

## Continuity Activities, Compliance Reports, and Follow-Up Reports

*CGJA has noted some confusion about “continuity reports.” Some grand juries think they are required to issue a report every year that lists all the findings, recommendations, and responses to the last year’s reports, whether or not the respondents failed to respond as required by PC §933.05. These lengthy reports are of questionable value.*

*CGJA is, therefore, offers these best practice suggestions on what grand jury “continuity” really means and when reports about responses might be appropriate.*

“Continuity” is an *activity* with several facets. While monitoring responses to previous reports is important, continuity also includes developing local resources like a good procedures manual and contact information for all local public entities, advocating for budget increases or suitable meeting space, maintaining a report index, etc. – anything that helps the succeeding grand jury get off to a good start. (See Tab 1, pages 9-15 of the CGJA Training Manual.)

**Monitoring responses:** CGJA encourages grand juries to monitor responses to prior reports, but they are under no obligation to write a report about them. If responses are monitored on a regular basis, and reports on the responses address any significant response deficiencies, the entities will know that the grand jury is watching.

**Compliance reports:** This is a report that can show any significant failure of one or more respondents to comply with the response timing and wording requirements of PC §933.05.

A compliance report does not need to reiterate verbatim all the findings, recommendations, and responses for all the prior year’s reports. It’s unlikely that many people will read a document of that length, and the information (both the reports and responses) should be readily available on the jury’s website.

Instead, grand juries should write a report only if they conclude that it is important to address a respondent’s failure to respond as required, or if they decide it is important to let the public know that the entity is in full compliance. A failure to comply should only be addressed if the topic of the report was particularly significant or if the respondent’s failure to comply was especially noteworthy (either no response was received, or it was seriously defective). A response received a few days late, but otherwise in compliance, would not normally be considered noteworthy.

Juries should always check with the court before assuming that a response was not received because the responses are sent to the court.

A compliance report (like all reports) must have findings. The typical finding would be that one or more identified respondents failed to submit the response(s) on time or failed to include the

information required by PC §933.05. As to any proper responses mentioned in the report, the finding would be that the response was in compliance with the mandates.

Some grand juries will see no need to issue a compliance report.

**Follow up reports:** A follow-up report is one where the grand jury, through a full investigation, looks beyond the responses and instead focuses on the entities' subsequent actions.

There are two types of "follow-up reports." One type is where the grand jury decides to conduct a new investigation of a subject on which a prior grand jury reported. The new jury should do so only if the jurors believe that the problem(s) remain inadequately addressed and deserve to be reexamined and reported upon with new findings and recommendations. The jury cannot rely on the accuracy of any of the "facts" in the earlier report – the earlier report may have errors or the recommendations could be unreasonable or unwarranted.

The other type is what CGJA calls an "implementation report," where the grand jury looks at one or more reports from two or three years back to assess the extent to which the recommendations, if accepted, were implemented. This report also requires a new, full investigation with findings based on verified facts, and further recommendations if appropriate.

**In summary** – Continuity (as an *activity*) is important. Having a continuity committee is a good idea. That committee's responsibilities should include reviewing the responses to last year's reports for compliance with the timing and content requirements of the code.

The jury does not need to write a compliance report, and should only do so if it will reveal a respondent's failure to properly respond to consequential findings and recommendations; or if the jury wants to inform the public of significant positive responses – in other words, if the report is likely to make a difference in how a particular board or official might respond to future reports or how the entity operates. A verbatim listing of all of the findings, recommendations, and responses is not necessary and might be a waste of time and resources. The information is all publicly available on the grand jury's website.

Past reports and responses can be seen as sources for topic ideas, but are not something that the current jury is required to investigate further.

Follow up reports (taking another look at a previous topic or investigating whether an entity implemented a recommendation from a previous grand jury report) are no different than any other investigative report, and require a full investigation, after which the jury may or may not decide to issue a report. The jury cannot assume the accuracy of the prior jury's report and must start a new investigation. The investigation can be conducted by the continuity committee or some other committee.