

Note to Respondents

Effective January 1, 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 90 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 60 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