

**SAN BENITO COUNTY CIVIL GRAND JURY
POLICIES AND PROCEDURES MANUAL**

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Forward to the San Benito County Policies & Procedures Manual

The purpose of the Policies and Procedures Manual is to provide the incoming Jurors with information concerning the basic fundamentals of the Grand Jury and the laws applicable to Grand Jury proceedings. The sitting Grand Jury should adopt this Manual by a supermajority vote.

The policies and procedures noted herein have been adopted by the 2019 – 2020 San Benito Grand Jury. The recipients of this Manual are encouraged to note policies that should be revised to reflect developments in technology and changes in the law. This Manual can be modified by a supermajority vote of the Grand Jury. During the Grand Jury term, proposed revisions should be noted in a log maintained by the Corresponding Secretary, or other member of the Grand Jury as instructed by the Foreperson.

GRAND JURY OVERVIEW

The Civil Grand Jury is an independent institution that investigates the legislative and administrative agencies and departments making up county, city and special district government in each of the 58 counties in California. The State Constitution has granted this power since 1850 to help ensure these agencies are efficient, honest, and dedicated to serving the public.

The San Benito County Civil Grand Jury is composed of 19 members, selected annually under the supervision of the Presiding Judge of the San Benito County Superior Court, with the assistance of the Court's Administrative Office. By law, a Grand Juror must be a U.S. citizen 18 years of age or older; be a resident of San Benito County for at least one year; have knowledge of the English language; and have no convictions for malfeasance in office, any felony, or any other high crime. In addition to meeting the statutory requirements, a Juror should be able to commit the necessary time to complete Grand Jury responsibilities, including time needed to complete responsibilities as Officers and Committee Chairs. Grand Jurors should have the ability to work with others, be tolerant of all views and opinions, and have a genuine interest in having an impact on community affairs.

Oath of Grand Jurors

"I do solemnly swear (affirm) that I will support the Constitution of the United States and of the State of California and all laws made pursuant to and in conformity therewith, will diligently inquire into, and true presentment make, of all investigations carried on by the Grand Jury, of which the Grand Jury shall have or can obtain legal evidence. Further, I will not disclose any evidence brought before the Grand Jury, nor anything which I or any other Grand Juror may say, or the manner in which I or any other Grand Juror may have voted on any matter before the Grand Jury. I will keep the charge that will be given to me by the court."

Laws Governing the Grand Jury

For a complete list of the laws governing the existence and operation of the Grand Jury, refer to the San Benito County Counsel's Office.

The Jury is required to submit a Final Report of its findings and recommendations to the Presiding Judge of the Superior Court. By law, departments or agencies that are the focus of such reports must respond, either to agree or disagree with the findings, comply with the recommendations or explain why no action or only partial action will be taken.

Jurors may not as individuals conduct Grand Jury business or interview persons regarding Grand Jury matters. The Jury can function lawfully only as a body. Decisions are made by a majority vote. A quorum is necessary for voting. In the San Benito County Civil Grand Jury, a quorum is defined as 12. A supermajority vote (12 Jurors) is

required for passage of all motions other than adjournment and non-business related decisions.

Confidential Proceedings

The importance of maintaining the confidentiality of Grand Jury proceedings cannot be overemphasized. Confidentiality protects the interests of the public, those being investigated, and the Jurors themselves. The rules of secrecy must be strictly observed.

A strong tradition of secrecy has historically shielded the investigations and deliberations of Grand Juries. This tradition serves to guard the Jury's independence of action and freedom of deliberation. Secrecy protects witnesses called before the Grand Jury and encourages their full disclosure. Secrecy also serves to protect the reputations of individuals and institutions investigated in matters for which the Grand Jury does not accuse or report.

Except under limited circumstances, proceedings before the Grand Jury must be conducted in utmost secrecy. Only members of the Jury, witnesses actually being examined, and those persons specifically permitted by law may be present. The District Attorney or his/her deputy may be present at Jury sessions for the purpose of giving information or advice, and to interrogate witnesses whenever the District Attorney deems it necessary. The Presiding Judge of the Superior Court or County Counsel may attend only by invitation when their advice is sought upon matters under consideration by the Grand Jury. An interpreter, if needed, may be present during the examination of witnesses. Except when ordered to do so by the Court, a Juror must not disclose any evidence received by the Grand Jury, what any Juror has said, or in what manner any Juror has voted on a matter before the Grand Jury. The law, however, creates more than a moral imperative. Penal Code §924.1(a) provides:

"Every Grand Juror who, except when required by a court, willfully discloses any evidence adduced before the Grand Jury, or anything which he himself or any other member of the Grand Jury has said, or in what manner he or any other Grand Juror has voted on a matter before them, is guilty of a misdemeanor."

To assist Jurors in carrying out their duty of secrecy, Penal Code §924.3 provides Jurors the privilege not to be questioned concerning Grand Jury matters. That section states:

"A Grand Juror cannot be questioned for anything he may say or any vote he may give in the Grand Jury relative to a matter legally pending before the Jury..." ~~concerning Grand Jury matters including votes or matters pending before the Grand Jury."~~

Email messaging between individual Jurors regarding Grand Jury business is essential. Jurors are instructed to use "password protection" for all attachments. All such email shall include the following statement in the body of the message:

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

Grand Jury Jurisdiction

While the Grand Jury spends most of its time investigating citizen complaints, the Jury may also examine all aspects of county and city governments and special districts, school districts, community colleges, joint powers agencies, and Local Agency Formation Commission (LAFCO). Penal Code §919(b) requires that the Grand Jury inquire annually into conditions of county jails and detention centers that serve as public prisons for some of the population.

The Grand Jury may also:

- Inspect and audit books, records, and financial expenditures to ensure public funds are properly accounted for and legally spent.
- Inquire into charges of willful misconduct by public officials or employees.
- Study reports of previous Grand Jurors and review their recommendations for changes in County government. It is important to follow up on responses by agencies to Jury recommendations in order to verify promised implementation of recommendations is carried out.

There is no requirement for an investigation to be undertaken or a report published on every issue brought before the Jury. The Jury as a whole (the Plenary) hears a preliminary report on each complaint or potential investigation from a committee, and then votes on which issues are to be examined.

Conflict of Interest and Impartiality

Jurors are required to complete a Statement of Economic Interests (Form 700) at the beginning of their service on the Jury, at the beginning of the new calendar year, and upon termination of Jury service.

Jury members must be constantly alert to potential conflicts of interest within their ranks. Jurors serving on standing committees and carrying out investigations for the Jury must not use, or appear to use, their positions for private gain. Jurors must not have a preexisting bias regarding any actions that the Jury may take. Bias is defined as:

- A prejudgment of essential facts which prevents a member of the Grand Jury from considering the issue on its merits, or
- A publicly expressed support or opposition to specific aspects of a matter before the Jury.

Having an educated opinion on an issue should not be considered the same as having a bias. The same procedures applying to potential conflict of interest shall apply to preexisting bias.

It is the responsibility of each Juror to advise the Foreperson of any potential conflicts of interest which exist at the beginning of the term of service, or which may develop later during the year of service in connection with issues that come before the Jury.

Whenever a Juror believes a matter to be discussed or voted upon would involve the member in a conflict of interest, the member shall announce the conflict of interest and shall abstain from both discussion and voting on such matters as a member of the Jury.

No member of the Jury should use his or her office for any kind of personal gain or advantage. Members must not use their status as Jurors to influence or obtain favors during Jury service. Jurors have an obligation to inform the entire Jury about any past or current business interests or involvement which would result in advantages for them. Jurors should excuse themselves from voting in or participating in any Jury proceedings or deliberations when a real or potential conflict of interest occurs which would affect their objectivity, disinterest, or fairness in the conduct of Jury business.

Members of the Grand Jury should not accept gratuities except token gifts and other such mementos given to visitors as a matter of standard procedure. Transportation or moderately-priced meals are not considered gifts if they are deemed necessary to facilitate conducting business in the field.

Conduct and Responsibility

The Grand Jury is a judicial body of the Court. Jurors may act only through the Grand Jury as a body. Individually, Jurors have no official standing, power, or authority.

A Juror should:

- Participate in developing common goals early in his or her term and work cooperatively to meet them.
- Seek to establish a bond of trust and confidence with fellow Jurors.
- Exercise discretion and diligence in conducting the business of the Grand Jury.
- Use the power of the Grand Jury only in the interest of the citizens of the County, not as a means of self aggrandizement, gratification, or self gain.
- Treat his/her fellow Jurors with courtesy and respect. (Appendix EB, Code of Collegiality)

A Juror should NOT:

- Make public statements concerning Grand Jury matters.
- Discuss Grand Jury matters with anyone outside of the Jury.
- Exert undue pressure on other Jurors to change their minds on matters pending before the Jury.
- Monopolize deliberations.

- Reach a conclusion on a matter until all sides of the question have been fairly considered.

Jurors must exercise caution in identifying themselves as Jurors in matters other than those directly connected with Grand Jury matters. This includes wearing Jury badges inappropriately.

A Juror may take no action without the prior explicit approval and authorization of the entire Jury. Unilateral action by a single Juror can result in serious misperceptions by the public of the intentions and activities of the Jury. A careless or reckless Juror may harm the reputation of the entire Jury. A Juror may be removed by the Presiding Judge upon recommendation of a supermajority vote of the Plenary, or the Presiding Judge may initiate the action.

The Jurors may form individual opinions about matters pending before the Jury. However, the Jury as a deliberative body must operate by consensus and express a collective opinion in its reports.

Only the Foreperson may act as official spokesperson for the Grand Jury. No other Juror should make public statements about Jury business, or operate as an individual in conducting Grand Jury business.

Because of their extraordinary powers, privileges, and responsibilities, Jurors have a special obligation to exercise their authority and carry out their duties in a proper and responsible manner within the boundaries of the law. Jurors must never exploit or otherwise abuse their office.

OPERATIONS AND ORGANIZATIONS

Orientation and Initial Meetings

Initially, the incoming Grand Jury will meet as often as needed for training in the functions, duties, and responsibilities of a Grand Jury, and to discuss and adopt procedures under which it will operate.

Training sessions may be conducted by the previous term's Foreperson, the current term's Foreperson (who is chosen by the Presiding Judge), Jurors held over from the prior year, or other former Grand Jurors.

During these first days, the Foreperson may assign members to standing committees and select temporary Committee Chairs. At the conclusion of orientation and training, Officers are elected by the Plenary. The Policies and Procedures Manual should be reviewed and accepted by the incoming Jurors at an early meeting.

The incoming Jury may decide whether to adopt operational practices, e.g., whether the minutes should reflect a Juror's absence by name or simply note the number of Jurors in attendance; whether to recite the Pledge of Allegiance at the start of every meeting; whether to have a snack rotation; or whether to collect petty cash to replenish water, coffee and paper goods.

Attendance

Attendance for each Grand Juror must be regular and punctual. A Juror must advise the Foreperson in advance when he/she is unable to attend a scheduled Jury meeting or activity. An unexpected lack of a quorum may cause considerable inconvenience. The Plenary may wish to consider its rules for attendance early in the term. The limits on consecutive absences and/or total absences may be discussed and agreed upon. Extended absences due to medical or personal needs should be dealt with by the Plenary to decide if a member should be asked to resign.

The San Benito County Civil Grand Jury's practice has been to meet weekly—on Thursdays. In addition to attending general meetings of the Plenary, each Juror will be a member of one or more committees. These committees will meet as needed. The Foreperson will assign each committee an area to meet within the conference room used for the general meeting of the Grand Jury.

If a Juror cannot or will not participate in the activities of the Jury, the Plenary can recommend his or her removal. The Foreperson will notify the Presiding Judge of the Superior Court, and the Judge will determine whether an Alternate Juror will be appointed. Alternate Jurors who are appointed to fill vacancies may review any previously collected information, and may vote on any Jury issues.

Meetings and Reimbursements

Meetings are defined in several ways. General Grand Jury meetings, committee meetings, tours, inspections, and interviews and Grand Jury training are defined as meetings for the purpose of expense claims. Jurors' expense reports for per diem, mileage, and reimbursement claims are processed on a quarterly basis. The Treasurer or the Foreperson will collect the reports at the first meeting of each quarter and submit them to the County for payment. Currently, each Juror in attendance receives a per diem of \$15.00 per General meeting and \$15.00 per committee meeting.

No more than one (1) per diem fee General meeting and one committee meeting (\$30.00) or two committee meetings (\$30.00) may be claimed per day, and no more than eight (8) per diem fees may be claimed per month. To receive reimbursement, a meeting event, training and/or investigation must be a minimum of two (2) hours, but exceptions may be approved by a majority of the Plenary. Non-specific, general interest attendance are not reimbursable.-

To claim per diem for a committee meeting, a majority of the committee members must be in attendance. For committees of four or five, this means at least three members.

investigation interviews and meetings, tours of county and city departments, attendance at public meetings (e.g., Board of Supervisors) related to an investigation, and relevant classes are reported on the Juror's expense report as a committee meeting, provided a majority of the committee members are in attendance, or as Grand Jury business if fewer than a majority of the committee members are in attendance (in which case only mileage can be claimed).

Jurors are paid mileage for the use of their personal vehicles while performing Grand Jury business. The rate of reimbursement is determined each year; for the 2019-2020 Grand Jury the reimbursement rate for mileage is set at \$0.575 per mile. Miscellaneous expenditures submitted for reimbursement on the quarterly expense report must be pre-authorized by the Foreperson and include original receipts. Any out of county trips and related expenses are only reimbursable if advance approval was obtained from the Foreperson. Before purchasing any office or computer supplies, Jurors should check with the Foreperson for local availability of required items.

Facilities

The San Benito County Grand Jury meeting room is located in the conference room offices of the San Benito County Sheriff's Department at 2301 Technology Parkway, Hollister CA 95023. The mailing address is P0 Box 1624, Hollister, CA 95023.

There is ample parking outside the facilities at the County Sheriff's facility. Parking permits have not been issued to Grand Jurors. Parking is available on a first come basis in non-restricted spaces.

The Grand Jury cabinets and files are always kept locked when the facility is unoccupied. The Foreperson is provided a key to the facility and other keys as needed, which must be returned at the conclusion of the Grand Jury's term.

The Foreperson will be the last Juror to leave the building; and is responsible to see that all doors are locked, and to ensure that the building is left in secure condition. Following are the recommendations for security of the Jury meeting rooms and storage facilities:

- File cabinets are closed and locked
- All windows are closed and locked
- The vertical blinds are closed
- Thermostat is in the off position
- Lights are turned off
- The door of the conference room is closed.

Suggested Rules of Order

Each Grand Jury is free to adopt its own rules of order.

Following are some suggested rules of order for conducting meetings:

- The Foreperson shall preserve order, may speak on points of order in response to members' inquiries, and shall rule on questions of order. Generally, the Jury will decide to conduct meetings "informally." In parliamentary procedures (see Roberts Rules of Order, a copy of which is available online), "informally" means the Foreperson may speak at will on the question being considered without stepping down from the Chair, provided that he/she does not attempt to dominate the discussion.
- When speaking, members shall address the Jury and confine their remarks to the question under discussion.
- When a question is under debate, no other motion or proposal shall be received except a motion to adjourn, to table, to postpone to a certain time, to refer to a committee, to amend, or to postpone indefinitely.

If questions should arise that are not covered by agreement, then Robert's Rules of Order will prevail.

Officers and their Duties

At the time of Jury selection, the Presiding Judge of Superior Court appoints a Foreperson for the upcoming term. The other officers will be elected as needed by the Jury. Note: The duties of Jury officers may require an additional time each week outside of the time needed to fulfill normal Juror responsibilities.

Foreperson

The most important responsibility of the Foreperson is to ensure the Jury as a whole and each committee functions effectively. To this end, the Foreperson should be in

regular consultation with the various Committee Chairs. It is suggested, the Foreperson periodically attend committee meetings to ensure they are working properly and proceeding efficiently. The Foreperson can vote on all matters, and has the determining vote in a tie.

All correspondence and other communications (including subpoenas) from the Jury to any agency, organization, or person are signed by the Foreperson, as are all official reports issued by the Jury. The Foreperson represents and acts as the spokesperson for the Jury to all outside persons and entities, but within the Jury, all members are equal. The Foreperson may be removed for cause by the Presiding Judge. Only the Presiding Judge, with the recommendation of the Plenary, can act to remove a Juror, whether due to excessive absences, failure to contribute, or lack of cooperation.

In the course of the Jury's term, the Foreperson calls general meetings and prepares meeting agendas; presides at general meetings using Robert's Rules of Order as a guideline; and receives progress reports from Committee Chairs on a regular basis. The Foreperson also assists with the training of Jurors, with the help of other holdover Jurors.

Pro Tem

The Pro Tem assists and advises the Foreperson as needed. In the absence of the Foreperson, the Pro Tem assumes all the functions of the presiding officer. In case of prolonged or permanent disability of the Foreperson, the Pro Tem acts as Foreperson until a new Foreperson is appointed by the Presiding Judge.

To assist the Jury, the Pro Tem shall be well-versed on all sections of the Penal Code which relate to the Grand Jury's function. For purposes of reference he/she shall have all such provisions available and in possession at all general meetings.

Recording Secretary

The Recording Secretary shall keep minutes of every Grand Jury general meeting. The minutes should show:

- The time of convening, and the names of absent Jurors or, alternatively, only the number of Jurors present and absent.
- The names and titles of any persons other than Jurors who may be in the room at the time of convening.
- That any witnesses present were issued the Admonishment (See Appendix C). Additionally, any witness may be required to take the Oath of Truthfulness~~Secrecy~~. The Recording Secretary should inform the Foreperson if this has not been done.
- The time of arrival and departure of any persons to or from the Jury room during deliberations. Jurors leaving for brief periods for personal comfort need not be recorded. The minutes should show that only members of the Jury were in the Jury room during deliberations and voting.

- That at least 12 Jurors were present during any deliberations or voting. The Foreperson should be informed if there are fewer than 12 Jurors present.
- A record of all motion made, and the action taken on the motions. No names shall be recorded.
- A record of all reports brought to the Grand Jury, discussions concerning issues before the Grand Jury, and actions taken by the Grand Jury.

The Recording Secretary shall maintain a binder in which all minutes from Grand Jury meetings are filed as well as Jury agendas. (Individual committees keep their own minutes.)

The Recording Secretary is encouraged to use a computer to take the minutes.

The Recording Secretary shall make every effort to provide each member of the Grand Jury with an electronic copy of the minutes of each meeting within 2-3 days of the meeting, so Jurors have ample time to read them before the next meeting.

The following Officer positions may be filled by Jury members. If the Jury chooses to not fill these positions, the Foreperson will take care of the duties described.

Corresponding Secretary

The Corresponding Secretary is the primary assistant to the Foreperson in providing administrative support to the Grand Jury. The Corresponding Secretary is responsible for the receipt of mail addressed to the San Benito County Civil Grand Jury, writing letters as directed by the Plenary or the Foreperson, and obtaining the Foreperson's signature on all correspondence before mailing.

Some examples of essential job functions are:

- Coordinate ISD services with the Foreperson.
- Be willing to provide technical support to other Jurors.
- Check the Grand Jury phone for messages each weekday.
- Weekly mail pickup from the San Benito Main Post Office.
- Date stamp, assign a number, and record all complaints. File complaints in the Complaint Binder located in the locked file. Numbers are assigned as month, year and the number starting with 000. For example, July 2019, Case #1 would be assigned as 0719-001. An R would be appended to rollover complaints.
- File original complaints according to the three digit case number.
- Date stamp all other mail received i.e., agendas, minutes, and announcements, and deliver to the appropriate Committee Chairperson.
- Summarize the complaint for the Plenary and assign it to the appropriate committee.
- Write letters of receipt and disposition of complaints as directed by the Plenary.
- File a copy of the Acknowledgment letter (Appendix ~~AXX~~) sent to complainants with the original complaint.

- Purchase stamps as necessary for mailings and obtain reimbursement.

Requisite skills:

- Proficiency in Word and Excel.
- Ability to design documents and work with templates.
- Ability to organize documents and file systems.
- Understanding of data management systems.
- ~~Willingness to be trained in the SharePoint data management, if used by the Grand Jury.~~

Helpful skills/experience:

- Familiarity with advanced Word features such as mail merge, tracking changes, and large document layout.
- ~~Familiarity with data management and SharePoint.~~
- Ability to design Excel spreadsheets.
- Previous Grand Jury experience.

There may be other duties or skills required, and flexibility is necessary.

Treasurer

It is strongly recommended the Treasurer have a basic knowledge of spreadsheets and some experience with Excel.

The Treasurer has the primary duty of monitoring and informing the Foreperson of the state of the budget. These two Officers should consult quarterly at a minimum.

The Treasurer must give the Foreperson timely warning of possible budget deficiencies.

The Grand Jury shall not spend money or incur obligations in excess of the amount budgeted for its investigative activities pursuant to section 3.01.012 of the San Benito County Code ~~this chapter~~ by the County Board of Supervisors unless the proposed expenditure is approved in advance by the presiding judge of the Superior Court after the Board of Supervisors has been advised of the request. (Penal Code §914.5)

At the first meeting of each quarter, the Treasurer collects a quarterly expense report from each Juror and verifies: (1) the form has the Juror's original signature, has been initialed by the appropriate Committee Chair(s), and (2) the expense tallies are accurate. Any unusual expenses must be authorized in advance by the Foreperson and have an original receipt attached. The County will not provide reimbursement if an original receipt is not provided.

The Treasurer provides the Foreperson with any requested financial data and provides support material as requested. It is helpful if the Treasurer has previous Grand Jury experience.

The Treasurer replaces the Jury's office supplies as necessary.

Advisors to the Grand Jury

In the performance of its duties, the Grand Jury may at any time ask for legal advice from the Presiding Judge, the County Counsel, or the District Attorney. All formal requests for opinions or assistance shall be made by the Foreperson. No Juror acting alone should contact any advisor with individual requests unless delegated to do so by the Foreperson.

General assistance with jury matters can also be obtained from the California Attorney General or the California Grand Jurors' Association.

Superior Court Judge

The Presiding Judge of the Superior Court in San Benito County has traditionally been assigned to monitor and assist the Grand Jury. However, any Judge of the Superior Court could legally be assigned that function. The Judge may be present at meetings of the Jury and give advice only by invitation.

The Presiding Judge is authorized by law to withhold a Jury report from public release if it exceeds the scope of the Jury's investigative jurisdiction; therefore, the Jury must secure the Judge's review and approval of its reports prior to public release. In addition, the Judge is in a position to be especially helpful on matters involving hearing procedures and organizational and administrative issues.

County Counsel

The County Counsel is the legal advisor on civil matters to the County and all of its departments, commissions, school districts, and to a number of other special districts in the County. County Counsel acts as legal advisor to the Jury, but is not the Jury's advocate. He/she is bound by the secrecy restrictions on Jury matters and the confidentiality of the attorney-client relationship. However, since County Counsel also represents the Board of Supervisors, as well as all County departments and special districts, there is an inherent risk of a conflict of interest as issues arise in which those entities are also seeking legal counsel. County Counsel will notify the Foreperson of any potential conflict.

The Jury, through the Foreperson, should contact County Counsel if it has questions regarding the legality of an investigation. Any opinion rendered by County Counsel should be secured in writing. In the unlikely event of any legal action against the Jury, County Counsel would be called upon to defend the suit. Members of County Counsel's staff also are available to the Jury and its committees to provide assistance in determining jurisdiction, drafting resolutions, preparing reports and related activities.

Any outside communication made at the direction of County Counsel by the Foreperson or a member of the Jury must be reviewed and approved by Counsel before distribution.

District Attorney

The District Attorney acts as legal advisor to the Jury in criminal matters and can act as legal advisor in civil matters as well, particularly if County Counsel has a conflict of interest regarding the specific matter. At any point in an investigation where it appears a subject of the investigation may have committed a criminal offense, the District Attorney should be immediately consulted. Failure to do so could jeopardize the Jury's investigation, as well as any subsequent criminal proceedings.

The District Attorney may appear before the Jury to give information or advice relative to any matter pertinent to the Jury.

Attorney General

The Attorney General of the State of California is available for advice and assistance. The Grand Jury's request for the assistance of the Attorney General is made through the Presiding Judge or by writing directly to the Attorney General's office.

Upon request by the Jury, the Attorney General may employ special counsel and special investigators to assist the Jury as provided for in the Penal Code. Moreover, the Attorney General may direct the Jury to convene, investigate, and consider criminal matters if the public interest requires. In practice, the Jury would usually call upon the Attorney General for assistance only where both the District Attorney and the County Counsel are unavailable to serve as a legal advisor.

Private Counsel

The Penal Code provides a formal procedure whereby the Presiding Judge may ~~appoint~~ retain private counsel in situations where the District Attorney, the County Counsel, and the Attorney General are all unable to assist. The Jury is not authorized to seek advice from private counsel informally (§936.5).

Parliamentary Rules

The purpose of motions during Plenary sessions is to facilitate voting so as to make the meetings orderly and expeditious. Typical motions during Grand Jury proceedings, all of which require a supermajority to pass, are as follows:

- To accept a citizen complaint as an open investigation,
- To start a self-initiated investigation,
- To publish a report,
- To carry over a case to the next Jury,
- To send an official letter to a citizen or to an agency official,
- To remove a Juror for cause,
- To change a standing rule of procedure,
- To object to consideration of a matter,
- To depart from the agenda.

A copy of Robert's Rules of Order is available online.

Committees

The investigative function of the Grand Jury is carried out by its committees.

Selection and Membership

Generally, Jurors may indicate their preference for a particular committee from a list of standing committees (See Appendix B, Committee Forms) The Foreperson assigns Jurors to committees taking into account not only the members' expressed preference, but also the need to have a balance of skills and experience on each committee.

The Foreperson should not be appointed to a regular committee but serves as an ex-officio member of all committees. Committee Chairs can be appointed by the Foreperson or elected by committee members. Committee Chairs should be chosen for their willingness and ability to serve. It is recommended that only one holdover member be assigned to each committee, in order to make holdovers' experience available to as many committees as possible. When committees have overlapping concerns, each Chairperson may serve as an ad hoc member of the other committee, or may designate a committee member in his/her place for liaison.

- Committees generally meet more frequently than the Jury does as a whole. When matters concern more than one committee, members of the other committees may attend any committee meeting in which they are interested.
- Each Committee Chair should designate a scribe who will take and maintain minutes of each meeting.
- Committee members must keep written notes of their interviews. These accounts will be a valuable aid in the preparation of a report if one is written.
- Each committee should review reports of previous Grand Juries and, if possible, reports from other county Grand Juries. Committee members should also review responses to previous Jury reports.

Committee Chair

The duties of a Committee Chair include:

- Prepare agendas and preside over meetings.
- Work with the committee scribe to ensure accurate and complete minutes of all meetings.
- Prepare or guide in the preparation of a Request for Investigation, (See Appendix C, RFI) as decided on by the Committee for Plenary approval.
- Ensure investigations maintain the focus approved by the Plenary.
- Report at regular Plenary meetings about the work of the committee.
- Work with the Editorial Committee to review and edit reports for publication.
- Consult with the Foreperson about any problems which might impede committee work.

- Remind committee members that California Grand Jurors' Association training materials are available for reference. Coordinate appointments for interviews with witnesses and schedule time and location for interviews.

Standing Committees

The Grand Jury may choose to establish Standing Committees at any time. Examples of such committees may include, but are not limited to:

Cities and Special Districts Committee

This committee concerns itself with the operations of incorporated cities, special districts, and joint-power organizations which do not fall under other committees. When possible, random attendance at those organizations' meetings may help ensure that the interest of the public is being served, and that government codes regarding open meetings are being followed.

Examples of Cities' Subjects

- City Administrator, City Clerks, City Councils, City Elections
- City Manager, City Planners, Fire Districts, Mayors
- Local Agency Formation Commissions, City Engineers, Recreation and Parks, Airport

Examples of Special Districts' Subjects

- Air Pollution Control, Ambulance Service, Hospitals, Cemetery
- Fire Protection, Mosquito Abatement, Lighting
- Memorial Buildings, Reclamation, Health Care
- Community Service, Public Works, Public Utility,
- Sanitation, Waste Water

County Committee

All offices of County government are within the purview of this committee. It reviews agendas and notices of public hearings, and when possible, attends those meetings to ensure the interests of the public is being served, and government codes regarding open meetings are being followed.

Examples of County Subjects

- ~~Water Agency, Airport, Permit & Resource Management~~
- Board of Supervisors, Real Estate
- Data Processing, Purchasing, Assessor
- Auditor-Controller, General Services, Recorder
- County Commissions, Surveyor
- County Administrator, Risk Management, Open Space
- County Clerk-Elections, Emergency Services, County Fair

- Human Resources-Civil Service, Treasurer-Tax Collector, Public Works

Human Services Committee

The Human Services Committee examines social services operating in San Benito County.

Examples of Human Services Subjects:

- Agriculture Commission, County Library, Hospital
- Economic Development, County Parks & Recreation, Fairgrounds
- Weights & Measures, Mental Health Services, Public Health
- Non-Profit Corporations performing public services, Child Protective Services, Human Services
- Veterans Services
- Housing & Community Development, Animal Regulations

Law and Justice Committee

This committee considers all matters concerning public safety, the criminal justice system and jails, detention facilities, the District Attorney, municipal public safety offices, probation, the Public Defender, and the Sheriff-Coroner.

Examples of Law & Justice Subjects:

- County Counsel, Jail & Detention Facilities, District Attorney
- Jury Commissioner, Police Departments, Sheriff-Coroner
- Juvenile Detention Facilities, Critical Incidents Safety Coordination
- Public Defender, Probation Department, County Morgue

Editorial Committee

The Editorial Committee has three major responsibilities:

- 1) Review, edit, and, when appropriate, approve all reports submitted by the Investigative Committees prior to acceptance by the Plenary,
- 2) Coordinate and manage the publication of the Grand Jury's Final Report, and,
- 3) Review and, when appropriate, update the Grand Jury's Policies and Procedures Manual with the goal of providing continuity from one Grand Jury to the next.

The experience of former Grand Juries strongly suggests the members of the Editorial Committee not be appointed until after the sitting Grand Jury has been in office for several months. Selection of committee members should be made from those Jurors who have demonstrated an understanding of the principles of report writing and have exhibited skills in writing or editing. Jurors selected for the Editorial Committee are encouraged to attend a one-day Editorial workshop taught by the California Grand Jury Association. The Grand Jury will pay tuition for these individuals. Historically, the

Editorial Committee consists of five members, with at least one representative from each of the Investigative Committees. The Foreperson will appoint one of the Committee members as Chair. Jurors interested in serving on the Editorial Committee are cautioned that during the report period (i.e., from mid-January through mid-May), they can expect to devote approximately an additional 12–15 hours per week in report review and meetings, in excess of regular Grand Jury requirements.

The Editorial Committee selects and proposes a writing style for use in all reports, (e.g., The Chicago Manual of Style or the MLA (Modern Language Association of America) Handbook for Writers of Research Papers); selects and proposes fonts, formats, and software to be used in the reports; and provides templates for the writers to use. The Plenary must approve these recommendations.

With the approval of the Plenary, the Editorial Committee selects a current juror who has the necessary skills and experience in design and publication to be the Grand Jury's Designer of the Final Report. If no current Juror has the necessary skills and experience, the Editorial Committee must select another source to design and print the Final Report, ~~e.g. the County Graphics Department~~. In either instance, the Editorial Committee works closely with the Designer to establish timelines for approval and publication of the Final Report and to ensure that the timelines are met (Appendix DB, Final Report Editorial-Timeline).

Committee Timelines

In early January, the Editorial Committee presents to the Plenary a series of training sessions concerning the proper formats and templates; the difference between, and importance of, findings and recommendations; the importance of verifying information from the investigations; and, finally, persuasive writing rules and techniques.

Also in January or February, the Investigative Committees should submit rough drafts of their proposed reports to the Editorial Committee for review and editorial suggestions.

As the report writing continues, Investigative Committees will submit more polished reports to the Editors, who will review each draft for adherence to the agreed-upon format; completeness; clarity; logic; and mechanical problems (formatting, sequence; organization, word usage, grammar, spelling and punctuation). Editors are also responsible for providing feedback to the authors about the effectiveness of the report from the perspective of the intended audience. This may include questions on various aspects of the underlying investigations, triangulation of sources, and evidentiary basis of conclusions. The Editors should not make any changes that will alter the meaning of the report without the consent of the committee which prepared the report. At these review sessions, either the author of the report or an informed member of that committee must be in attendance.

INVESTIGATIONS

Receiving Complaints

All complaints, except those originating from the District Attorney or the Court, should be in writing, preferably on the standard complaint form, to make it easier for the Plenary to decide a course of action. The complaint should include a return address, phone number, email (if available) and be signed by the complainant, but this is not legally required for a Jury to start an investigation. Standard complaint forms are available in English and Spanish (Appendix A, Complaint Forms).

Complaints cannot be accepted over the telephone. Complainants should provide their name and address and be mailed a complaint form by the Corresponding Secretary. They may also be advised the form is available on the web at <http://cosb.us/county-departments/grand-jury/>.

Original complaints and supporting documents should never be removed from the Corresponding Secretary's complaint binder. Committee members are provided with copies to use unless the materials are so voluminous as to make this impractical. Members are responsible for safeguarding copies as confidential documents.

The Corresponding Secretary should also check the Complainant Master List to determine if the particular citizen complaint was filed on prior occasions with that Grand Jury or prior Grand Juries.

Citizen Complaints

Some of the questions the Plenary should try to answer in its investigations are:

- Is the department in compliance with applicable governing laws and regulations?
- Is the department achieving acceptable cost-efficiency in its operations?
- Is the department meeting the needs of the public?
- Does this department interact cooperatively with other departments?
- Is the department employing appropriate financial & accounting procedures?

Every Grand Jury receives communications from citizens relating grievances. Although the Penal Code does not specifically assign the Jury duties as to complaints, the Jury frequently investigates citizen complaints as part of its watchdog duties. Complaints are handled in strict confidence to protect the complainant's identity. Complainants must be assured of confidentiality and not be concerned about breaches of secrecy.

Discussions and Assignment

Each Plenary meeting agenda should include an item for reviewing complaints; and all complaints are discussed with the Plenary. While all complaints will be addressed, not all complaints will lead to investigations or reports. The Plenary is not required to accept or act on all complaints. Complaints can be refused for a variety of reasons including,

but not limited to, lack of jurisdiction, pending legal action, and the priority of other complaints that are more time-sensitive. The Plenary will maintain a Complainant Master List. A complainant can refuse to be interviewed and in that instance, the Plenary must decide whether to continue with an investigation. Complaints received near the end of a Jury's term may be carried over to the next year by the Plenary vote unless otherwise resolved.

All correspondence and files of the Jury are exempt from laws requiring disclosure to the public, notwithstanding Freedom of Information laws. However, persons sending letters to or receiving letters from the Jury may make such correspondence public. All correspondence written by the Jury must be approved by County Counsel Council before being sent to the public. The Plenary must understand that the contents of the letter may be made public by the recipient.

Upon receipt of a complaint, the Foreperson will note the date received, assign a case number, and log it into the Complainant Master List. The Foreperson assigns cases to the appropriate committee. The complaint and any attachments are copied for the committee, and the originals are placed in the complaint file.

Anonymous letters can be treated as complaints under special circumstances and with due discretion by the Jury. If the matter is not to be investigated further, the letters are filed pending additional information or a signed complaint. If nothing is received, the unsigned letters are destroyed at the end of the Jury's term.

Complaints, whether or not acted upon, frequently assist the Jury in identifying areas of County government in which citizens have concerns. One complaint investigation can discover other additional issues. The appropriate committee should look into such concerns when a particular governmental office is under scrutiny.

Initial Committee Review

The first step to start a preliminary investigation is for the Committee Chair to review the complaint with all members of the Committee and discuss whether, for time management, a lead committee member should be assigned. Discussion within the Committee may lead to one particular member with knowledge or background of the particular issue raised in the complaint.

Preliminary research by the Committee is not only a helpful tool, but one that can highlight early issues to be reviewed, for example:

- 1) Does the Grand Jury have jurisdiction over the government body at issue?
- 2) What policy and procedures of the government body are available for immediate review to better understand the complaint?
- 3) Who are the government personnel mentioned in the complaint and where are they identified in the personnel roster of the government body?
- 4) Is a discreet date of an event identified in the complaint, or are there ongoing or multiple complaint allegations?

5) Who is the complainant and what relation may that person have with the underlying allegations in the complaint?

To answer some of the questions identified in the initial complaint review, compose a preliminary list of information to retrieve. The majority of information may be available online. Some suggestions for research resources are:

- Internet search engines (i.e., Google)
- State statutes and local ordinances
- Organization charts, job descriptions, budgets, and manuals of procedure
- Recent news coverage
- Web sites of Grand Juries in other counties and the California Grand Juror's Association
- Web sites of County agencies and boards (agendas, minutes, videos)
- Prior Grand Jury reports, San Benito and other counties
- Public Meetings a committee member can attend as a private citizen.

For each complaint the committee is working on, create a list of potential interviewees and the order in which they should be interviewed. If the case originated with a citizen complaint, the first interview may be with the complainant. On occasion, a complainant may refuse to be interviewed, which is a legal right. In such cases it may be best to begin by interviewing the department or agency head. The committee may also determine further documents from the complainant or the government body are required to prepare for interviews or evaluate the complaint (See Appendix F, How to Organize a Grand Jury Investigative File).

The Request for Investigation (RFI)

After the committee has reviewed the available information to evaluate the complaint and create an investigation plan, the committee must come to the Plenary for approval to continue with a full investigation. The committee may determine at the onset to interview the complainant before submitting an RFI to Plenary, however, it is recommended an RFI first come before Plenary.

The RFI is the investigative roadmap. The RFI communicates to the Plenary the nature of the complaint, the initial scope of the investigation, and the investigative plan. It further informs the Plenary of the investigative goals of the committee, opening a dialogue between Plenary and the committee that continues throughout the Grand Jury term. A supermajority of 12 Jurors must vote to approve further investigation based on the RFI. As the committee investigation proceeds, any substantial changes in the investigative plan must be brought back to Plenary for review (See Appendix C, Request for Investigation).

Interview Procedures

Refer to the California Grand Jurors Association Training Manual for recommended interview procedures.

Required Interview

Penal Code §933.05 (ee) requires the Grand Jury to meet with the subject of the investigation (the person who is responsible for the function you are investigating, usually the department head), unless the court determines the meeting would be detrimental. This interview avoids later challenges after the Final Report is released. This interview is apart and distinct from any exit interview the Grand Jury or committee may later undertake.

Subpoena Protocol

During the course of an investigation, a committee might find it necessary to issue a subpoena to interview a witness or to obtain documents. However, before requesting a subpoena, an effort must be made to get voluntary compliance.

If the effort is not successful, the Committee Chair will ask the Foreperson to ask County Counsel's office to prepare a subpoena. If the subpoena is for an interview, the e-mail request should include the person's name, title, department, and the date, time and place of the interview. If it is for documents, the specific types of documents sought should be identified. County Counsel's office will then prepare a subpoena to be signed by the Presiding Judge. Documents are to be produced at the County Counsel's office.

County Counsel may coordinate the serving of subpoenas or the Foreperson may serve them. If possible, use of outside process servers should be minimized.

Mandated Investigations

Although not specifically required by law, the Grand Jury of San Benito County conducts an annual inquiry of the County Jail.

According to the Penal Code, the Grand Jury must investigate the following:

- The accounts and records of officers and agencies operating within the County. Each Jury has discretion as to which departments it will audit and the scope of its audit. At least one County department must be reviewed on a selective basis as part of the ongoing process. Producing a report on the jails fulfills the Penal Code requirement of at least one County department being investigated. Every Grand Jury must perform its share of audits, so that all agencies are reviewed regularly.
- When requested by the Board of Supervisors, the need for an increase or decrease in the salaries of County elected officials.
- The condition and management of all detention facilities within the County that serve as public prisons for some of the population.

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Self-Initiated Investigations

The Grand Jury's primary role is to investigate. The fact that a department has been reviewed within the recent past does not preclude further investigations by the current Grand Jury. Jurors should refer to the Prior Complaint Matrix maintained by the Corresponding Secretary to determine the nature and scope of prior investigations. Careful consideration should be given to previous audits, reports and Responses.

Public concerns relating to agencies within the County may stimulate Grand Jury investigations. Other sources of cases are news stories and work by prior Grand Juries. Subjects of investigations carried over from previous years, or inadequate responses to prior report recommendations by an agency can be fruitful sources of new cases. If a Juror during the term requests a committee to commence an investigation, a complaint form shall be executed and submitted to the Corresponding Secretary to begin the complaint process.

Carryover Complaints

Complaints received too late in the year for adequate consideration may be referred to the next Grand Jury.

Refresher Training in Investigation Techniques

The Plenary is encouraged to participate in advanced training in investigative techniques and methods once the committees have commenced their investigations, usually in late October or November. This training can be conducted by holdover Jurors, former Jurors, or by the California Grand Jurors' Association.

REPORTS

Penal Code §933(a) states that "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." Penal Code §925a also authorizes the Grand Jury to "investigate and report on the operations, accounts, and records of...any...city or joint powers agency and make such recommendations as it may deem proper and fit.-

The Grand Jury is reminded that Penal Code §939.9 states that it cannot make a "report declaration or recommendations on any matter "except on the basis of its own investigation of the matter..." It cannot adopt on its own "the recommendation of another grand jury unless, the grand jury adopting such recommendation does so after its own investigation of the matter as to which the recommendation is made."

Comprehensive training is provided at the beginning of each Jury's term, along with a training manual containing valuable information on subjects such as report writing and releases.

Generally, there are two types of reports issued by a Grand Jury: an early release of a single report; and the Final Report, also referred to as the Consolidated Final Report. Their purpose is to make the Jury's findings and recommendations known to the public. A supermajority of 12 jurors must approve each report. County Counsel and the Presiding Judge must review all reports for liability and conformity with all applicable law (See Appendix D, Report Release Checklist).

Early Release of a Single Report

An early release of a single report may be made to the media and to the Jury web site at any time during the term. County Counsel and the Presiding Judge, using the same procedures as for a Final Report, must review and approve the report prior to publication. The target of the report is not required to respond until the report is published as part of the Final Report. An early released report must be incorporated into the Final Report. Deadlines for response to early released reports are the same as for the consolidated Final Report.

The main advantages of an early release report are timeliness for accomplishing the desired actions and greater attention from the public.

Consolidated Final Report

The Final Report should be ready for printing by late May of the Jury's term. By midterm the Editorial Committee should create a schedule for the Final Report; this schedule must be approved by the Jury. The schedule provides the deadlines used by the committees when submitting their reports to the Editorial Committee. Although the

Editorial Committee has responsibility for guiding and editing the reports, all Jurors are responsible for their preparation and approval.

Format for Final Reports

The Editorial Committee will suggest the Plenary adopt a style guide and report format for all reports, providing consistency in the published Final Report. Here is a listing of typical sections and the general purpose of each.

Summary

This synopsis of the entire report is meant to give the reader a brief overview of the reason for and conduct of the investigation, as well as the Grand Jury's findings, conclusions, and recommendations. Since only the summary will be published in the local newspaper, special attention must be given to its completeness.

Glossary

This section is optional and may appear at the beginning or the end of the report.

Background

This section is intended to be a brief summary of the events that led up to the complaint and the subject of the investigation. This information should give the reader a foundation to understand the rest of the report. It is written in past tense and answers the question, "Why was this investigation done?"

Approach

This section describes the methods used in the investigation, such as documents reviewed and persons interviewed (by title or description, never the individual's name). This section tells the reader the Jurors researched the issue and can verify the facts and findings in the Report. Lengthy lists may interfere with the flow of the report, and may be summarized here, with the complete list of documents placed in a reference list at the end of the report.

Discussion

This section constitutes the bulk of the report. It covers the events that led up to the investigation. This information should give the reader a factual foundation to understand the report's findings and recommendations, by outlining the specific evidence discovered during the investigation. The evidence or facts described must be objective and verifiable. Facts are not hearsay, rumor, innuendo, or opinion. They are real and demonstrable. They have been determined by analyzing the evidence and weighing the credibility of the sources of the evidence, and have been verified by several sources (triangulation). Raw evidence is unverified information the Grand Jury has not triangulated and is improper to place in the Final Report.

Commendations

This optional section is used only if circumstances warrant, such as when an agency, group, or individual has performed in an exemplary manner.

Findings

This section bridges the gap between facts and the resulting recommendations. A finding is a one sentence conclusion or judgment based on fact(s), not just a recitation of the facts. Findings identify what needs to be fixed, improved, corrected or complimented.

Recommendations

This section states what should be done, by whom, and when. Recommendations should be specific, logical, achievable, financially feasible and within the law. Penal Code §916 requires recommendations whenever a problem or shortcoming is identified. Positive findings do not need accompanying recommendations.

Each recommendation should be directed to a specific agency or official, who will then be required to respond.

Required Responses

This section states who is required to respond and to which recommendations. Only governing boards and elected County officers or agency heads/officials are required to respond to Grand Jury reports by Penal Code §933(c). All findings and recommendations require a response. By requiring a response to a finding or recommendation, the affected agency or official is held publicly accountable for their written commentary. The report should state explicitly the title, agency, and/or elected official/department that must respond, and the specific finding or recommendation requiring the response.

Bibliography

This section lists all of the written sources of information used to compile the report. This includes newspaper articles, books, trade journals, websites, brochures, reports and more.

Suggested Reading

This is an optional list of supporting documents, website addresses and other information for readers inclined to delve deeper into the subject. This may be used in place of or in addition to an extensive bibliography.

Appendix

This optional section is a good place to include relevant and interesting information not critical to the report.

Legal Requirements for Report Content

Penal Code §§925, 925a and 933 (a-e) require a Final Report. Section 933(a), stating states "[e]ach 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 ... [and] [f]inal reports on any appropriate subject may be submitted to the presiding judge..." The Penal Code requires responses within a specific time frame and prescribes the format for the responses.

The Penal Code mandates that a Final Report have "findings and recommendations." A finding is a conclusion or judgment based on fact or facts, not just a recitation of facts. Penal Code §916 states that all findings must be "supported by documented evidence" and a recommendation must be based on at least one finding. Under Penal Code §929, the report cannot contain "raw evidence" (information that has not been verified by the Grand Jury), unless approved by the presiding judge or materials of a libelous or defamatory nature.

This Penal Code section further mandates recommendations whenever problems or shortcomings have been identified. The Grand Jury should keep in mind that the recommendations should be specific (who is to do what and by when), logically related to the problem, achievable, financially feasible, and not in violation of any laws.

The law does not further define the report content. However, experience and practicality suggest Final Reports should also:

- 1) Explain the purpose and scope of the investigation;
- 2) Describe how the investigation was conducted; and
- 3) Discuss the information that has been developed

When describing "how" the investigation was conducted, neither individual names nor titles should be listed. Penal Code §929 requires that reports of the grand jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Grand Jury.

After reviewing a report, County Counsel will provide a written opinion. The Jury is under no obligation to follow this advice, but it is strongly recommended that it be solicited and considered.

Final Verification—The Exit Interview

Each investigating committee may conduct final exit interviews to verify the accuracy of the findings before publication of its report. Exit interviews are not mandatory, but are a tool to be sure the findings are factually accurate so the report cannot be challenged

once it is officially released. Penal Code §933.05(d) states that the exit interview consists of reading and discussing **ONLY** the findings in the report to the affected department or agency, to verify their accuracy prior to release.

The exit interviewee should again be admonished as to confidentiality. The full written report is not to be disclosed or read. If the Final Report requires revision, the committee undertaking an exit interview is reminded that adequate time must be available in the term for report revisions, review by Editorial, and vote again by Plenary.

Penal Code section 933.05€ states that an exit interview with the subject of an investigation should not be conducted if unless the Court, either on its own determination or upon request of the Foreperson, determines such a meeting would be detrimental. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to its publication. See California Grand Jurors' Association Training manual for suggested guidelines.

Suggested Procedure for Issuing Reports

- 1) The investigating committee writes the first draft of the report and submits it to the Editorial Committee. The initial draft should be double spaced, with line numbers, and annotations on sources to facilitate the editorial process.
- 2) The Editorial Committee edits the draft for grammar, punctuation, logic, and clarity. The member of the Editorial Committee representing the investigative committee generating the report communicates these edits back to the investigative committee.
- 3) The investigative committee discusses the proposed changes and makes the modifications deemed appropriate.
- 4) If extensive corrections or changes are needed, the investigating committee rewrites the report and re-submits it to the Editorial Committee. This process is repeated until both the Editorial Committee and the investigative committee are satisfied with the report.
- 5) The Editorial Committee submits the final version of the report to the Plenary at least 2 days prior to the general session at which the report will be considered. Members of the Plenary are asked to review the report prior to the session. The discussion by the Plenary covers substantive not stylistic matters.
- 6) The report must be approved by a supermajority of the Jury. If major substantial issues arise that cannot be addressed by changes discussed and agreed upon in the meeting, the report is returned to the Editorial Committee.
- 7) The investigative committee works with the Editorial Committee to address the unresolved issues. The Editorial Committee then resubmits the report to the Plenary for its consideration following the procedure outlined in (5) above.
- 8) A member of the Editorial Committee prepares the final copy of the report as approved by the Plenary, reflecting all changes agreed upon during the Plenary discussion, and sends it to the Foreperson.

- 9) The Foreperson sends it to County Counsel for legal review and comments. Counsel can ask questions and offer opinions but cannot force changes to a lawful report. The investigating committee may, or may not, make the recommended changes.

If no further changes are made to the report, County Counsel sends the report to the Presiding Judge for approval. The scope of the Judge's review is strictly confined to ensuring reports do not extend beyond the legal boundaries of the Grand Jury's broad reporting power; for example, a report on matters which the Grand Jury has not itself investigated, or a report does not contain findings and recommendation supported by documented evidence, or it contains raw evidence that has not been approved by the presiding judge, or has materials of a libelous or defamatory nature, or a report of a government entity not lying within the Grand Jury's jurisdiction. Upon approval, the Judge returns the report to the Foreperson for release.

Distribution of Reports

Generally, the County Counsel will provide guidance on the general distribution of the Grand Jury's report, including the number of copies needed and the process for publication on the San Benito County website (<http://cosb.us/county-departments/grand-jury/>).

The distribution of reports is a two-fold process: an advance copy to subject agencies and the public release of the report. After approval of the Presiding Judge, and two working days prior to its public release, the Grand Jury shall provide the affected agency a copy of the portion of the Grand Jury report relating to that agency. The report packet also contains an admonishment that the contents of the report should not be revealed until actual date of publication, a cover letter, and a copy of the applicable penal code with response instructions for the recipient. Each committee should designate members to assemble and deliver the packet. (See Appendix D, Report Release Checklist)

COMMUNICATIONS AND RECORD MANAGEMENT

Retention of Files

The Foreperson, or other Juror as assigned by the Foreperson, will coordinate and manage the collection, organization and filing of all files, each year creating a new folder headed YYYY-YYYY GJ. This will keep historical records separate from future records, allowing for better perpetual management.

Committee Chairs will be responsible for providing to the Corresponding Secretary all investigative files, organized in folders by case number. They should also provide any other relevant records that need to be retained.

Officers will provide any retained documents, (e.g. Plenary agendas, minutes, budgets, county/court directives etc.).

Retention of Physical Files

The reference library should be reviewed periodically to make sure only relevant and current items are retained. Newspaper articles are useful references and may be kept at the discretion of the Jury.

Cases (and pertinent documentation) held over for next year's Grand Jury should be retained. It is recommended a list of the cases carried over to the next year be prepared and delivered to the next Foreperson. Document retention guidelines are below:

Five Years

- Jury Minutes
- Master Log of Cases, spreadsheet of complaints received
- Original complaints in numerical order in complaint binder
- Complete set of committee investigation files with all supporting documents
- Cases that resulted in written reports and those that were closed.
- Responses to recommendations in the Final Report
- Legal opinions or rulings by judges and County Counsel
- Responses from County Counsel approving the Final Reports contain no evidence of libel or defamation
- Other general correspondence

Fifteen Years

- Final Report Responses
- Final Report (at least 5-10 copies)

Disposal

A Presiding Judge has issued a standing order, of designated records. This order stipulates that certain records be destroyed at the end of each Grand Jury term. In June the Foreperson and the committees will review and purge appropriate files.

Any materials related to a criminal investigation or which could support an indictment are required to be destroyed at the end of the term, or, as an alternative, they may be delivered to the District Attorney or Presiding Judge

Any records related to a claim or litigation against the Grand Jury must be retained until after the case is dismissed or otherwise concluded and the appeal period has passed.

All confidential material selected for destruction must be shredded. If in doubt whether or not it is confidential, shred it. Audio and videotapes and photographs are also considered confidential and must be destroyed accordingly. The Court Administrative Officer can provide assistance.

(See Appendix G, Housekeeping at the End of the Grand Jury Term and End of the Year To Do List)

Appendix A - Complaint Forms and Acknowledgment of Complaint Letter

Complaint Forms:

Link to the San Benito County English Complaint Form

<http://cosb.us/wp-content/uploads/gjcomplaintform-1.pdf>

Link to the San Benito County Spanish Complaint Form

http://cosb.us/wp-content/uploads/gjcomplaintform_spanish-1.pdf

Acknowledgment of Complaint Letter

All complaints must be acknowledged within 5 business days of receipt by the Grand Jury in the following manners:

General Acknowledgement Letter

Your complaint dated _____ has been received by the San Benito County Civil Grand Jury and assigned to the appropriate committee for study. Please be aware that the Grand Jury is prohibited by law from disclosing any aspect of their inquiries during an investigation.

The Grand Jury is a deliberative body that fosters good government, including those improvements that may follow from citizen complaints such as yours and corresponding investigations conducted by the Grand Jury. The Grand Jury does not attempt to resolve individual problems but may use them in a confidential manner to assist in their investigations, and to inform findings, recommendations, and reports. The Grand Jury's final report is usually released in June of each year. If the Grand Jury chooses to take action on your complaint, it may not be until then that you learn what the Grand Jury has determined.

We appreciate your initiative in bringing this matter to our attention.

Modification of Standard Letter

In the event that a committee of the Grand Jury encounters circumstances which require the use of a more customized letter to the complainant, please note the following:

Any changes to the language must be approved in writing by County Counsel. Careful consideration should be given to requests to change the language with the advisement that the recipient may later refer to or make public letter as "advice" or "legal opinion"

rendered by the Grand Jury. Therefore, the letter should not contain language that may be misconstrued and as such, they should avoid making referrals to other agencies, making apologies, agreeing or disagreeing with the complainant, divulging any part of the deliberations of the Jury, or generally stating more than absolutely necessary regarding the Grand Jury's decision to take no further action.

Appendix B - San Benito County Grand Jury Forms

Committee Preferences

Print Name: _____

Please indicate below, your first, second and third choice of Standing Committee preference. Your committee selection will enable you to participate in a particular area of government that you are most interested in (see description of the committees in the Policies and Procedures Manual).

___ Cities and Special Districts

___ County

___ Human Services

___ Law and Justice

Ballot for Election of Officers

Please indicate below your vote for each Grand Jury Officer:

- _____ Pro Tem
- _____ Corresponding Secretary
- _____ Recording Secretary
- _____ Treasurer
- _____ Sergeant at Arms

Sample Agenda

San Benito County Civil Grand Jury Agenda

DATE

5:00 Pledge of Allegiance & Call to Order

5:02 Review and Approve (MMM DD) Meeting Minutes

5:03 Announcements

5:04 Phone & Mail Report

5:07 Officer Reports

5:30 Committee Reports

- Law & Justice Chair
- Cities Chair
- County Chair
- Human Services Chair
- Editorial Chair

6:00 Break All

6:10 Old Business

6:20 New Business

6:30 Adjourn

Next Meeting: 5:00PM, Thursday, MM DD, YYYY

Appendix C - Investigation Forms

Request for Investigation (RFI)

To: YYYY-YYYY Grand Jury

From: (Committee and Source i.e. citizen complaint, self-initiated)

Date:

Investigation Title:

Issue: (Brief overview of what is to be investigated.)

Background: (Short background on the subject, government and department. Any history of complaints or past GJ investigations.)

Objective: (What is the intention of the investigation and how is it expected to support positive change within San Benito County.)

Subjects to Probe: (List of the subject areas to be researched and probed during all stages of the investigation).

San Benito County Civil Grand Jury Admonishment

Admonition Notice

All grand jury proceedings are conducted in secret session. You and each of the grand jurors participating in today's session have the obligation to observe the rule of secrecy.

You are admonished not to reveal to any person, except as directed by the court, which questions were asked or what responses were given today.

You are further admonished not to reveal to any person any other matters concerning the nature or subject of the grand jury's investigation that you learn during your interview today until the final report of this grand jury proceedings is made public or until authorized by this grand jury or the court to disclose such matters.

A violation of this admonition is punishable as contempt of court.

I understand this admonition and my obligation to maintain confidentiality.

Date: _____

Printed Name of Interviewee

Signature

Oath of Truthfulness

(Issued before the interview leader begins the questioning)

For the record please state your name:

Agency Name:

Please raise your right hand.

Do you solemnly swear (or affirm) that the testimony you are about to give is the truth, the whole truth and nothing but the truth (so help you God).

Answer: _____

Witness Signature: _____

Date: _____

Printed Name: _____

Grand Juror Signature: _____

Grand Juror Printed Name: _____

~~**Witnesses Right to Counsel**~~

~~Any witness who is called to give testimony under oath may have counsel present while he/she is testifying. Penal Code Section 939.22.~~

~~If a witness appears at any Grand Jury interview with counsel, counsel may not object to any questions asked, but may advise the witness. Counsel should be admonished that he/she shall not disclose anything heard during the interview other than as needed to represent the witness.~~

~~If a witness does not appear at an interview with counsel, but requests counsel during the interview, the interviewing body can either:~~

- ~~• Permit the witness to call counsel for advice, or~~
- ~~• Offer the interview to be rescheduled when counsel can be present to minimize inconvenience to both the witness and the Grand Jury members, or~~
- ~~• Attempt to finish the interview by obtaining answers to all of the questions where legal advice is not requested.~~

~~The goal is to complete most or all of the interview as timely as possible without having to end the interview and have the witness come back on another date with counsel present. In trying to achieve this goal, the members should consider if the need for counsel appears related to any discrete issues.~~

~~NOTE: Section 939.22 remains in effect until January 1, 2017.~~

District Attorney Waiver Form Signed by Complainant

San Benito County District Attorney
Street address
Hollister CA 95023

Dear NAME:

Please allow members of the 20XX -20XX San Benito County Civil Grand Jury to inspect and make copies of all documents in your XXXXXXXXXXXXXXXXXXXX Division file #:

which I would be allowed to inspect and copy.

My Social Security number is:

Sincerely, (COMPLAINANT)

Note: The Family Support Division no longer reports to the D.A. as of 2002.

District Attorney Information Request

(After receipt of signed waiver above)

San Benito County District Attorney

Street address

Hollister CA 95023

Dear NAME:

Re: Release of records to San Benito County Civil Grand Jury Please provide payment history for the amount of

FSD# _____

File #: _____

Social Security Number: _____

for the period of: _____

Enclosed is a letter signed by COMPLAINANT authorizing release of information from his/her file.

The payment history should include the dates each payment was received and credited, the month to which each payment was applied, each monthly obligation, any unpaid balances, any interest generated by an unpaid balance, and the source of each payment, e.g. attachment, garnishment, direct payment by _____

For the San Benito County Grand Jury

NAME, Foreperson

Waiver: Juvenile Dependency Information From Department of Human Services

The San Benito County Civil Grand Jury
PO Box ~~xxxx~~1624
Hollister CA 95023
(xxx) xxx-xxxx

This is to certify that I, _____ (print name) have contacted the San Benito County Grand Jury regarding the processing of my juvenile dependency case by the San Benito County Department of Human Services. By signing this Waiver I am hereby authorizing the Grand Jury to reveal my identity to the Department of Human Services, and if necessary, to the Juvenile Court and other parties to the dependency case.

To facilitate this investigation, I hereby authorize the Human Services Department to share information with the Grand Jury from the Department's file related to my role in the dependency proceedings as well as to my specific concerns. I understand that I can only waive information that is directly related to me. By signing this Waiver, I further understand that in agreeing to release confidential information, such information may include my psychological evaluation and the allegations contained in the Juvenile Dependency Petition.

Nothing contained in this Waiver expands or alters my right to review Human Service Department records. I have read and understand the above waiver and have had an opportunity to discuss it with my attorney.

Signature: _____

Date: _____

Petition for Section 827 Juvenile Record Disclosure

The San Benito County Civil Grand Jury
PO Box ~~xxx~~1624
Hollister CA 95023
(xxx) xxx-xxxx

The Honorable JUDGE San Benito County Juvenile Court
450 Fourth Street ~~Street Address~~
Hollister CA 95023

Re: Juvenile Dependencies of: _____

San Benito County Juvenile Court Case Number: _____

Dear Judge _____,

The 20xx-20xx San Benito County Grand Jury is investigating allegations concerning Child Protective Services (CPS). The jury received a citizen complaint alleging that CPS did not _____

In order to investigate and evaluate the validity of this allegation, in accordance with its duty to investigate complaints about County agencies, the jury finds it necessary to examine CPS records relating to the case of:

Specifically, the jury needs to review the

Therefore, the San Benito County Grand Jury petitions to examine the above-mentioned records pursuant to Section 827 of the State Welfare and Institutions Code. The jury believes that in this case the needs of the jury outweigh the minimal effect on the children's privacy rights. The jury will follow its code of strict secrecy to protect the children's privacy.

Sincerely,

Foreperson San Benito County Civil Grand Jury

Appendix D - Report Forms

Report Release Checklist

- Report approved by plenary
- Keep line numbering format, double check style application and formatting, Editorial emails the report to County Counsel for approval.
- EARLY RELEASE REPORT: Foreperson should notify counsel if time is an issue
- Changes made as needed. Once approved by Counsel, line numbers are removed, and the report is sent to the presiding judge for approval.
- EARLY RELEASE REPORT: If time is a concern, the foreperson should request email notification.
- Optional as needed: Copy may be sent to designer for mock up purposes. Make sure the designer knows it is pending final approval.
- Judicial approval by written correspondence.
- EARLY RELEASE REPORTS may be initially notified by email to expedite the process.
- Optional: Make an appointment to drop off the report.
- Print either relevant sections or entire report as needed for delivery to appropriate department/agency head(s). Assemble the packet including the report (or section), cover letter with instructions, applicable section of the penal code with report response instructions.
- Seal the items in a large envelope, fill out and attach the admonishment Notice to Recipient of Grand Jury Report to the outside of the envelope.
- Hand deliver the report. If the recipient is not available to take delivery, their designated agent may sign for it. Fill in the appropriate areas on the Notice. Have their office make a copy of the signed Notice or create a copy with a smart phone.
- EARLY RELEASE REPORT: Foreperson sends a digital formatted pdf copy to the Court, with a specific date and time for publication: at least 48 hours after the signed hand delivery.
- Editorial committee drafts a press release. Investigative committees compile a reference press Q&A for the foreperson, anticipating questions likely to be asked by media.
- EARLY RELEASE REPORT: After the 48 hour period expires, the foreperson notifies IT and sends report with a personal note or press release to local media.

____ Consolidated Final Report: Publication date is chosen to coincide with the impaneling of the new jury. Printed copies are ordered, reports in .pdf format are sent to IT with a publication date.

Notification to Department Head for Exit Interview

The San Benito County Civil Grand Jury
PO Box ~~xxx~~1624
Hollister CA 95023
(xxx) xxx-xxxx

(Used only if the Grand Jury decides to meet with the target agency head prior to publication of the Final Report)

DATE

Dear NAME,

The 20xx–20xx San Benito County Civil Grand Jury anticipates issuing a report involving your department. The California Penal Code Section 933(d) allows the Grand Jury to meet with the subject of any investigation prior to the report being issued in order to review and discuss the contents of the report.

Accordingly, the Grand Jury requests you call the undersigned at (xxx) xxx-xxxx to set a mutually agreeable appointment date to meet with the members of the jury. We anticipate the meeting to be less than an hour.

For the San Benito County Grand Jury,

NAME, Foreperson

Notice to Recipient of Grand Jury Report

The San Benito County Civil Grand Jury
PO Box ~~xxxx~~1624
Hollister CA 95023
(xxx) xxx-xxxx

DATE

Name and Title Department Name Address City, State, Zip

RE: Hand Delivery of San Benito County Civil Grand Jury Final Report

Dear NAME,

The 20xx-20xx San Benito County Civil Grand Jury has issued the enclosed Final Report, which includes issues under your jurisdiction. We provide you a copy in advance of publication pursuant to Penal Code Section 933.05(f). Please note and adhere to the last sentence of this section of the Code: "...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."

The Grand Jury recognizes and appreciates your assistance and cooperation.

Sincerely,

NAME, Foreperson

San Benito County Civil Grand Jury

I have read and understand this notice.

Signed: _____

Date: _____

Printed Name:

Agency/Department:

Grand Juror Signature:

Grand Juror Printed Name:

Cover Letter to Report Respondents

The San Benito County Civil Grand Jury
PO Box ~~xxxx~~1624
Hollister CA 95023
(xxx) xxx-xxxx

DATE

Name and Title Department Address City, State, zip

Dear NAME,

RE: NAME OF THE REPORT

Enclosed please find a copy of the above report issued by the San Benito County Civil Grand Jury, which includes issues under your jurisdiction.

We provide you a copy in advance of publication pursuant to Penal Code Section 933.05(f). Please note that the Penal Code specifically prohibits any disclosure of the contents of this report by a public agency or its officers or governing body prior to its release to the public, which will occur two (2) days after the date of this letter.

The Grand Jury requests that you respond in writing to the Findings and Recommendations as requested or required in the report pursuant to Penal Code Section 993(c) and 933.05 (copy enclosed). Penal Code Sections 933.05(a) and 933.05(b) are specific as to the format of responses. A response report form is included.

The Penal Code is also specific about the deadline for responses. You are required to submit your responses to the Presiding Judge within sixty (60) days. Governing bodies such as the Board of Supervisors, ~~elected officials,~~ and City Councils have an additional thirty (30) days to submit responses.

Your responses should be submitted within the appropriate timeframe in hard copy, to the Honorable NAME, Presiding Judge of the Superior Court and the Foreperson of the San Benito County Civil Grand Jury. We ask that you respond in separate letters if you are a required respondent in more than one of this year's Grand Jury reports.

Hard copy to: The Honorable NAME Presiding ~~Superior Court Judge,~~ San Benito County Superior Court ~~Hall of Justice~~ 450 Fourth Street ~~Street Address,~~ Hollister, CA 95023

Hard copy to: Foreperson, San Benito County Civil Grand Jury, PO Box ~~XXXX~~ 1624 Hollister, CA 95023

Responses are public records. The clerk of the public agency affected must maintain a copy of your response. Should you have any questions, please contact me at (xxx) xxx-xxxx or at the above address.

Sincerely,

NAME, Foreperson San Benito County Civil Grand Jury

Enclosures: Grand Jury Final Report Response to Grand Jury Report Form Penal Code Sections 933 and 933.05 excerpts

Response to Grand Jury Report Form

Report Title: _____

Report Date: _____

Response by: _____

Title: _____

Agency/Department Name: _____

FINDINGS:

I (we) agree with the findings numbered: _____

I (we) disagree wholly or partially with the findings numbered: _____

(Attach a statement specifying any portions of the findings that are disputed with an explanation of the reasons.)

RECOMMENDATIONS:

Recommendations numbered: _____

have been implemented.

(Attach a summary describing the implemented actions.)

Recommendations numbered: _____

have not yet been implemented, but will be implemented in the future.

(Attach a timeframe for the implementation.)

Recommendations numbered: _____

require further analysis.

(Attach 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 director 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.)

Recommendations numbered: _____

will not be implemented because they are not warranted or are not reasonable.

(Attach an explanation.)

Date: _____

Signed: _____

Number of pages attached: _____

Penal Code §§933 and 933.05 Excerpts

Following are pertinent excerpts from the California Penal Code concerning responses to Civil Grand Jury reports:

Section 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 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 control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years."

Section 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)4-~~ The respondent agrees with the finding. ~~(2)5-~~ 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."

Section 933.05(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)6-~~ The recommendation has been implemented, with a summary regarding the implemented action. ~~(2)7-~~ The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation. ~~(3)8-~~ 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)9-~~ The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor."

Section 933.05(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."

Section 933 05(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."

Section 933(a) provides in part that "For 45 days after the end of the [grand jury] term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report."

Acknowledgment of Receipt of Final Report

The San Benito County Civil Grand Jury
PO Box ~~xxxx~~1624
Hollister CA 95023
(xxx) xxx-xxxx

I acknowledge having received _____ copy(ies), by hand delivery, of the 20xx-20xx
San Benito County Civil Grand Jury Final Report intended for reference and retention by
the

Signature: _____

Printed Name: _____

Agency/Department Name: _____

Date: _____

To be mailed back to the Grand Jury office at the address above after complete.

Final Report Distribution List

The Final Report is considered public when the Foreperson officially presents it to the Presiding Judge. The Summary Final Report is usually published in the local press later that week.

- County CAO (includes department heads) xx copies
- State and County Archives (via County Clerk) xx copies
- Board of Supervisors xx copies
- Courts (To CAO) xx copies
- County Counsel and Deputy County Counsels xx copies (Present in person or mail)

The preceding reports are usually hand delivered on the day following the release of the Report

- Libraries (All are delivered to the main branch, they distribute) xx
- Two (2) cities in the County (Hollister and San Juan Bautista) 2 (Deliver or mail to city halls or town council offices)
- Current Grand Jury members (2 each) 38
- Incoming Jury (new members, alternates) 29
- Grand Jury official file for required retention period xx
- Grand Jury extras 12/13
- California Grand Jurors' Association (Present at training) 1

Total: 160 (Print 200)

Letter Regarding Failure to Respond to Final Report

The San Benito County Civil Grand Jury
PO Box ~~xxxx~~1624
Hollister CA 95023
(xxx) xxx-xxxx

DATE

Dear: NAME,

Your (AGENCY, DEPARTMENT, DISTRICT, POLICE DEPTS., ETC.) was issued a copy of the Final Report of the 20xx-20xx San Benito County Civil Grand Jury.

California Penal Code Sections 933 and 933.05 set forth the requirements for responding to that report. Penal Code Section 933.05 also stipulates response language and required content. ~~Heads of the agency, department or district, e~~Elected County Officers or appointed, are required to respond to the Presiding Judge of the Superior Court within sixty (60) days of the issuance of the Final Report, which was (insert date). Governing bodies such as the Board of Supervisors have an additional thirty (30) days, which is (insert date).

Our records show that your response was due on DATE. We anticipate your prompt attention to this matter.

If you have any questions please call the Grand Jury office at the number listed below.

For the San Benito County Grand Jury,

NAME, Foreperson

NAME OF REPORT:

COMMENTS Date Rec Accepted

F1 F2 F3 F4

R1 R2 R3 R4

Finding Key A Agree DP Disagree Partially DW Disagree Wholly X Unaddressed by Respondent

Recommendation Key I Implemented IF Implemented in Future FA Further Analysis NI Not Implemented X Unaddressed by Respondent

Report Response Evaluation Form

FINDINGS

RECOMMENDATIONS

Response Report Distribution List

Grand Jury Office 2

Grand Jury File 1

Court CAO 1

Presiding Judge 1

All County Libraries 11

Sheriff 1

Probation Department 1

Foreperson 1

County Administrative Officer 1

Board of Supervisors 5

Total: 25

NOTE: This list is provided for information only. Distribution is handled by the Court.

Reimbursement Report

Name:

Month/Year:

General meeting (quorum required) - \$15.00 per day

Committee meeting (quorum required) - ~~\$12.50~~ 15.00 per day

~~General plus committee meeting(s) - \$27.50 maximum per day~~

~~Committee meetings (2+ and quorum required for each meeting) - \$25.00 maximum per day~~

Mileage to and from Grand Jury General meetings (~~\$0.45~~ 575 per mile)-enter round trip miles

Mileage to and from Grand Jury Committee meetings (~~\$0.45~~ 575 per mile)-enter round trip miles

Note: All committee meetings require a quorum to be qualified for per diem reimbursement.

The undersigned, under the penalty of perjury, states: That the above and the items as therein set out are true and correct; that no part thereof has been heretofore paid, and that the amount therein is justly due, and that the same is presented within one year after the last item thereof has been accrued.

I verify that the meetings attended were for official business and the mileage claimed was the actual and for official business of the San Benito County Grand Jury. I further certify that I have a valid drivers license and adequate insurance to meet County Requirements.

Signature: _____

Date: _____

Final Report Timeline (Suggested)

- Dec 1– Jan 5 Conduct ongoing investigations
- Jan 5– Feb 5 Writer prepares first draft of report
- Feb 5– 20 Investigating committee polishes report and checks facts
- Feb 20 Investigating committee reviews and approves draft
- Feb 20- Mar 20 Back and forth with Editorial Committee
- Mar 20 Submit to plenary for review and approval
- Mar 25 To County Counsel for review
- Apr 1 Conduct exit interviews (where appropriate)
- Apr 8 Plenary approval; submit to Presiding Judge
- Apr 15 Submit Final Report to printer
- June 23 Send copies to affected entities with admonition that this is not yet a released report
- June 25 Release Final Report

APPENDIX E – GRAND JURY RESOURCES

Code of Collegiality (20xx—20xx)

- Listen aggressively.
- Speak thoughtfully.
- Prepare diligently.
- Show up promptly.
- Collaborate respectfully.
- Prevail graciously.
- Concede cheerfully.
- Strive for synergy and consensus.
- Follow the rules of order.

Directions to San Benito County Sheriff's Department

Utilize on line mapping services for directions and a map from your location.

San Benito County Sheriff's Department
2301 Technology Parkway
Hollister CA 95023

Appendix F - How to Organize a Grand Jury Investigation File

When you decide that you are going to investigate something, it is best to have everyone keep his or her own records during the investigation. At the end of the investigation, or at the end of your term, the entire committee gets together and makes sure that ONE complete file is compiled to document all that pertains to the investigation. This is done on any case you have investigated regardless of whether or not it results in a report or just a decision to close it without going any further. You keep everything documenting how you reached a decision.

It is easiest to keep the documents in a binder; this ensures there are not loose pieces of papers that can become separated from the rest of your investigation. It makes it easier to reference certain documents or interview notes as well, during the report writing process. It also facilitates easier review for anyone reviewing your investigation after your term ends on the Grand Jury.

The listing below will aid you in collecting all of the proper documents:

- A copy of the complaint.
- Copies or originals of all background documents the complainant may have submitted.
- Transcribed notes of all interviews. Just ahead of the interview notes or attached to it, include the witness admonishment with their signature on it, as well as the Committee Chair's signature.
- If you have a business card for the people interviewed, attach to the admonishment.
- There is no requirement to keep any personal hand written notes associated with the interview, those are considered "work product" and should be shredded. The committee's final compilation of the interviews are the official records.
- Any email correspondence with interviewees, documents provided, website information collected, pamphlets. A copy of the final, approved report if one was written on the investigation. There is no need to keep any prior draft copies of the report.
- It is best if each interview or section is marked with a tab or small sticky note to facilitate leafing through the book.
- Mark the binder front and spine with the committee name, the year of the jury, e.g. 2019-2020.
- Mark the binder front with "Destroy in June _____ (Five (5) years from the June end of term date), e.g. If the report was done in the 2019-2020 jury, the date would be June 2025.
- File in the appropriate file cabinet
- File all committee meeting notes in a small binder and note the year they are for with the same destroy in June _____ date noted on the front.

If files are kept electronically, all of the above can be scanned and placed on a disk, labeled with a table of contents in the front and placed in an envelope with the same information as noted above and filed in the proper filing cabinet.

Once the binder is complete, everyone else's copies of documents are put into an empty box in the Grand Jury room and are marked for shredding by the County as arranged by the Foreperson

Appendix G – Wrapping up the Grand Jury Year

Housekeeping at the End of the Grand Jury Term

- 1) File all investigation files in the corresponding committee file cabinet. Refer to page How to Organize a Grand Jury Investigation (previous document) for tips on how to organize an investigation file.
- 2) Go through the drawers of each committee and determine which files are now ready to be prepared for shredding.
- 3) Put all paper into boxes for shredding.
- 4) Remove paper clips and binder clips.
- 5) Take papers out of binders.
- 6) If the binder is reusable, place it on the bookcase, if not, throw away
- 7) You can leave papers inside paper or cardboard file folders
- 8) Move all prior year investigation documents and binders down so that the next incoming jury has an open top drawer for their year's documents.
- 9) Move all labels so that the drawers are labeled properly.
- 10) Label the top drawer of each cabinet to be the incoming jury's year.
- 11) Foreperson will arrange for the shredding of all material scheduled for destruction.
- 12) Make sure that there are 5-10 copies of the San Benito County Final Report on the bookcase.
- 13) Make sure that 2-3 copies of the bound Response Reports for the current year are filed on the bookcase.
- 14) Destroy meeting minutes in binders that exceed the 5 year retention period.
- 15) Go through the bookcase and destroy any non-pertinent binders and pamphlets of data that are older than 5 years, County plans, department listings, County and city budgets, etc. that have been collected during investigations.
- 16) Make sure that the Chicago Manual of Style and the office Thesaurus come back from the Editorial meeting place.

End of the Year TO DO LIST

Investigation Files

Each Committee will:

- Organize materials according to "How to Organize a Grand Jury investigation," P&P Manual, p72
- Use binder / file folder as appropriate, use CD for electronic files
- Secretary will make labels, advise if you need extras
- Label with Case Number and destruction date

File Cabinet Maintenance:

- Move files to be destroyed to the appropriate cabinet
- Move all files down one drawer to leave top drawer empty for the incoming Grand Jury
- Advise secretary of contents—years—contained in each drawer
- Label drawers with appropriate year Secretary

Shredding

- All case files in over 5 years old
- Any other reference material from County or departments over 5 years old
- Remove all paper clips and binder clips
- Empty all binders and folders, keep if still usable
- Put all papers in boxes to Shred
- Foreperson will arrange for County to pick up files to be shredded

Bookcase

- Final Report 5–10 copies
- Responses to Final Report 2–3 copies

Reference Library managed by the Editorial Committee

- Chicago Manual of Style
- Thesaurus and other reference information returned (see inventory list)
- Policy and Procedures Manual to be updated and submitted to Plenary for approval

