET DATES:**

<b>Adopted Date:</b>	11/5/1991	<b>Next Review Date:</b>	10/1/2022
<b>Revision Dates:</b>	06/10/1994; 04/26/2005; 11/XX/2017		