

RESPONDING TO A GRAND JURY REPORT

The written response of each named respondent will appear in a publication to the citizens of El Dorado County. Each must include the name of the Grand Jury report along with the name and official title of the respondent.

California Penal Code Section 933.05 mandates specific requirements for responding to grand jury reports. Before preparing an official response, carefully review the Penal Code and note the pertinent provisions outlined below. Each respondent must use the formats below for responses to each separate finding and recommendation identified above.

Please pay close attention to required explanations and timeframes. Incomplete or inadequate responses will likely prompt further investigative inquiries by the Grand Jury and/or the court.

RESPONSE TO FINDINGS

Finding F#. *[Retype the text of the finding as written in the Grand Jury report, # is the finding number in the report.]*

Response: *Review California Penal Code section 933.05 (a) (1) and (2).*

Respondents must specify one of three options:

- 1. Respondent agrees with finding,*
- 2. Respondent disagrees wholly with finding or*
- 3. Respondent disagrees partially with finding.*

If respondent uses option 2 or 3, the response must specify the disputed finding and include a clear explanation.

IMPORTANT NOTE ABOUT GRAND JURY FINDINGS

The Grand Jury derives Findings from testimony and evidence. All testimony and evidence given to the Grand Jury remains confidential by law, and it is the Grand Jury's responsibility to maintain it. California Penal Code §929 provides "... the name of any person, or facts that lead to the identity of any person who provided information to the Grand Jury, shall not be released." Further, 86 Ops. Cal. Atty. Gen. 101 (2003) prohibits grand jury witnesses from disclosing anything learned during their appearance including testimony given. This is to ensure the anonymity of witnesses and to encourage open and honest testimony.

RESPONSE TO RECOMMENDATIONS

Response R#. [*Retype the text of the recommendation as written in the Grand Jury report, # is the recommendation number in the report.*]

Response: *Review California Penal Code section 933.05 (b) (1) - (4).*

Respondents must specify one of four options:

- 1. Recommendation has been implemented.*
- 2. Recommendation has not been implemented but will be implemented noting a timeframe.*
- 3. Recommendation requires further analysis or study noting a timeframe not to exceed six months from date Grand Jury Report was issued.*
- 4. Recommendation will not be implemented because it is not warranted or reasonable, with an explanation.*

TIME TO RESPOND

The California Penal Code specifies response times.

PUBLIC AGENCIES

The governing body of any public agency (also referring to a department) must respond within 90 days from the release of the report to the public.

ELECTIVE OFFICERS OR AGENCY HEADS All elected officers or heads of agencies/departments are required to respond within 60 days of the release of the report to the public.

FAILURE TO RESPOND

Failure to respond as required to a Grand Jury report violates California Penal Code Section 933.05 and is subject to further action that may include additional investigation on the subject matter of the report by the Grand Jury.

WHERE TO RESPOND

All responses must be addressed to the Presiding Judge of the El Dorado County Superior Court.

**Honorable Vicki Ashworth
Presiding Judge of the El Dorado County Superior Court
459 Main St
Placerville, CA 95667**

Response via Email to courtadmin@eldoradocourt.org is preferred.

CALIFORNIA PENAL CODE SECTION 933

933.(a) 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. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. 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. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(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 the 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 these 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 the 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.

(d) As used in this section "agency" includes a department.

CALIFORNIA PENAL CODE SECTION 933.05

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.

(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.