

Note To Respondents

Effective 1 January 1997, there was an extensive change in the law affecting respondents and responses to grand jury findings and recommendations. The legal requirements are contained in California Penal Code, Section 933.05. The full text of the law is printed below.

Each Respondent should become familiar with these legal requirements and, if in doubt, should consult legal counsel prior to responding.

For the assistance of all Respondents, Sec. 933.05, Penal Code is summarized as follows:

How To Respond To Findings

The responding person or entity must respond in one of two (2) ways:

- (1) That you agree with the finding.
- (2) That you disagree 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 for the disagreement.

How To Report Action In Response To Recommendations

Recommendations by the grand jury require action. The responding person or entity must report action on all recommendations in one of four (4) ways:

- (1) The recommendation has been implemented, with a summary of the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis. If a person or entity reports in this manner, the law requires a detailed explanation of the analysis or study and timeframe not to exceed six months. In this event, the analysis or study must be submitted to the officer, director or governing body of the agency being investigated.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

Budgetary or Personnel Recommendations

If either a finding or recommendation deals with budgetary or personnel matters of a County department headed by an elected officer, both the elected officer and the Board of Supervisors shall respond if the grand jury so requests. While the Board of Supervisors' response is somewhat limited, the response by the department head must address all aspects of the findings or recommendations.

Appearance before the Grand Jury

Prior to the publication or release of grand jury findings, the grand jury may request a personal appearance by the person or entity to discuss the proposed findings.

Advance Release of Grand Jury Report Disclosure Prohibited Prior To Public Release

Two working days prior to release of the Final Report, the grand jury will provide a copy of the portion of the report to all affected agencies or persons. ***No officer, agency, department, or governing body of a public agency shall disclose the contents of the report prior to its public release.***

Time To Respond, Where and To Whom to Respond

Section 933 (c), Penal Code, depending on the type of Respondent, provides for two (2) different response times and to whom you must respond:

1. Public Agency: The governing body of any public agency must respond within ninety days. The response must be addressed to the Presiding Judge of the Superior Court.
2. Elective Officer or Agency Head: All elected officers or heads of agencies who are required to respond must do so within sixty days, to the Presiding Judge of the Superior Court, with an information copy provided to the Board of Supervisors.

The Presiding Judge of the Placer County Superior Court system is, at this time:

The Honorable James D. Garbolino
Presiding Judge of the Superior Court
County of Placer
Old Auburn Historical Courthouse
101 Maple Street
Auburn, California 95603

California Penal Code 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) The respondent agrees with the finding.
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

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

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

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

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